

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 8, 2001

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

Prayer was offered by the Reverend Don Stier, St. Michael's Lutheran Church, Bloomington, Minnesota.

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

The Speaker called Abrams to the Chair.

The roll was called and the following members were present:

Abeler	Dorn	Holberg	Leppik	Osthoff	Solberg
Abrams	Eastlund	Holsten	Lieder	Otremba	Stanek
Anderson, B.	Entenza	Howes	Lindner	Ozment	Stang
Anderson, I.	Erhardt	Huntley	Lipman	Paulsen	Swapinski
Bakk	Erickson	Jacobson	Luther	Pawlenty	Swenson
Bernardy	Evans	Jaros	Mahoney	Paymar	Sykora
Biernat	Finseth	Jennings	Mares	Pelowski	Thompson
Bishop	Folliard	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Fuller	Johnson, R.	Marko	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gleason	Juhnke	McElroy	Rhodes	Wagenius
Carlson	Goodno	Kahn	McGuire	Rifenberg	Walz
Cassell	Goodwin	Kalis	Milbert	Rukavina	Wasiluk
Clark, J.	Gray	Kelliher	Molnau	Ruth	Wenzel
Clark, K.	Greiling	Kielkucki	Mulder	Schumacher	Westerberg
Daggett	Gunther	Knoblach	Mullery	Seagren	Westrom
Davids	Haas	Koskinen	Murphy	Seifert	Wilkin
Davnie	Hackbarth	Krinkie	Ness	Sertich	Winter
Dehler	Harder	Kubly	Nornes	Skoe	Wolf
Dempsey	Hausman	Kuisle	Olson	Skoglund	Workman
Dibble	Hilstrom	Larson	Opatz	Slawik	Spk. Sviggum
Dorman	Hilty	Leighton	Osskopp	Smith	

A quorum was present.

Dawkins and Walker were excused.

Lenczewski was excused until 10:00 a.m.

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

Pugh was excused between the hours of 9:15 a.m. and 10:10 a.m.

REPORTS OF CHIEF CLERK

S. F. No. 414 and H. F. No. 322, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rhodes moved that the rules be so far suspended that S. F. No. 414 be substituted for H. F. No. 322 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 491 and H. F. No. 560, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Goodno moved that the rules be so far suspended that S. F. No. 491 be substituted for H. F. No. 560 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 694 and H. F. No. 1174, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Howes moved that the rules be so far suspended that S. F. No. 694 be substituted for H. F. No. 1174 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 846 and H. F. No. 883, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, S., moved that S. F. No. 846 be substituted for H. F. No. 883 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 859 and H. F. No. 661, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Stang moved that the rules be so far suspended that S. F. No. 859 be substituted for H. F. No. 661 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 866 and H. F. No. 1015, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mares moved that the rules be so far suspended that S. F. No. 866 be substituted for H. F. No. 1015 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 970 and H. F. No. 1007, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davidson moved that the rules be so far suspended that S. F. No. 970 be substituted for H. F. No. 1007 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1033 and H. F. No. 977, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Leppik moved that S. F. No. 1033 be substituted for H. F. No. 977 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1064 and H. F. No. 724, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rhodes moved that the rules be so far suspended that S. F. No. 1064 be substituted for H. F. No. 724 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1164 and H. F. No. 1481, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cassell moved that the rules be so far suspended that S. F. No. 1164 be substituted for H. F. No. 1481 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1215 and H. F. No. 767, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Holberg moved that the rules be so far suspended that S. F. No. 1215 be substituted for H. F. No. 767 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1258 and H. F. No. 1392, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Gunther moved that S. F. No. 1258 be substituted for H. F. No. 1392 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1472 and H. F. No. 1940, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sertich moved that S. F. No. 1472 be substituted for H. F. No. 1940 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1659 and H. F. No. 1734, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kuise moved that the rules be so far suspended that S. F. No. 1659 be substituted for H. F. No. 1734 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2049 and H. F. No. 1764, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gleason moved that the rules be so far suspended that S. F. No. 2049 be substituted for H. F. No. 1764 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 4, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 865, relating to criminal justice; providing for community service in lieu of criminal fines in certain instances; making technical corrections.

H. F. No. 933, relating to commerce; providing buyback requirements related to the sale of farm implements and outdoor power equipment.

H. F. No. 953, relating to child protection; adding violations from other states to the list of offenses that constitute child abuse.

H. F. No. 1748, relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by certain ambulance services; exempting certain rural emergency medical training programs from certain requirements.

H. F. No. 1247, relating to veterans homes; providing for the veterans homes board to administer planned giving donations.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 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 2001</i>	<i>Date Filed 2001</i>
	865	71	10:42 a.m. May 4	May 4
	933	72	10:43 a.m. May 4	May 4
	953	73	10:45 a.m. May 4	May 4
	1748	74	10:46 a.m. May 4	May 4
	1247	75	10:48 a.m. May 4	May 4

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 7, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 489, relating to commerce; providing for the procurement of surety bonds.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2001 Session of the State Legislature has been received from the Office of the Governor and is 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 2001</i>	<i>Date Filed 2001</i>
	489	76	10:31 a.m. May 7	May 7

Sincerely,
MARY KIFFMEYER
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 414, 491, 694, 846, 859, 866, 970, 1033, 1064, 1164, 1215, 1258, 1472, 1659 and 2049 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Goodno introduced:

H. F. No. 2515, A bill for an act relating to health; requiring notice of deaths of unidentified homeless persons; amending Minnesota Statutes 2000, sections 144.05, by adding a subdivision; 149A.90, subdivision 1.

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

Paulsen introduced:

H. F. No. 2516, A bill for an act relating to redistricting; adopting a legislative redistricting plan for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703.

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

Clark, K.; Davids; Bishop; Rhodes; Haas; Gray; Boudreau; Ruth; Tingelstad; Abeler; Otremba; Hilstrom; Schumacher; Greiling; Evans; Walker; Bernardy; Goodwin; Jaros; Mariani; Johnson, R.; McGuire; Luther; Kahn; Murphy; Entenza; Kelliher; Seagren; Lenczewski; Slawik; Mahoney; Dibble; Gleason; Erhardt and Solberg introduced:

H. F. No. 2517, A bill for an act relating to insurance; providing coverage for ovarian cancer screening; amending Minnesota Statutes 2000, section 62A.30, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Paulsen introduced:

H. F. No. 2518, A bill for an act relating to redistricting; adopting a congressional redistricting plan for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.742; 2.752; 2.762; 2.772; 2.782; 2.792; 2.802; 2.812.

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

Paulsen introduced:

H. F. No. 2519, A bill for an act relating to redistricting; adopting legislative and congressional redistricting plans for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703; 2.742; 2.752; 2.762; 2.772; 2.782; 2.792; 2.802; 2.812.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 2340, A bill for an act relating to appropriations; appropriating money for the department of transportation and other government agencies with certain conditions; establishing, funding, or regulating certain policies, programs, duties, activities, or practices; funding and regulating criminal justice and prevention programs; modifying provisions relating to transportation, public safety, law enforcement, streets and highways, motor vehicles, traffic regulations, local governments, and state and regional agencies and authorities; providing funding for economic, energy, transportation, infrastructure, and recreational development, with certain conditions; proposing an amendment to the Minnesota Constitution by adding a section to article XIV to dedicate proceeds of the tax on the sale of motor vehicles to highway and transit purposes; requiring studies and reports; making technical, conforming, and clarifying changes; imposing penalties; setting fees; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 13.87, by adding a subdivision; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.641, subdivision 8; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 16C.05, subdivision 2; 16C.06, subdivisions 1, 2; 16C.08, subdivision 2; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116O.06, subdivision 2; 117.51; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.082, subdivision 2a; 161.14, by adding a subdivision; 161.23, subdivision 3; 161.32, subdivisions 1, 1b, 1e; 161.442; 161.45, subdivision 1; 162.02, subdivision 12; 162.09, subdivision 4; 167.51, subdivision 2; 168.011, subdivision 7; 168.013, subdivision 1d; 168.09, subdivision 7; 168.12, subdivision 1; 168.1291, subdivision 1; 168.27, subdivisions 12a, 20; 168.33, subdivision 7; 168.381; 168.61, subdivision 1; 169.06, by adding a subdivision; 169.073; 169.09, subdivisions 8, 9, 10, 13; 169.14, subdivisions 4, 5a; 169.18, subdivision 1, by adding a subdivision; 169.686, subdivision 1; 169.79; 169.825, subdivision 11; 169.87, subdivision 4; 170.23; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 2a; 171.07, subdivisions 1, 11; 171.12, subdivision 6; 171.13, subdivision 6; 171.183, subdivision 1; 171.185; 171.26; 171.29, subdivision 2; 171.36; 171.39; 174.03, subdivision 7, by adding a subdivision; 174.24, subdivision 3b; 174.32, subdivision 5; 174.35; 174.70, subdivisions 2, 3; 174.88, subdivision 2; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 297B.09, subdivision 1; 299A.01, subdivision 1b; 299A.64, subdivision 1; 299C.10,

subdivision 1; 299C.11; 299C.147, subdivision 2; 299D.03, subdivisions 5, 6, by adding a subdivision; 299M.10; 299M.11, subdivision 5; 325E.11; 325E.115, subdivision 2; 326.243; 446A.085; 473.399, by adding a subdivision; 473.859, subdivision 2; 484.50; 611A.25, subdivision 3; 611A.361, subdivision 3; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 161; 167; 168A; 169; 174; 219; 240A; 299A; 299C; 473; 609; repealing Minnesota Statutes 2000, sections 174.22, subdivision 9; 174.32, subdivisions 2, 4; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3.

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

Senators Johnson, Dean; Kelly, R. C.; Ranum; Terwilliger and Ourada.

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

Molnau moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 2340. 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. 2351, A bill for an act relating to state government; appropriating money for environmental, natural resources, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; 16A.531, subdivision 1, by adding subdivisions; 17.038; 17.1025; 17.117; 17.457, subdivision 10; 17.85; 18B.065, subdivision 5; 18C.425, subdivisions 2, 6; 18E.04, subdivisions 2, 4, 5; 21.85, subdivision 12; 27.041, subdivision 2; 28A.04, subdivision 1; 28A.085, subdivision 4; 29.22, subdivision 2; 31.39; 32.392; 32.394, subdivisions 8a, 8e; 34.07; 41A.09, subdivisions 3a, 5a; 84.025, subdivision 7; 84.0887, subdivision 4; 84.83, subdivision 3; 84.925, subdivision 1; 84.9256, subdivision 1; 85.015, by adding subdivisions; 85.32, subdivision 1; 86A.21; 89.001, by adding a subdivision; 89.012; 89A.01, subdivision 3; 89A.05, subdivisions 1, 2a, 4; 89A.06, subdivisions 2, 2a; 89A.08, subdivision 4; 93.002, subdivision 1; 97A.045, subdivision 7; 97A.055, subdivision 4a; 97A.405, subdivision 2; 97A.411, subdivision 2; 97A.473, subdivisions 2, 3, 5; 97A.474, subdivisions 2, 3; 97A.475, subdivisions 5, 10; 97A.485, subdivision 6; 97B.721; 97C.305; 115.03, by adding a subdivision; 115.073; 115.55, subdivision 3; 115.56, subdivision 4; 115A.0716, by adding a subdivision; 115A.54, subdivision 2a; 115A.908, subdivisions 1, 2; 115A.912, subdivision 1; 115A.914, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 2, 3, 4, 4a; 115C.07, subdivision 3; 115C.09, subdivisions 1, 2a, 3, 3h; 115C.093; 115C.112; 115C.13; 116.07, subdivisions 2, 4d, 4h; 116.70, subdivision 1; 116.994; 116C.834, subdivision 1; 116P.06, subdivision 1; 223.17, subdivision 3; 231.16; 268.035, subdivision 20; 297A.94; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 325E.112, subdivision 3; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivisions 1, 1a; 473.845, subdivisions 3, 7, 8; 473.846; Laws 1995, chapter 220, section 142, as amended; Laws 1996, chapter 407, section 32, subdivision 4; Laws 2000, chapter 473, section 21; proposing coding for new law in Minnesota Statutes, chapters 28A; 32; 41B; 84; 89; 103G; 116; 116P; 297H; 626; repealing Minnesota Statutes 2000, sections 31.11, subdivision 2; 41A.09, subdivision 1a; 86.71; 86.72; 89A.07, subdivisions 1, 2, 3; 103G.650; 115.55, subdivision 8; 115A.906; 115A.912, subdivisions 2, 3; 115B.02,

subdivision 1a; 115B.19; 115B.22, subdivision 8; 115B.42, subdivision 1; 115C.02, subdivisions 11a, 12a; 115C.082; 115C.09, subdivision 3g; 115C.091; 115C.092; 116.12; 116.67; 116.70, subdivisions 2, 3a, 4; 116.71; 116.72; 116.73; 116.74; 297H.13, subdivisions 3, 4; 325E.113; 473.845, subdivisions 1, 4; Laws 2000, chapter 337, section 2; Minnesota Rules, parts 1560.9000, subpart 2; 7002.0210; 7002.0220; 7002.0230; 7002.0240; 7002.0250; 7002.0270; 7002.0280; 7002.0290; 7002.0300; 7002.0305; 7002.0310; 7023.9000; 7023.9005; 7023.9010; 7023.9015; 7023.9020; 7023.9025; 7023.9030; 7023.9035; 7023.9040; 7023.9045; 7023.9050; 7080.0020, subparts 24c, 51a; 7080.0400; 7080.0450.

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

Senators Price, Krentz, Higgins, Frederickson and Dille.

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

Holsten moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 2351. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1515, A bill for an act relating to education; providing for family and early childhood education; modifying Head Start program; consolidating child care assistance programs; modifying early childhood screening, early childhood family education, and school readiness programs; directing allocation of federal child care development funds; consolidating certain advisory councils; establishing youth after-school enrichment program; modifying adult basic education program; requiring a report; providing for early childhood program evaluation; making various clarifying and technical changes; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.51, by adding a subdivision; 119A.52; 119A.53; 119B.011, subdivisions 5, 7, 11, 12, 18, 19, by adding subdivisions; 119B.02, subdivisions 1, 2, 3, by adding subdivisions; 119B.061, subdivisions 1, 2, 4, 5; 121A.17, subdivision 1; 121A.30; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.221, subdivisions 1, 2, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 119B; 124D; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03; 119B.04; 119B.05; 119B.06; 119B.07; 119B.074; 119B.08; 119B.09; 119B.10; 119B.11; 119B.12; 119B.13; 119B.14; 119B.15; 119B.16; 124D.16, subdivision 4; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sykora moved that the House refuse to concur in the Senate amendments to H. F. No. 1515, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 82, A bill for an act relating to education; providing for kindergarten through grade 12 education including general education revenue; education excellence; special programs; facilities and technology; nutrition, school accounting, and other programs; agency provisions; deficiencies; local achievement testing; and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 16B.616, subdivision 4; 120A.05, by adding a subdivision; 120B.02; 120B.031, subdivision 11; 120B.13, subdivision 1; 120B.30, subdivision 1; 120B.31, subdivision 3; 120B.35; 121A.11, by adding subdivisions; 121A.41, subdivision 10; 121A.45, subdivision 2, by adding a subdivision; 121A.582; 121A.61, subdivision 2; 122A.06, by adding a subdivision; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 2, 2a, 4, by adding subdivisions; 122A.20, subdivision 2; 122A.21; 122A.26, subdivision 3; 122A.31; 122A.61, subdivision 1; 123B.03, subdivision 3; 123B.143, subdivision 1; 123B.42, subdivision 3; 123B.44, subdivision 6; 123B.53, subdivisions 1, 2, 4, 5; 123B.54; 123B.57, subdivisions 3, 6, 8; 123B.71, subdivisions 1, 4, 8, 9; 123B.75, subdivision 5, by adding subdivisions; 123B.80, subdivision 1; 123B.92, by adding subdivisions; 124D.10, subdivisions 1, 3, 4, 6, 8, 10, 14, 15, 19, 23, 25, by adding subdivisions; 124D.11, subdivisions 4, 5, 9; 124D.128, subdivisions 1, 2, 3, 6; 124D.454, subdivision 11; 124D.65, subdivision 5; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 124D.86, subdivisions 3, 6; 125A.023, subdivision 4; 125A.08; 125A.09, subdivision 3; 125A.11, subdivision 3; 125A.17; 125A.27, subdivision 15; 125A.76, subdivisions 1, 2; 126C.05, subdivisions 1, 3, 5, 6, 15; 126C.10, subdivisions 1, 2, 3, 9, 20, 21, 22, 24, 25, 27, by adding a subdivision; 126C.12, subdivisions 2, 3, 4, 5, by adding a subdivision; 126C.13, subdivision 1; 126C.15, subdivisions 1, 2, 5; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.63, subdivision 8; 126C.69, subdivisions 2, 3, 9, 12, 15; 127A.05, subdivision 1; 127A.41, subdivisions 5, 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.50, subdivision 2; 136D.281, subdivision 4; 136D.741, subdivision 4; 136D.88, subdivision 4; 179A.20, by adding a subdivision; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 260A.01; 260C.163, subdivision 11; 475.53, subdivision 4; 475.61, subdivision 3; 626.556, subdivision 2; Laws 1992, chapter 499, article 7, section 31, as amended; Laws 2000, chapter 489, article 2, sections 34, 36, 37, subdivision 3, 39, subdivision 2; Laws 2000, chapter 489, article 3, sections 24, 25, subdivision 5; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 127A; repealing Minnesota Statutes 2000, sections 120B.031; 120B.31, subdivisions 1, 2, 4; 123B.05; 123B.71, subdivisions 3, 10; 124D.07; 124D.1155; 124D.128, subdivision 7; 124D.32; 124D.85; 126C.01, subdivision 10; 126C.10, subdivisions 3, 12, 23, 28; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.30; 126C.31; 126C.32; 126C.33; 126C.34; 126C.35; 126C.36; 126C.42, subdivisions 2, 3; 126C.47; 127A.44; 135A.081; 136D.281, subdivision 8; 136D.741, subdivision 8; 136D.88, subdivision 8; 136D.94; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469.

PATRICK E. FLAHAVEN, Secretary of the Senate

Seagren moved that the House refuse to concur in the Senate amendments to H. F. No. 82, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2486, A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; transferring certain duties and funds; establishing an account; consolidating housing programs; regulating activities and practices; modifying fees; making conforming changes; requiring reports; revising certain provisions involving state regulation of private health coverage; transferring certain regulatory control; establishing requirements for managed care plans; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; modifying provisions of the Minnesota Electrical Act; providing for power limited technician licensing; amending Minnesota Statutes 2000, sections 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 62A.021, subdivision 1; 62A.041, subdivisions 1, 2; 62A.042; 62A.043, subdivision 1; 62A.105; 62A.14; 62A.149, subdivision 1; 62A.15, subdivision 1; 62A.152, subdivision 1; 62A.153; 62A.20; 62A.21; 62A.615; 62A.616; 62A.65, subdivision 5; 62D.02, subdivisions 3, 8; 62D.12, subdivisions 1, 1a; 62D.15, subdivision 1; 62D.24; 62E.05, subdivision 2; 62E.11, subdivision 13; 62E.14, subdivision 6; 62E.16; 62J.041, subdivision 4; 62J.701; 62J.74, subdivisions 1, 2; 62J.75; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10, 11; 62L.09, subdivision 3; 62L.10, subdivision 4; 62L.11, subdivision 2; 62L.12, subdivision 2; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62Q.01, subdivision 2; 62Q.03, subdivision 5a; 62Q.07; 62Q.106; 62Q.22, subdivisions 2, 6, 7; 62Q.32; 62Q.33, subdivision 2; 62Q.49, subdivision 2; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62Q.68, subdivision 1; 62Q.69, subdivisions 2, 3; 62Q.71; 62Q.72; 62Q.73, subdivisions 3, 4, 5, 6; 62R.04, subdivision 5; 62R.06, subdivision 1; 62T.01, subdivision 4; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03, subdivisions 2, 3, 5; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.06, by adding a subdivision; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 256B.692, subdivisions 2, 7; 257.34, subdivision 1; 268.022, subdivisions 1, 2; 325E.11; 325E.115, subdivision 2; 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.243; 326.244, subdivisions 1a, 2, 5, 6; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 484.50; Laws 1993, chapter 301, section 1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116L; 122A; 462A; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2000, sections 62A.049; 62A.21, subdivision 3; 62C.14, subdivisions 5, 5a, 5b, 14; 62C.142; 62D.09, subdivision 3; 62D.101; 62D.105; 62D.12, subdivision 19; 62D.123, subdivisions 2, 3, 4; 62D.124; 62Q.095, subdivisions 1, 2, 3, 4, 6; 62Q.45; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.96; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2;

462A.33, subdivisions 4, 6, 7; Minnesota Rules, parts 3800.3500, subpart 12; 4685.0801, subpart 7; 4685.1010; 4685.1300; 4685.1900; 4685.2000; 4685.2200, subpart 3; 4685.1105; 4685.1110; 4685.1115; 4685.1120; 4685.1125; 4685.1130.

PATRICK E. FLAHAVEN, Secretary of the Senate

McElroy moved that the House refuse to concur in the Senate amendments to H. F. No. 2486, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. 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. 2360, A bill for an act relating to state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; modifying provisions relating to state and local government; providing for economic development; regulating various criminal justice, judiciary, housing, technology, and election provisions; authorizing local bonds and airport impact mitigations; providing for a credit enhancement program; authorizing contingency property tax levies in the metropolitan area; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 3.3005, subdivision 2, by adding a subdivision; 3.98, subdivision 2; 8.15, by adding a subdivision; 10A.01, subdivisions 9, 18; 10A.20, subdivision 6b, by adding a subdivision; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivisions 1, 2, 10; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3a, 5, 7, by adding a subdivision; 10A.322; 10A.323; 16A.10, subdivision 2; 16A.103, subdivisions 1, 1a; 16A.152, subdivision 7; 16B.25, subdivision 2; 16B.335, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.88, subdivision 2; 16C.22; 16E.04, subdivision 2; 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 181.945; 200.02, subdivisions 7, 23; 211A.12; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; 270A.07, subdivision 1; 290.06, subdivision 23; 326.90, subdivision 1; 349.165, subdivisions 1, 3; 357.18, subdivision 3; 403.11, subdivision 1; 403.113, subdivisions 1, 3; 462.353, subdivision 4; 462.358, subdivision 2b; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 473.195, by adding a subdivision; 473.255, subdivisions 1, 2; 473.517, subdivision 3; 473.901, subdivision 1; 480.182; 517.08, subdivisions 1b, 1c; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, section 12, subdivision 3; Laws 1999, chapter 250, article 1, section 34; Laws 2000, chapter 488, article 8, section 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 8; 11A; 15A; 16B; 16E; 116J; 137; 268; 336; 462; 462A; 473; repealing Minnesota Statutes 2000, sections 8.15, subdivision 2; 16E.08; 129D.06; 179A.07, subdivision 7; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7.

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

Senators Cohen, Vickerman, Marty, Metzen and Knutson.

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

Krinkie moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 2360. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1124, 1821, 1246, 1769 and 1963.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1124, A bill for an act relating to retirement; providing continued insurance coverage for spouses of certain retirees.

The bill was read for the first time.

Carlson moved that S. F. No. 1124 and H. F. No. 514, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1821, A bill for an act relating to utilities; modifying provisions regulating utility facilities in railroad rights-of-way; amending Minnesota Statutes 2000, section 237.04.

The bill was read for the first time.

Workman moved that S. F. No. 1821 and H. F. No. 1817, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1246, A bill for an act relating to manufactured homes; clarifying the amount that may be charged to residents for utility services; amending Minnesota Statutes 2000, section 327C.04, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

S. F. No. 1769, A bill for an act relating to transportation; allowing commissioner of transportation to convey interest in certain land to property owners; modifying provisions for speed limits in highway work zones; modifying seasonal highway weight limitations; transferring responsibilities from transportation regulation board to commissioner of transportation; transferring, discontinuing, or changing description of portions of certain trunk highways; making technical and clarifying changes; repealing obsolete or invalid provisions; amending Minnesota Statutes 2000, sections 161.114; 161.115, subdivisions 36, 48, and by adding a subdivision; 161.24, subdivision 4; 161.442; 169.14, subdivision 5d; 169.825, subdivision 11; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1, 2, and 4; 174A.04; 174A.06; 218.031, subdivision 2; 218.041, subdivisions 4, 5, and 6; 219.074, subdivision 2; 219.384, subdivision 2; and 219.402; repealing Minnesota Statutes 2000,

sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; 219.558; 219.559; 219.56; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; 219.97; 222.631; 222.632; and 222.633.

The bill was read for the first time.

Workman moved that S. F. No. 1769 and H. F. No. 1488, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1963, A bill for an act relating to the environment; providing direction to the commissioner of administration for developing bid specifications and procurement of commodities and services to promote recycled materials; increasing the postconsumer fiber content requirement for copier paper purchased by a state agency; amending Minnesota Statutes 2000, sections 16B.121; 16B.122, subdivision 2.

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

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 Tuesday, May 8, 2001:

H. F. No. 1941; S. F. Nos. 1008 and 1394; H. F. No. 1292; S. F. Nos. 1437 and 1441; H. F. Nos. 1973 and 1407; S. F. Nos. 103, 491 and 1404; H. F. No. 905; S. F. No. 859; H. F. No. 783; S. F. Nos. 333, 1068 and 1772; H. F. No. 980; and S. F. No. 520.

CALENDAR FOR THE DAY

S. F. No. 861 was reported to the House.

Clark, J., moved that S. F. No. 861 be returned to the General Register. The motion prevailed.

S. F. No. 1528 was reported to the House.

Erhardt moved that S. F. No. 1528 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 1406, A bill for an act relating to health; establishing maternal death reviews; amending Minnesota Statutes 2000, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2000, sections 13.3806, subdivision 19; and 145.90.

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 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Bradley	Cassell	Dauids
Abrams	Bakk	Bishop	Buesgens	Clark, J.	Davnie
Anderson, B.	Bernardy	Boudreau	Carlson	Daggett	Dehler

Dempsey	Gunther	Kahn	Mariani	Pawlenty	Stang
Dibble	Haas	Kalis	Marko	Paymar	Swapinski
Dorman	Hackbarth	Kelliher	Marquart	Pelowski	Swenson
Dorn	Harder	Kielkucki	McElroy	Penas	Sykora
Eastlund	Hausman	Knoblach	McGuire	Peterson	Thompson
Entenza	Hilstrom	Koskinen	Milbert	Rhodes	Tingelstad
Erhardt	Hilty	Krinkie	Molnau	Rifenberg	Tuma
Erickson	Holberg	Kubly	Mulder	Rukavina	Vandever
Evans	Holsten	Kuisle	Mullery	Ruth	Wagenius
Finseth	Howes	Larson	Murphy	Schumacher	Walz
Folliard	Huntley	Leighton	Ness	Seifert	Wasiluk
Fuller	Jacobson	Leppik	Nornes	Sertich	Wenzel
Gerlach	Jaros	Lieder	Opatz	Skoe	Westerberg
Gleason	Jennings	Lindner	Osskopp	Skoglund	Westrom
Goodno	Johnson, J.	Lipman	Osthoff	Slawik	Wilkin
Goodwin	Johnson, R.	Luther	Otremba	Smith	Winter
Gray	Johnson, S.	Mahoney	Ozment	Solberg	Wolf
Greiling	Juhnke	Mares	Paulsen	Stanek	Spk. Sviggum

Those who voted in the negative were:

Olson Seagren

The bill was passed and its title agreed to.

S. F. No. 1464 was reported to the House.

Mares moved to amend S. F. No. 1464 as follows:

Page 33, line 22, delete "144.1222, subdivision 3:"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1464, A bill for an act relating to health; modifying provisions for lead poisoning prevention; requiring a real property seller provide buyer with well water test results; providing for certain alternative compliance methods for food, beverage, and lodging establishment inspections; repealing certain obsolete laws relating to hotel inspectors, duplication equipment, pay toilets, and enclosed sports arenas; amending Minnesota Statutes 2000, sections 144.9501, subdivisions 3, 4, 10, 11, 17, 17a, 18, 19, 20a, 20b, 20c, 21, 22, 22a, 23, 28a, 29, and by adding subdivisions; 144.9502, subdivision 8; 144.9503; 144.9504, subdivisions 1, 2, 5, 7, and 8; 144.9505; 144.9507, subdivision 5; 144.9508, subdivisions 1, 2, 3, 4, and 5; 144.9509, subdivisions 1 and 3; and 157.20, by adding a subdivision; repealing Minnesota Statutes 2000, sections 144.073; 144.08; 144.1222, subdivision 3; 144.9501, subdivision 32; 144.9502, subdivision 6; 144.9503, subdivision 6; 144.9504, subdivisions 4 and 11; 144.9505, subdivisions 2 and 5; 144.9506; 144.9508, subdivision 6; and 145.425.

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 76 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Haas	Kuisle	Paulsen	Swenson
Abrams	Dempsey	Hackbarth	Leppik	Pawlenty	Sykora
Anderson, B.	Dorman	Harder	Lindner	Pelowski	Tingelstad
Bakk	Eastlund	Holberg	Lipman	Penas	Tuma
Bishop	Erhardt	Holsten	Mares	Rhodes	Walz
Boudreau	Erickson	Howes	McElroy	Rifenberg	Westerberg
Bradley	Finseth	Huntley	Molnau	Ruth	Westrom
Buesgens	Fuller	Jacobson	Mulder	Seagren	Wilkin
Cassell	Gerlach	Jennings	Ness	Seifert	Wolf
Clark, J.	Goodno	Johnson, J.	Nornes	Smith	Workman
Clark, K.	Goodwin	Kielkucki	Olson	Stanek	Spk. Sviggum
Daggett	Gray	Knoblach	Osskopp	Stang	
Davids	Gunther	Krinkie	Ozment	Swapinski	

Those who voted in the negative were:

Anderson, I.	Folliard	Juhnke	Luther	Opatz	Skoglund
Bernardy	Gleason	Kahn	Mahoney	Osthoff	Slawik
Biernat	Greiling	Kalis	Mariani	Otremba	Solberg
Carlson	Hausman	Kelliher	Marko	Paymar	Thompson
Davnie	Hilstrom	Koskinen	Marquart	Peterson	Vandevor
Dibble	Hilty	Kubly	McGuire	Rukavina	Wagenius
Dorn	Jaros	Larson	Milbert	Schumacher	Wasiluk
Entenza	Johnson, R.	Leighton	Mullery	Sertich	Wenzel
Evans	Johnson, S.	Lieder	Murphy	Skoe	Winter

The bill was passed, as amended, and its title agreed to.

H. F. No. 1941, A bill for an act relating to economic development; clarifying provisions in the job skills partnership program; amending Minnesota Statutes 2000, sections 116L.02; 116L.04, subdivision 1a; and 116L.06, subdivision 5.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Davids	Entenza	Gleason	Harder
Abrams	Bradley	Davnie	Erhardt	Goodno	Hausman
Anderson, B.	Buesgens	Dehler	Erickson	Goodwin	Hilstrom
Anderson, I.	Carlson	Dempsey	Evans	Gray	Hilty
Bakk	Cassell	Dibble	Finseth	Greiling	Holberg
Bernardy	Clark, J.	Dorman	Folliard	Gunther	Holsten
Biernat	Clark, K.	Dorn	Fuller	Haas	Howes
Bishop	Daggett	Eastlund	Gerlach	Hackbarth	Huntley

Jacobson	Kubly	Marquart	Otremba	Seifert	Tuma
Jaros	Kuisle	McElroy	Ozment	Sertich	Vandever
Jennings	Larson	McGuire	Paulsen	Skoe	Wagenius
Johnson, J.	Leighton	Milbert	Pawlenty	Skoglund	Walz
Johnson, R.	Lenczewski	Molnau	Paymar	Slawik	Wasiluk
Johnson, S.	Leppik	Mulder	Pelowski	Smith	Wenzel
Juhnke	Lieder	Mullery	Penas	Solberg	Westerberg
Kahn	Lindner	Murphy	Peterson	Stanek	Westrom
Kalis	Lipman	Ness	Rhodes	Stang	Wilkin
Kelliher	Luther	Nornes	Rifenberg	Swapinski	Winter
Kielkucki	Mahoney	Olson	Rukavina	Swenson	Wolf
Knoblach	Mares	Opatz	Ruth	Sykora	Workman
Koskinen	Mariani	Osskopp	Schumacher	Thompson	Spk. Sviggum
Krinkie	Marko	Osthoff	Seagren	Tingelstad	

The bill was passed and its title agreed to.

S. F. No. 1008, A bill for an act relating to horse racing; card clubs; authorizing licensee of commission to detain persons suspected of cheating; proposing coding for new law in Minnesota Statutes, chapter 240.

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 111 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Harder	Lenczewski	Otremba	Swenson
Abrams	Dorn	Hausman	Leppik	Ozment	Sykora
Anderson, B.	Eastlund	Hilstrom	Lieder	Paulsen	Thompson
Bernardy	Entenza	Hilty	Lindner	Pawlenty	Tingelstad
Biernat	Erhardt	Holberg	Lipman	Paymar	Tuma
Bishop	Erickson	Holsten	Mares	Pelowski	Vandever
Boudreau	Evans	Howes	Marko	Penas	Wagenius
Bradley	Finseth	Jacobson	Marquart	Rhodes	Walz
Buesgens	Folliard	Jennings	McElroy	Rifenberg	Wenzel
Carlson	Fuller	Johnson, J.	McGuire	Ruth	Westerberg
Cassell	Gerlach	Johnson, R.	Molnau	Schumacher	Westrom
Clark, J.	Gleason	Kelliher	Mulder	Seagren	Wilkin
Clark, K.	Goodno	Kielkucki	Mullery	Seifert	Winter
Daggett	Goodwin	Knoblach	Ness	Skoe	Wolf
Davids	Gray	Koskinen	Nornes	Skoglund	Workman
Davnie	Greiling	Krinkie	Olson	Slawik	Spk. Sviggum
Dehler	Gunther	Kubly	Opatz	Smith	
Dempsey	Haas	Kuisle	Osskopp	Stang	
Dibble	Hackbarth	Larson	Osthoff	Swapinski	

Those who voted in the negative were:

Anderson, I.	Johnson, S.	Leighton	Milbert	Sertich
Bakk	Juhnke	Luther	Murphy	Solberg
Huntley	Kahn	Mahoney	Peterson	Stanek
Jaros	Kalis	Mariani	Rukavina	Wasiluk

The bill was passed and its title agreed to.

S. F. No. 1394 was reported to the House.

Tingelstad moved to amend S. F. No. 1394 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1397, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 256.01, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(a) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(b) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(c) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(d) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

(e) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(f) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(g) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(2) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(3) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(4) Administer and supervise all noninstitutional service to handicapped persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(7) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(8) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded. For children under the guardianship of the commissioner whose interests would be best served by adoptive placement, the commissioner may contract with a licensed child-placing agency or a Minnesota tribal social services agency to provide adoption services. A contract with a licensed child-placing agency must be designed to supplement existing county efforts and may not replace existing county programs, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties. Funds encumbered and obligated under an agreement for a specific child shall remain available until the terms of the agreement are fulfilled or the agreement is terminated.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The secretary of health and human services of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(b) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance and the AFDC program formerly codified in sections 256.72 to 256.87, disallowances shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for the AFDC program formerly codified in sections 256.72 to 256.87, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(16) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(17) Have the authority to establish and enforce the following county reporting requirements:

(a) The commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced.

(b) The county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner.

(c) If the required reports are not received by the deadlines established in clause (b), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received.

(d) A county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered noncompliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance.

(e) The final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period.

(f) The commissioner may not delay payments, withhold funds, or require repayment under paragraph (c) or (e) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under paragraph (c) or (e), the county board may appeal the action according to sections 14.57 to 14.69.

(g) Counties subject to withholding of funds under paragraph (c) or forfeiture or repayment of funds under paragraph (e) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under paragraph (c) or (e).

(18) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample for the foster care program under title IV-E of the Social Security Act, United States Code, title 42, in direct proportion to each county's title IV-E foster care maintenance claim for that period.

(19) Be responsible for ensuring the detection, prevention, investigation, and resolution of fraudulent activities or behavior by applicants, recipients, and other participants in the human services programs administered by the department.

(20) Require county agencies to identify overpayments, establish claims, and utilize all available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(21) Have the authority to administer a drug rebate program for drugs purchased pursuant to the prescription drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. Rebate agreements for prescription drugs delivered on or after July 1, 2002, must include rebates for individuals covered under the prescription drug program who are under 65 years of age. For each drug, the amount of the rebate shall be equal to the basic rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8(c)(1). This basic rebate shall be applied to single-source and multiple-source drugs. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(22) Operate the department's communication systems account established in Laws 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared communication costs necessary for the operation of the programs the commissioner supervises. A communications account may also be established for each regional treatment center which operates communications systems. Each account must be used to manage shared communication costs necessary for the operations of the programs the commissioner supervises. The commissioner may distribute the costs of operating and maintaining communication systems to participants in a manner that reflects actual usage. Costs may include acquisition, licensing, insurance, maintenance, repair, staff time and other costs as determined by the commissioner. Nonprofit organizations and state, county, and local government agencies involved in the operation of programs the commissioner supervises may participate in the use of the department's communications technology and share in the cost of operation. The commissioner may accept on behalf of the state any gift, bequest, devise or personal property of any kind, or money tendered to the state for any lawful purpose pertaining to the communication activities of the department. Any money received for this purpose must be deposited in the department's communication systems accounts. Money collected by the commissioner for the use of communication systems must be deposited in the state communication systems account and is appropriated to the commissioner for purposes of this section.

(23) Receive any federal matching money that is made available through the medical assistance program for the consumer satisfaction survey. Any federal money received for the survey is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received for the consumer satisfaction survey in either year of the biennium.

(24) Incorporate cost reimbursement claims from First Call Minnesota into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Any reimbursement received is appropriated to the commissioner and shall be disbursed to First Call Minnesota according to normal department payment schedules.

(25) Develop recommended standards for foster care homes that address the components of specialized therapeutic services to be provided by foster care homes with those services.

Sec. 2. [256F.14] [FAMILY GROUP DECISION-MAKING.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, family includes relatives of the child. "Relative" means an adult who is a stepparent, grandparent, brother, sister, uncle, aunt, or other extended family member of the minor by blood, marriage, or adoption. Relative also includes anyone with whom the child has resided or had a significant relationship.

For an Indian child, "relative" includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.

(b) For purposes of this section, "relative care" means one or more of the following: respite care, a monitoring agreement, a designated caregiver agreement under chapter 257A, access to information about a child, the right to make decisions about a child's residence, education, religious training, or health care, a custody consent decree under section 257.0215, or joint or sole legal or physical custody of a child. Relative care may also mean the voluntary establishment of an order permanently placing the child away from the care of the parent under section 260C.201, subdivision 11.

(c) For purposes of this section, "relative care agreement" means an agreement regarding the care of a child that has been reached by the parents and interested relatives of the child after the parents and interested relatives have participated in a family group decision-making meeting under this section. It may include relative care, the provision of services by the responsible social services agency, or any other legally available plan that protects the safety and stability of the child.

Subd. 2. [FAMILY GROUP DECISION-MAKING MEETING.] A responsible social services agency may proceed under this section if it appears at any point in a particular case that a family group decision-making meeting may be in the best interests of the child. The responsible social services agency may select a facilitator to convene and facilitate such a meeting.

The purpose of the family group decision-making meeting is to have the parent or parents and relatives of a child develop a plan to provide for the safety and stability of the child. The outcome of a family group decision-making meeting may be a relative care agreement or any other agreement between the parents, the relatives, and, where appropriate, the child and the responsible social services agency that addresses the safety and permanency needs of the child including an agreement to voluntarily establish an order permanently placing the child out of the care of the parent under section 260C.201, subdivision 11.

Subd. 3. [FACILITATOR TRAINING; IMMUNITY.] A facilitator must receive 12 hours of training in family group decision-making or similar training prior to facilitating a family group decision-making meeting. A facilitator who complies with the training requirement of this subdivision and acts in good faith has immunity from criminal or civil liability that might otherwise arise from the actions of the facilitator in convening or facilitating a family group decision-making meeting.

Sec. 3. Minnesota Statutes 2000, section 260C.007, is amended by adding a subdivision to read:

Subd. 2a. [CASE PLAN.] "Case plan" means any plan for the delivery of services to a child and parent or guardian, or, when reunification is not required, the child alone, that is developed according to the requirements of section 245.4871, subdivision 19 or 21; 245.492, subdivision 16; 256B.092; 256E.08; 260C.212, subdivision 1; or 626.556, subdivision 10.

Sec. 4. Minnesota Statutes 2000, section 260C.007, subdivision 4, is amended to read:

Subd. 4. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

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

(2)(i) has been a victim of physical or sexual abuse, (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 25, (iii) resides with or would reside with a perpetrator of domestic child abuse or child abuse as defined in subdivision 25, or (iv) is a victim of emotional maltreatment as defined in subdivision 8;

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

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care, including a child in voluntary placement ~~according to release of the parent under section 260C.212, subdivision 9~~ due solely to the child's developmental disability or emotional disturbance;

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

(i) the infant is chronically and irreversibly comatose;

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

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

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child in placement according to voluntary release by the parent under section 260C.212, subdivision 8;

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

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

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

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

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

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

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

Sec. 5. Minnesota Statutes 2000, section 260C.007, is amended by adding a subdivision to read:

Subd. 5a. [COMPELLING REASONS.] "Compelling reasons" means an individualized determination by the responsible social services agency, which is approved by the court, not to initiate proceedings to terminate parental rights or transfer permanent legal and physical custody of a child to the child's relative or former noncustodial parent.

Sec. 6. Minnesota Statutes 2000, section 260C.007, is amended by adding a subdivision to read:

Subd. 7a. [DEVELOPMENTAL DISABILITY.] "Developmental disability" means developmental disability as defined in United States Code, title 42, section 6001(8).

Sec. 7. Minnesota Statutes 2000, section 260C.007, subdivision 14, is amended to read:

Subd. 14. [RELATIVE.] "Relative" means a ~~parent, stepparent, grandparent, brother, sister, uncle, or aunt of the minor. This relationship may be by blood or marriage. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903. For purposes of child in need of protection or services proceedings, termination of parental rights proceedings, and permanency proceedings under section 260C.201, subdivision 11, relative means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978, United States Code, title 25, section 1903.~~

Sec. 8. Minnesota Statutes 2000, section 260C.007, is amended by adding a subdivision to read:

Subd. 27. [EMOTIONALLY DISTURBED.] "Emotionally disturbed" means emotional disturbance as described in section 245.4871, subdivision 15.

Sec. 9. Minnesota Statutes 2000, section 260C.141, subdivision 2, is amended to read:

Subd. 2. [REVIEW OF FOSTER CARE STATUS.] The social services agency responsible for the placement of a child in a residential facility, as defined in section 260C.212, subdivision 1, pursuant to a voluntary release by the child's parent or parents ~~may bring a petition~~ must proceed in juvenile court to review the foster care status of the child in the manner provided in this section. ~~The responsible social services agency shall file either a petition alleging the child to be in need of protection or services or a petition to terminate parental rights or other permanency petition under section 260C.201, subdivision 11.~~

(a) ~~In the case of~~ Except for a child in placement due solely to the child's developmental disability or emotional disturbance, when a child continues in voluntary placement according to section 260C.212, subdivision 8, the a petition shall be filed alleging the child to be in need of protection or services or seeking termination of parental rights or other permanent placement of the child away from the parent within 90 days of the date of the voluntary placement agreement ~~and~~. The petition shall state the reasons why the child is in placement, the progress on the case out-of-home placement plan required under section 260C.212, subdivision 1, and the statutory basis for the petition under section 260C.007, subdivision 4, 260C.201, subdivision 11, or 260C.301.

(1) In the case of a petition alleging the child to be in need of protection or services filed under this paragraph, if all parties agree and the court finds it is in the best interests of the child, the court may find the petition states a prima facie case that:

- (i) the child's needs are being met;
- (ii) the placement of the child in foster care is in the best interests of the child; ~~and~~
- (iii) reasonable efforts to reunify the child and the parent or guardian are being made; and
- (iv) the child will be returned home in the next ~~six~~ three months.

(2) If the court makes findings under paragraph (1), the court shall approve the voluntary arrangement and continue the matter for up to ~~six~~ three more months to ensure the child returns to the parents' home. The responsible social services agency shall:

(i) report to the court when the child returns home and the progress made by the parent on the case out-of-home placement plan required under section 260C.212, in which case the court shall dismiss jurisdiction;

(ii) report to the court that the child has not returned home, in which case the matter shall be returned to the court for further proceedings under section 260C.163; or

(iii) if any party does not agree to continue the matter under paragraph (1) and this paragraph, the matter shall proceed under section 260C.163.

(b) In the case of a child in voluntary placement due solely to the child's developmental disability or emotional disturbance according to section 260C.212, subdivision 9, the petition shall be filed within six months of the date of the voluntary placement agreement and following procedures apply:

(1) [REPORT TO COURT.] (i) Unless the county attorney determines that a petition under subdivision 1 is appropriate, without filing a petition, a written report, shall be forwarded to the court within 165 days of the date of the voluntary placement agreement. The written report shall contain necessary identifying information for the court to proceed, a copy of the out-of-home placement plan required under section 260C.212, subdivision 1, a written summary of the proceedings of any administrative review required under section 260C.212, subdivision 7, and any other information the responsible social services agency, parent or guardian, the child or the foster parent or other residential facility wants the court to consider.

(ii) The responsible social services agency, where appropriate, must advise the child, parent or guardian, the foster parent, or representative of the residential facility of the requirements of this section and of their right to submit information to the court. If the child, parent or guardian, foster parent, or representative of the residential facility want to send information to the court, the responsible social services agency shall advise those persons of the reporting date and the identifying information necessary for the court administrator to accept the information and submit it to a judge with the agency's report. The responsible social services agency must also notify those persons that they have the right to be heard in person by the court and how to exercise that right. The responsible social services agency must also provide notice that an in-court hearing will not be held unless requested by a parent or guardian, foster parent, or the child.

(iii) After receiving the required report, the court has jurisdiction to make the following determinations and must do so within ten days of receiving the forwarded report: (i) whether or not the placement of the child is in the child's best interests; and (ii) whether the parent and agency are appropriately planning for the child. Unless requested by a parent or guardian, foster parent, or child, no in-court hearing need be held in order for the court to make findings and issue an order under this paragraph.

(iv) If the court finds the placement is in the child's best interests and that the agency and parent are appropriately planning for the child, the court shall issue an order containing explicit, individualized findings to support its determination. The court shall send a copy of the order to the county attorney, the responsible social services agency, the parent or guardian, the child, and the foster parents. The court shall also send the parent or guardian, the child, and the foster parent notice of the required review under clause (2).

(v) If the court finds continuing the placement not to be in the child's best interests or that the agency or the parent or guardian is not appropriately planning for the child, the court shall notify the county attorney, the responsible social services agency, the parent or guardian, the foster parent, the child, and the county attorney of the court's determinations and the basis for the court's determinations.

(2) [PERMANENCY REVIEW BY PETITION.] If a child with a developmental disability or an emotional disturbance continues in out-of-home placement for 13 months from the date of a voluntary placement, a petition alleging the child to be in need of protection or services, for termination of parental rights or for permanent placement of the child away from the parent under section 260C.201 shall be filed. The court shall conduct a permanency hearing on the petition no later than 14 months after the date of the voluntary placement. At the permanency hearing, the court shall determine the need for an order permanently placing the child away from the parent or determine whether there are compelling reasons that continued voluntary placement is in the child's best interests. A petition alleging the child to be in need of protection or services shall state the date of the voluntary

placement agreement, the nature of the child's developmental ~~delay~~ disability or emotional ~~handicap~~ disturbance, the plan for the ongoing care of the child, the parents' participation in the plan, and the statutory basis for the petition.

~~(1) In the case of petitions~~ (i) If a petition alleging the child to be in need of protection or services is filed under this paragraph, the court may find, based on the contents of the sworn petition, and the agreement of all parties, including the child, where appropriate, that there are compelling reasons that the voluntary arrangement is in the best interests of the child, approve the continued voluntary arrangement placement, and dismiss continue the matter from further under the court's jurisdiction for the purpose of reviewing the child's placement as a continued voluntary arrangement every 12 months as long as the child continues in out-of-home placement. The court shall give notice to the responsible social services agency that The matter must be returned to the court for further review if the child remains in placement after every 12 months as long as the child remains in placement. The court shall give notice to the parent or guardian of the continued review requirements under this section. Nothing in this paragraph shall be construed to mean the court must order permanent placement for the child under section 260C.201, subdivision 11, as long as the court finds compelling reasons at the first review required under this section.

(ii) If a petition for termination of parental rights, for transfer of permanent legal and physical custody to a relative, for long-term foster care, or for foster care for a specified period of time is filed, the court must proceed under section 260C.201, subdivision 11.

~~(2)~~ (3) If any party, including the child, disagrees with the voluntary arrangement, the court shall proceed under section 260C.163.

Sec. 10. Minnesota Statutes 2000, section 260C.151, subdivision 6, is amended to read:

Subd. 6. [IMMEDIATE CUSTODY.] ~~If it appears from the court makes individualized, explicit findings, based on~~ the notarized petition or ~~by~~ sworn affidavit, that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety or welfare ~~and that~~ require that the child's custody be immediately assumed by the court ~~and that continuation of the child in the custody of the parent or guardian is contrary to the child's welfare,~~ the court may order, ~~by endorsement upon the summons;~~ that the officer serving the summons ~~shall~~ take the child into immediate custody.

Sec. 11. Minnesota Statutes 2000, section 260C.178, subdivision 1, is amended to read:

Subdivision 1. [HEARING AND RELEASE REQUIREMENTS.] (a) If a child was taken into custody under section 260C.175, subdivision 1, clause (a) or (b)(2), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1. In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse. ~~In a proceeding regarding a child in need of protection or services,~~

(c) The court, before determining whether a child should continue in custody, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts, or in the case of an Indian child, active efforts, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement ~~or to reunite the child with the child's family, or that reasonable efforts were not possible.~~ The

court shall also determine whether there are available services that would prevent the need for further detention. In the alternative, the court shall determine that reasonable efforts are not required if the court makes a prima facie determination that one of the circumstances under paragraph (e) exists.

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

(d) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child.

~~(e)~~ (e) At the detention hearing, or at any time ~~prior to an adjudicatory hearing~~ during the course of the proceeding, and upon notice and request of the county attorney, the court shall make the following determinations:

(1) whether a termination of parental rights petition has been filed stating a prima facie case that:

(i) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 26;

(ii) the parental rights of the parent to another child have been involuntarily terminated; or

(iii) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(2) that the county attorney has determined not to proceed with a termination of parental rights petition under section 260C.307; or

(3) whether a termination of parental rights petition or other petition according to section 260C.201, subdivision 11, has been filed alleging a prima facie case that the provision of services or further services for the purpose of rehabilitation and reunification is futile and therefore unreasonable under the circumstances.

If the court determines that the county attorney is not proceeding with a termination of parental rights petition under section 260C.307, but is proceeding with a petition under section 260C.201, subdivision 11, the court shall schedule a permanency hearing within 30 days. If the county attorney has filed a petition under section 260C.307, the court shall schedule a trial under section 260C.163 within 90 days of the filing of the petition except when the county attorney determines that the criminal case shall proceed to trial first under section 260C.201, subdivision 3.

~~(f)~~ (f) If the court determines the child should be ordered into out-of-home placement and the child's parent refuses to give information to the responsible social services agency regarding the child's father or relatives of the child, the court may order the parent to disclose the names, addresses, telephone numbers, and other identifying information to the ~~local~~ responsible social services agency for the purpose of complying with the requirements of sections 260C.151, 260C.212, and 260C.215.

(g) If a child ordered into out-of-home placement has siblings, whether full, half, or step, who are also ordered into placement, the court shall inquire of the responsible social services agency of the efforts to place the children together as required by section 260C.212, subdivision 2, paragraph (d), if placement together is in each child's best interests, unless a child is in placement due solely to the child's own behavior or a child is placed with a previously noncustodial parent who is not parent to all siblings. If the children are not placed together at the time of the hearing, the court shall inquire at each subsequent hearing of the agency's efforts to place the siblings together. If any sibling is not placed with another sibling or siblings, the agency must develop a plan for visitation among the siblings as required under section 260C.212, subdivision 1.

Sec. 12. Minnesota Statutes 2000, section 260C.178, subdivision 7, is amended to read:

Subd. 7. [~~CASE OUT-OF-HOME PLACEMENT PLAN.~~] (a) ~~A case~~ An out-of-home placement plan required under section 260C.212 shall be filed with the court within 30 days of the filing of a petition alleging the child to be in need of protection or services under section 260C.141, subdivision 1, or filed with the petition if the petition is a review of a voluntary placement under section 260C.141, subdivision 2.

(b) Upon the filing of the case out-of-home placement plan, the court may approve the case plan based on the allegations contained in the petition. The court shall send written notice of the approval of the out-of-home placement plan to all parties and the county attorney or may state such approval on the record at a hearing. A parent may agree to comply with the terms of the case plan filed with the court.

(c) Upon notice and motion by a parent who agrees to comply with the terms of a case an out-of-home placement plan, the court may modify the case plan and order the responsible social services agency to provide other or additional services for reunification, if reunification efforts are required, and the court determines the agency's case plan inadequate under section 260.012.

(d) Unless the parent agrees to comply with the terms of the case out-of-home placement plan, the court may not order a parent to comply with the provisions of the case plan until the court makes a determination under section 260C.201, subdivision 1. However, the court may find that the responsible social services agency has made reasonable efforts for reunification if the agency makes efforts to implement the terms of an out-of-home placement plan approved under this section.

Sec. 13. Minnesota Statutes 2000, section 260C.193, subdivision 3, is amended to read:

Subd. 3. [~~PROTECTION OF THE CHILD'S BEST INTERESTS INTEREST OF THE CHILD IN FOSTER CARE OR RESIDENTIAL CARE.~~] (a) The policy of the state is to ensure that the best interests of children in foster or residential care are met by requiring individualized determinations under section 260C.212, subdivision 2, paragraph (b), of the needs of the child and of how the selected placement will serve the needs of the child in foster care placements.

(b) ~~Among the factors to be considered in determining the needs of the child are:~~

- ~~(1) the child's current functioning and behaviors;~~
- ~~(2) the medical, educational, and developmental needs of the child;~~
- ~~(3) the child's history and past experience;~~
- ~~(4) the child's religious and cultural needs;~~
- ~~(5) the child's connection with a community, school, and church;~~
- ~~(6) the child's interests and talents;~~
- ~~(7) the child's relationship to current caretakers, parents, siblings, and relatives; and~~
- ~~(8) the reasonable preference of the child, if the court, or in the case of a voluntary placement the child-placing agency, deems the child to be of sufficient age to express preferences.~~

(c) ~~(b) The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall consider placement, shall review whether the responsible social services agency made efforts as required under section 260C.212, subdivision 5, and made an individualized determination as required under section 260C.212, subdivision 2. If the court finds the agency has not made efforts as required under~~

~~section 260C.212, subdivision 5, and there is a relative who qualifies to be licensed to provide family foster care under chapter 245A, the court may order the child placed with the relative consistent with the child's best interests, and in the following order, in the legal custody or guardianship of an individual who (1) is related to the child by blood, marriage, or adoption, or (2) is an important friend with whom the child has resided or had significant contact.~~

(c) If the child's birth parent or parents explicitly request that a relative or important friend not be considered, the court shall honor that request if it is consistent with the best interests of the child. If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, the court shall order placement of the child with an individual who meets the birth parent's religious preference.

(d) Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.

(e) Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling. If siblings are not placed together according to section 260C.212, subdivision 2, paragraph (d), the responsible social services agency shall report to the court the efforts made to place the siblings together and why the efforts were not successful. If the court is not satisfied with the agency's efforts to place siblings together, the court may order the agency to make further efforts. If siblings are not placed together the court shall review the responsible social services agency's plan for visitation among siblings required as part of the out-of-home placement plan under section 260C.212.

~~(d) If the child's birth parent or parents explicitly request that a relative or important friend not be considered, the court shall honor that request if it is consistent with the best interests of the child.~~

~~If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, the court shall order placement of the child with an individual who meets the birth parent's religious preference.~~

~~(f)~~ (f) This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

Sec. 14. Minnesota Statutes 2000, section 260C.201, subdivision 1, is amended to read:

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

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

(i) the court may order the child into the home of a parent who does not otherwise have legal custody of the child, however, an order under this section does not confer legal custody on that parent;

(ii) if the court orders the child into the home of a father who is not adjudicated, he must cooperate with paternity establishment proceedings regarding the child in the appropriate jurisdiction as one of the conditions prescribed by the court for the child to continue in his home;

(iii) the court may order the child into the home of a noncustodial parent with conditions and may also order both the noncustodial and the custodial parent to comply with the requirements of a case plan under subdivision 2; or

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

(i) a child-placing agency; or

(ii) the ~~local~~ responsible social services agency. In placing a child whose custody has been transferred under this paragraph, the agencies shall ~~follow the requirements of section 260C.193, subdivision 3; make an individualized determination of how the placement is in the child's best interests using the consideration for relatives and the best interest factors in section 260C.212, subdivision 2, paragraph (b); or~~

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

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

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

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

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

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

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

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

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

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

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license or instruction permit be canceled, the court may order the commissioner of public safety to cancel the child's license or permit for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the

court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, order the commissioner of public safety to allow the child to apply for a license or permit, and the commissioner shall so authorize;

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

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

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

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

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

(e) When a parent has complied with a case plan ordered under subdivision 6 and the child is in the care of the parent, the court may order the responsible social services agency to monitor the parent's continued ability to maintain the child safely in the home under such terms and conditions as the court determines appropriate under the circumstances.

Sec. 15. Minnesota Statutes 2000, section 260C.201, subdivision 2, is amended to read:

Subd. 2. [WRITTEN FINDINGS.] (a) Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition and case plan ordered and shall also set forth in writing the following information:

~~(a)~~ (1) Why the best interests and safety of the child are served by the disposition and case plan ordered;

~~(b)~~ (2) What alternative dispositions or services under the case plan were considered by the court and why such dispositions or services were not appropriate in the instant case;

~~(c) How the court's disposition complies with the requirements of section 260C.193, subdivision 3~~ (3) When legal custody of the child is transferred, the appropriateness of the particular placement made or to be made by the placing agency using the factors in section 260C.212, subdivision 2, paragraph (b); and

~~(d)~~ (4) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal or that reasonable efforts were not required under section 260.012 or 260C.178, subdivision 1.

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

(c) If the child has been identified by the responsible social services agency as the subject of concurrent permanency planning, the court shall review the reasonable efforts of the agency to recruit, identify, and make a placement in a home where the foster parent or relative that has committed to being the legally permanent home for the child in the event reunification efforts are not successful.

Sec. 16. Minnesota Statutes 2000, section 260C.201, subdivision 5, is amended to read:

Subd. 5. [VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being. The court shall set reasonable rules for visitation for any relatives as defined in section ~~260C.193, subdivision 3~~ 260C.007, subdivision 14, and with siblings of the child, if visitation is consistent with the best interests of the child.

Sec. 17. Minnesota Statutes 2000, section 260C.201, subdivision 6, is amended to read:

Subd. 6. [CASE PLAN.] (a) For each disposition ordered where the child is placed away from a parent or guardian, the court shall order the appropriate responsible social services agency to prepare a written case out-of-home placement plan according to the requirements of section 260C.212, subdivision 1. ~~developed after consultation with any foster parents, and consultation with and participation by the child and the child's parent, guardian, or custodian, guardian ad litem, and tribal representative if the tribe has intervened. The case plan shall comply with the requirements of section 260C.212, where applicable. The case plan shall, among other matters, specify the actions to be taken by the child and the child's parent, guardian, foster parent, or custodian to ensure the child's safety and to comply with the court's disposition order, and the services to be offered and provided by the agency to the child and the child's parent, guardian, or custodian. The court shall review the case plan and, upon approving it, incorporate the plan into its disposition order. The court may review and modify the terms of the case plan in the manner provided in subdivision 2. For each disposition ordered, the written case plan shall specify what reasonable efforts shall be provided to the family. The case plan must include a discussion of:~~

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

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

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

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

~~(5) the visitation rights and obligations of the parent or other relatives, as defined in section 260C.193, subdivision 3, during any period when the child is placed outside the home;~~

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

~~(7) the need for continued monitoring of the child and family by the appropriate local social services agency once the family has completed all services required in the case plan.~~

(b) In cases where the child is not placed out of the home or is ordered into the home of a noncustodial parent, the responsible social services agency shall prepare a plan for delivery of social services to the child and custodial parent under section 626.556, subdivision 10, or any other case plan required to meet the needs of the child. The plan shall be designed to safely maintain the child in the home or to reunite the child with the custodial parent.

(c) The court may approve the case plan as presented or modify it after hearing from the parties. Once the plan is approved, the court shall order all parties to comply with it. A copy of the approved case plan shall be attached to the court's order and incorporated into it by reference.

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

Sec. 18. Minnesota Statutes 2000, section 260C.201, subdivision 7, is amended to read:

Subd. 7. [ORDER DURATION.] Subject to subdivisions 10 and 11, all orders under this section shall be for a specified length of time set by the court not to exceed one year. However, before the order has expired and upon its own motion or that of any interested party, the court shall, after notice to the parties and a hearing, renew the order for another year or make some other disposition of the case, until the individual is no longer a minor. Any person to whom responsible social services agency receiving legal custody is transferred of a child shall report to the court in writing at such periods as the court may direct and as required under juvenile court rules.

Sec. 19. Minnesota Statutes 2000, section 260C.201, subdivision 10, is amended to read:

Subd. 10. [COURT REVIEW OF OUT-OF-HOME PLACEMENTS.] (a) If the court places a child in a residential facility, as defined in section 260C.212, subdivision 1, the court shall review the out-of-home placement at least every six months as required in juvenile court rules to determine whether continued out-of-home placement is necessary and appropriate or whether the child should be returned home.

(b) No later than six months after the child's out-of-home placement, the court shall review agency efforts pursuant to section 260C.215, subdivision 1 260C.212, subdivision 2, and order that the efforts continue if the agency has failed to perform the duties under that section.

(c) The court shall review the ease out-of-home placement plan and may modify the ease plan as provided under subdivisions 6 and 7.

If (d) When the court orders continued out-of-home placement, the court shall notify the parents of the provisions of subdivision subdivisions 11 and 11a as required under juvenile court rules.

(b) When the court determines that a permanent placement hearing is necessary because there is a likelihood that the child will not return to a parent's care, the court may authorize the agency with custody of the child to send the notice provided in section 260C.212, subdivision 5, paragraph (b), or may modify the requirements of the agency under section 260C.212, subdivision 5, paragraph (b), or may completely relieve the responsible social services agency of the requirements of section 260C.212, subdivision 5, paragraph (b), when the child is placed with an appropriate relative who wishes to provide a permanent home for the child. The actions ordered by the court under this section must be consistent with the best interests, safety, and welfare of the child.

Sec. 20. Minnesota Statutes 2000, section 260C.201, subdivision 11, is amended to read:

Subd. 11. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) Except for cases where the child is in placement due solely to the child's status as developmentally delayed under United States Code, title 42, section 6001(7); developmental disability or emotionally handicapped under section 252.27 emotional disturbance, and where custody has not been transferred to the responsible social services agency, and the court finds compelling reasons under section 260C.007, subdivision 5a, the court shall conduct a hearing to determine the permanent status of a child not later than 12 months after the child

is placed out of the home of the parent, ~~except that if the child was under eight years of age at the time the petition was filed, the hearing must be conducted no later than six months after the child is placed out of the home of the parent.~~

For purposes of this subdivision, the date of the child's placement out of the home of the parent is the earlier of the first court-ordered placement or 60 days after the date on which the child has been voluntarily placed out of the home.

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

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

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

(b) Unless the responsible social services agency recommends return of the child to the custodial parent or parents, not later than 30 days prior to this hearing, the responsible social services agency shall file pleadings in juvenile court to establish the basis for the juvenile court to order permanent placement of the child according to paragraph (d). Notice of the hearing and copies of the pleadings must be provided pursuant to section 260C.152. If a termination of parental rights petition is filed before the date required for the permanency planning determination and there is a trial under section 260C.163 scheduled on that petition within 90 days of the filing of the petition, no hearing need be conducted under this subdivision.

(c) At the conclusion of the hearing, the court shall order the child returned home to the care of the parent or guardian from whom the child was removed or order a permanent placement in the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated. Transfer of permanent legal and physical custody, termination of parental rights, or guardianship and legal custody to the commissioner through a consent to adopt are preferred permanency options for a child who cannot return home.

(d) At a hearing under this subdivision, if the child was under eight years of age at the time the petition was filed alleging the child in need of protection or services, the court shall review the progress of the case and the case plan, including the provision of services. The court may order the local social services agency to show cause why it should not file a termination of parental rights petition. Cause may include, but is not limited to, the following conditions:

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

(2) grounds for termination under section 260C.301 do not exist; or

(3) the permanent plan for the child is transfer of permanent legal and physical custody to a relative. When the permanent plan for the child is transfer of permanent legal and physical custody to a relative, a petition supporting the plan shall be filed in juvenile court within 30 days of the hearing required under this subdivision and a hearing on the petition held within 30 days of the filing of the pleadings.

(e) (d) If the child is not returned to the home, the court must order one of the following dispositions:

(1) permanent legal and physical custody to a relative in the best interests of the child: according to the following conditions:

(i) an order for transfer of permanent legal and physical custody to a relative shall only be made after the court has reviewed the suitability of the prospective legal and physical custodian;

(ii) in transferring permanent legal and physical custody to a relative, the juvenile court shall follow the standards and procedures applicable under this chapter, ~~chapter chapters~~ 260, ~~or chapter~~ and 518-, and juvenile court rules;

(iii) an order establishing permanent legal ~~or~~ and physical custody under this subdivision must be filed with the family court-;

(iv) a transfer of legal and physical custody includes responsibility for the protection, education, care, and control of the child and decision making on behalf of the child-;

(v) the social services agency may petition on behalf of the proposed custodian; and

(vi) the juvenile court may maintain jurisdiction over the responsible social services agency, the parents or guardian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring appropriate services are delivered to the child and permanent legal custodian or for the purpose of ensuring conditions ordered by the court related to the care and custody of the child are met;

(2) termination of parental rights; according to the following conditions:

(i) unless the social services agency has already filed a petition for termination of parental rights under section 260C.307, the court may order such a petition filed and all the requirements of sections 260C.301 to 260C.328 remain applicable-; and

(ii) an adoption completed subsequent to a determination under this subdivision may include an agreement for communication or contact under section 259.58; ~~or~~

(3) long-term foster care; ~~transfer of legal custody and adoption are preferred permanency options for a child who cannot return home.~~ according to the following conditions:

(i) the court may order a child into long-term foster care only if it finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights ~~nor adoption~~ is in the child's best interests-; and

(ii) further, the court may only order long-term foster care for the child under this section if it finds the following:

(i) ~~(A)~~ (A) the child has reached age ~~12~~ 14 and reasonable efforts by the responsible social services agency have failed to locate an adoptive family for the child; or

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

(4) foster care for a specified period of time according to the following conditions:

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

(i) ~~(A)~~ (A) the sole basis for an adjudication that the child is in need of protection or services is the child's behavior; ~~and~~

(ii) ~~(B)~~ (B) the court finds that foster care for a specified period of time is in the best interests of the child-; and

(C) the court finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests;

(ii) the order does not specify that the child continue in foster care for any period exceeding one year; or

(5) guardianship and legal custody to the commissioner of human services under the following procedures and conditions:

(i) there is an identified prospective adoptive home that has agreed to adopt the child and the court accepts the parent's voluntary consent to adopt under chapter 259.24;

(ii) if the court accepts a consent to adopt in lieu of ordering one of the other enumerated permanency dispositions, the court must review the matter at least every 90 days. The review will address the reasonable efforts of the agency to achieve a finalized adoption;

(iii) a consent to adopt under this clause vests all legal authority regarding the child, including guardianship and legal custody of the child, with the commissioner of human services as if the child were a state ward after termination of parental rights;

(iv) the court must forward a copy of the consent to adopt, together with a certified copy of the order transferring guardianship and legal custody to the commissioner, to the commissioner; and

(v) if an adoption is not finalized by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under this clause, the commissioner of human services or the commissioner's delegate, shall pursue adoptive placement in another home unless the commissioner certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.

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

(g) (f) Once a permanent placement determination has been made and permanent placement has been established, further court reviews and dispositional hearings are only necessary if:

(1) the placement is made under paragraph (e), clause (4), review is otherwise required by federal law; long-term foster care or foster care for a specified period of time;

(2) an adoption has not yet been finalized; or

(3) there is a disruption of the permanent or long-term placement.

(g) Court reviews of an order for long-term foster care, whether under this section or section 260C.317, subdivision 3, paragraph (d), or foster care for a specified period of time must be conducted at least yearly and must review the child's out-of-home placement plan and the reasonable efforts of the agency to:

(1) identify a specific long-term foster home for the child or a specific foster home for the time the child is specified to be out of the care of the parent, if one has not already been identified;

(2) support continued placement of the child in the identified home, if one has been identified;

(3) ensure appropriate services are provided to the child during the period of long-term foster care or foster care for a specified period of time;

(4) plan for the child's independence upon the child's leaving long-term foster care living as required under section 260C.212, subdivision 1; and

(5) where placement is for a specified period of time, a plan for the safe return of the child to the care of the parent.

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

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

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

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

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

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

(j) The court shall issue an order required under this section within 15 days of the close of the proceedings. The court may extend issuing the order an additional 15 days when necessary in the interests of justice and the best interests of the child.

Sec. 21. Minnesota Statutes 2000, section 260C.201, is amended by adding a subdivision to read:

Subd. 11a. [PERMANENCY REVIEW FOR CHILDREN UNDER EIGHT.] (a) [HEARING TO REVIEW PROGRESS OF THE CASE.] If the child was under eight years of age at the time the petition was filed alleging the child was in need of protection or services, and the child continues in placement out of the home of the parent or guardian from whom the child was removed, no later than six months after the child's placement, the court shall conduct a permanency hearing to review the progress of the case, the parent's progress on the out-of-home placement plan, and the provision of services.

(b) [COUNTY ATTORNEY AND RESPONSIBLE AGENCY'S DUTIES.] Based on its assessment of the parent's or guardian's progress on the out-of-home placement plan, the responsible social services agency must ask the county attorney to file a petition for termination of parental rights, a petition for transfer of permanent legal and physical custody to a relative, or the report required under juvenile court rules.

(c) [COURT'S FINDINGS.] (1) If the parent or guardian has maintained contact with the child, is complying with the court-ordered out-of-home placement plan, and the child would benefit from reunification with the parent, the court may either:

(i) return the child home, if the conditions which led to the out-of-home placement have been sufficiently mitigated that it is safe and in the child's best interests to return home; or

(ii) continue the matter up to a total of six additional months. If the child has not returned home by the end of the additional six months, the court must conduct a hearing according to subdivision 11.

(2) If the court determines that the parent or guardian is not complying with the out-of-home placement plan or is not maintaining regular contact with the child as outlined in the visitation plan required as part of the out-of-home placement plan under section 260C.212, the court may order the responsible social services agency to develop a plan for permanent placement of the child away from the parent and to file a petition to support an order for the permanent placement plan.

(d) [RESPONSIBLE AGENCY'S OR COUNTY ATTORNEY'S DUTIES.] Following the review under paragraphs (b) and (c): (1) if the court has either returned the child home or continued the matter up to a total of six additional months, the agency shall continue to provide services to support the child's return home or to make reasonable efforts to achieve reunification of the child and the parent as ordered by the court under an approved case plan;

(2) if the court orders the agency to develop a plan for the transfer of permanent legal and physical custody of the child to a relative, a petition supporting the plan shall be filed in juvenile court within 30 days of the hearing required under this subdivision and a trial on the petition held within 30 days of the filing of the pleadings; or

(3) if the court orders the agency to file a termination of parental rights, unless the county attorney can show cause why a termination of parental rights petition should not be filed, a petition for termination of parental rights shall be filed in juvenile court within 30 days of the hearing required under this subdivision and a trial on the petition held within 90 days of the filing of the petition.

Sec. 22. Minnesota Statutes 2000, section 260C.205, is amended to read:

260C.205 [DISPOSITIONS; VOLUNTARY FOSTER CARE PLACEMENTS.]

Unless the court disposes of the petition under section 260C.141, subdivision 2, upon a petition for review of the foster care status of a child, the court may:

(a) Find that the child's needs are not being met, in which case the court shall order the social services agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social services agency of services to the parents which would enable the child to live at home, and order a disposition under section 260C.201.

(b) Find that the child has been abandoned by parents financially or emotionally, or that the developmentally disabled child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social services agency to file an appropriate petition pursuant to section 260C.141, subdivision 1, or 260C.307.

(c) When a child is in placement due solely to the child's developmental disability or emotional disturbance and the court finds that there are compelling reasons which permit the court to approve the continued voluntary placement of the child and retain jurisdiction to conduct reviews as required under section 260C.141, subdivision 2, the court shall give the parent notice of the review requirements of section 260C.141, subdivision 2, in the event the child continues in placement 12 months or longer.

Nothing in this section shall be construed to prohibit bringing a petition pursuant to section 260C.141, subdivision 1 or 4, sooner than required by court order pursuant to this section.

Sec. 23. Minnesota Statutes 2000, section 260C.212, subdivision 1, is amended to read:

Subdivision 1. [OUT-OF-HOME PLACEMENT; PLAN.] (a) ~~A case~~ An out-of-home placement plan shall be prepared within 30 days after any child is placed in a residential facility by court order or by the voluntary release of the child by the parent or parents.

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services or foster care as defined in section 260C.007, subdivision 9.

(b) ~~When a child is in placement, the responsible local social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child. If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child, the local social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the local social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.~~

(c) ~~If, after assessment, the local social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall prepare a case plan addressing the conditions that each parent must mitigate before the child could be in that parent's day-to-day care.~~

(d) ~~If, after the provision of services following a case plan under this section and ordered by the juvenile court, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under this chapter.~~

The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260B.141 or 260C.141.

(e) ~~For the purposes of this section, a case An out-of-home placement plan means a written document which is ordered by the court or which is prepared by the responsible social services agency responsible for the residential facility placement and is jointly with the parent or parents or guardian of the child and in consultation with the child's guardian ad litem, the child's tribe, if the child is an Indian child, the child's foster parent or representative of the residential facility, and, where appropriate, the child. As appropriate, the plan shall be:~~

(1) submitted to the court for approval under section 260C.178, subdivision 7;

(2) ordered by the court, either as presented or modified after hearing, under section 260C.178, subdivision 7, or 260C.201, subdivision 6; and

(3) signed by the parent or parents; or other custodian; guardian of the child, the child's legal guardian ad litem, a representative of the child's tribe, the responsible social services agency responsible for the residential facility placement, and, if possible, the child.

(c) ~~The document out-of-home placement plan shall be explained to all persons involved in its implementation, including the child who has signed the document plan, and shall set forth:~~

(1) a description of the residential facility including how the out-of-home placement plan is designed to achieve a safe placement for the child in the least restrictive, most family-like, setting available which is in close proximity to the home of the parent or parents or guardian of the child when the case plan goal is reunification, and how the placement is consistent with the best interests and special needs of the child according to the factors under subdivision 2, paragraph (b);

(2) the specific reasons for the placement of the child in a residential facility, including and when reunification is the plan, a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from home and the changes the parent or parents must make in order for the child to safely return home;

(2) (3) a description of the services offered and provided to prevent removal of the child from the home and to reunify the family including:

(i) the specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1) (2), and the time period during which the actions are to be taken; and

(ii) the reasonable efforts, or in the case of an Indian child, active efforts to be made to achieve a safe and stable home for the child including social and other supportive services to be provided or offered to the parent or parents or guardian of the child, the child, and the residential facility during the period the child is in the residential facility;

~~(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the residential facility;~~

~~(4) a description of any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the date of the child's placement in the residential facility, and whether those services or resources were provided and, if not, the basis for the denial of the services or resources;~~

~~(5) the visitation rights and obligations of plan for the parent or parents or guardian, other relatives as defined in section 260C.193 260C.007, subdivision 14, and siblings of the child if the siblings are not placed together in the residential facility, if such and whether visitation is consistent with the best interest of the child, during the period the child is in the residential facility;~~

~~(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the residential facility during the period the child is in the residential facility;~~

~~(6) the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;~~

~~(7) the nature of the effort to be made by the social services agency responsible for the placement to reunite the family;~~

~~(8) notice to the parent or parents:~~

~~(i) that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260; and~~

~~(ii) in cases where the agency has determined that both reasonable efforts to reunify the child with the parents, and reasonable efforts to place the child in a permanent home away from the parent that may become legally permanent are appropriate, notice of:~~

~~(A) time limits on the length of placement and of reunification services;~~

~~(B) the nature of the services available to the parent;~~

~~(C) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;~~

~~(D) the first consideration for relative placement; and~~

~~(E) the benefit to the child in getting the child out of residential care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;~~

~~(9) a permanency hearing under section 260C.201, subdivision 11, or a termination of parental rights hearing under sections 260C.301 to 260C.328, where the agency asks the court to find that the child should be permanently placed away from the parent and includes documentation of the steps taken by the responsible social services agency~~

to find an adoptive family or other permanent legal placement for the child, to place the child with an adoptive family, a fit and willing relative through an award of permanent legal and physical custody, or in another planned and permanent legal placement. The documentation must include child-specific recruitment efforts; and

~~(f)~~ (6) documentation of steps to finalize the adoption or legal guardianship of the child if the court has issued an order terminating the rights of both parents of the child or of the only known, living parent of the child, documentation of steps to finalize the adoption or legal guardianship of the child; and a copy of this documentation shall be provided to the court in the review required under section 260C.317, subdivision 3, paragraph (b);

(7) to the extent available and accessible, the health and educational records of the child including:

(i) the names and addresses of the child's health and educational providers;

(ii) the child's grade level performance;

(iii) the child's school record;

(iv) assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement;

(v) a record of the child's immunizations;

(vi) the child's known medical problems;

(vii) the child's medications; and

(viii) any other relevant health and education information; and

(8) an independent living plan for a child age 16 or older who is in placement as a result of a permanency disposition. The plan should include, but not be limited to, the following objectives:

(i) educational, vocational, or employment planning;

(ii) health care planning and medical coverage;

(iii) transportation including, where appropriate, assisting the child in obtaining a driver's license;

(iv) money management;

(v) planning for housing;

(vi) social and recreational skills; and

(vii) establishing and maintaining connections with the child's family and community.

~~(f)~~ (d) The parent or parents or guardian and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or the child's legal guardian. The parent or parents may also receive assistance from any person or social services agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved or approved or ordered by the court, the foster parents shall be fully informed of the provisions of the case plan and shall be provided a copy of the plan.

~~(g) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had such an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has the examination within 30 days of coming into the agency's care and once a year in subsequent years.~~

Sec. 24. Minnesota Statutes 2000, section 260C.212, subdivision 2, is amended to read:

Subd. 2. [PLACEMENT DECISIONS BASED ON BEST INTEREST OF THE CHILD.] (a) The policy of the state of Minnesota is to ensure that the child's best interests are met by requiring an individualized determination of the needs of the child and of how the selected placement will serve the needs of the child being placed. The authorized child-placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a family foster home selected by considering placement with relatives and important friends ~~consistent with section 260C.193, subdivision 3:~~ in the following order: (1) with an individual who is related to the child by blood, marriage, or adoption; or (2) with an individual who is an important friend with whom the child has resided or had significant contact.

~~(b) Among the factors the agency shall consider in determining the needs of the child are those specified under section 260C.193, subdivision 3, paragraph (b) the following:~~

- (1) the child's current functioning and behaviors;
- (2) the medical, educational, and developmental needs of the child;
- (3) the child's history and past experience;
- (4) the child's religious and cultural needs;
- (5) the child's connection with a community, school, and church;
- (6) the child's interests and talents;
- (7) the child's relationship to current caretakers, parents, siblings, and relatives; and
- (8) the reasonable preference of the child, if the court, or the child-placing agency in the case of a voluntary placement, deems the child to be of sufficient age to express preferences.

~~(c) Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child.~~

~~(d) Siblings should be placed together for foster care and adoption at the earliest possible time unless it is determined not to be in the best interests of a sibling or unless it is not possible after appropriate efforts by the responsible social services agency.~~

Sec. 25. Minnesota Statutes 2000, section 260C.212, subdivision 4, is amended to read:

Subd. 4. [~~NOTICE BEFORE VOLUNTARY PLACEMENT~~ RESPONSIBLE SOCIAL SERVICE AGENCY'S DUTIES FOR CHILDREN IN PLACEMENT.] (a) When a child is in placement, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

(1) If a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

(2) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care.

(3) If, after the provision of services following an out-of-home placement plan under this section, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

(4) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

(b) The responsible social services agency shall give notice to the parent or parents or guardian of each child in a residential facility, other than a child in placement due solely to that child's developmental disability or emotional disturbance, of the following information:

(1) that residential care of the child may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under chapter 260C and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

(3) the nature of the services available to the parent;

(4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;

(5) the first consideration for placement with relatives;

(6) the benefit to the child in getting the child out of residential care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;

(7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and

(8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in the residential facility.

(c) The ~~local~~ responsible social services agency shall inform a parent considering voluntary placement of a child who is not developmentally disabled or emotionally ~~handicapped~~ disturbed of the following information:

(1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;

(2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;

(3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;

(4) if the ~~local~~ responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and

(5) the timelines and procedures for review of voluntary placements under subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under section 260C.201, subdivision 11.

(d) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years.

Sec. 26. Minnesota Statutes 2000, section 260C.212, subdivision 5, is amended to read:

Subd. 5. [RELATIVE SEARCH; NATURE.] (a) In implementing the requirement that the responsible social services agency must consider placement with a relative under subdivision 2 as soon as possible, but in any event within six months after a child is initially placed in a residential facility after identifying the need for placement of the child in foster care, the ~~local~~ responsible social services agency shall identify ~~any~~ relatives of the child and notify them of the need for a foster care home for the child and of the possibility of the need for a permanent out-of-home placement of the child. The relative search required by this section shall be reasonable in scope and may last up to six months or until a fit and willing relative is identified. Relatives should ~~also~~ be notified that a decision not to be a placement resource at the beginning of the case may affect the relative being considered for placement of the child with that relative later. The relatives must be notified that they must keep the ~~local~~ responsible social services agency informed of their current address in order to receive notice that a permanent placement is being sought for the child. A relative who fails to provide a current address to the ~~local~~ responsible social services agency forfeits the right to notice of the possibility of permanent placement. ~~If the child's parent refuses to give the responsible social services agency information sufficient to identify relatives of the child, the agency shall determine whether the parent's refusal is in the child's best interests. If the agency determines the parent's refusal is not in the child's best interests, the agency shall file a petition under section 260B.141 or 260C.141, and shall ask the juvenile court to order the parent to provide the necessary information.~~

(b) A responsible social services agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate possible placement with relatives. If the child's parent refuses to give the responsible social services agency information sufficient to identify relatives of the child, the agency shall determine whether the parent's refusal is in the child's best interests. If the agency determines the parent's refusal is not in the child's best interests, the agency shall file a petition under section 260C.141, and shall ask the juvenile court to order the parent to provide the necessary information. If a parent makes an explicit request that relatives or a specific relative not

be contacted or considered for placement, the agency shall bring the parent's request to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact relatives or a specific relative unless authorized to do so by the juvenile court.

(c) When the placing agency determines that a permanent placement hearing is necessary because there is a likelihood that the child will not return to a parent's care, the agency may send the notice provided in paragraph (d), or may ask the court to modify the requirements of the agency under this paragraph, or may ask the court to completely relieve the agency of the requirements of this paragraph. The relative notification requirements of this paragraph do not apply when the child is placed with an appropriate relative or a foster home that has committed to being the permanent legal placement for the child and the agency approves of that foster home for permanent placement of the child. The actions ordered by the court under this section must be consistent with the best interests, safety, and welfare of the child.

~~(d) Unless required under the Indian Child Welfare Act or relieved of this duty by the court because the child is placed with an appropriate relative who wishes to provide a permanent home for the child or the child is placed with a foster home that has committed to being the permanent legal placement for the child and the responsible social services agency approves of that foster home for permanent placement of the child, under paragraph (c), when the agency determines that it is necessary to prepare for the permanent placement determination hearing, or in anticipation of filing a termination of parental rights petition, the agency shall send notice to the relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement. This notice need not be sent if the child is placed with an appropriate relative who wishes to provide a permanent home for the child.~~

Sec. 27. Minnesota Statutes 2000, section 260C.212, subdivision 7, is amended to read:

Subd. 7. [~~SIX-MONTH ADMINISTRATIVE OR COURT REVIEW OF PLACEMENTS.~~] (a) There shall be an administrative review of the case out-of-home placement plan of each child placed in a residential facility no later than 180 days after the initial placement of the child in a residential facility and at least every six months thereafter if the child is not returned to the home of the parent or parents within that time. The case out-of-home placement plan must be monitored and updated at each administrative review. As an alternative to the administrative review, the social services agency responsible for the placement may bring a petition as provided in section 260C.141, subdivision 2, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court in order for a court determination to be made regarding the best interests of the child within the applicable six months and is not in lieu of the requirements contained in subdivision 3 or 4. A court review conducted pursuant to section 260C.201, subdivision 11, or section 260C.141, subdivision 2, shall satisfy the requirement for an administrative review so long as the other requirements of this section are met.

(b) At the review required under paragraph (a), the reviewing administrative body or the court shall review:

(1) the safety of the child;

(2) the continuing necessity for and appropriateness of the placement;

(3) the extent of compliance with the out-of-home placement plan;

(4) where appropriate, the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in a residential facility;

(5) where appropriate, the projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent or parents or guardian; and

(6) the appropriateness of the services provided to the child.

Sec. 28. Minnesota Statutes 2000, section 260C.212, subdivision 8, is amended to read:

Subd. 8. [REVIEW OF VOLUNTARY PLACEMENTS.] Except ~~as provided in subdivision 4~~ for a child in placement due solely to the child's developmental disability or emotional disturbance, if the child has been placed in a residential facility pursuant to a voluntary release by the parent or parents, and is not returned home within 90 days after initial placement in the residential facility, the social services agency responsible for the placement shall:

(1) return the child to the home of the parent or parents; or

(2) file a petition according to section ~~260B.141, subdivision 1~~, or 260C.141, subdivision 1 or 2, which may:

(i) ask the court to review the placement and approve it for up to an additional 90 days;

(ii) ask the court to order continued out-of-home placement according to sections ~~260B.178~~, 260C.178; and 260C.201; or

(iii) ask the court to terminate parental rights under section 260C.301.

The ~~case~~ out-of-home placement plan must be updated ~~when a petition is filed and must include a specific plan for permanency, which may include a time line for returning the child home or a plan for permanent placement of the child away from the parent, or both and filed along with the petition.~~

If the court approves continued out-of-home placement for up to 90 more days, at the end of the court-approved 90-day period, the child must be returned to the parent's home. If the child is not returned home, the responsible social services agency must proceed on the petition filed alleging the child in need of protection or services or the petition for termination of parental rights or other permanent placement of the child away from the parent. The court must find a statutory basis to order the placement of the child under section ~~260B.178~~, 260C.178; 260C.201; or 260C.317.

Sec. 29. Minnesota Statutes 2000, section 260C.212, subdivision 9, is amended to read:

Subd. 9. [REVIEW OF ~~DEVELOPMENTALLY DISABLED AND EMOTIONALLY HANDICAPPED CERTAIN CHILD PLACEMENTS.~~] (a) If a developmentally disabled child, ~~as that term is defined in United States Code, title 42, section 6001(7), as amended through December 31, 1979~~, or a child diagnosed ~~with an emotional handicap as defined in section 252.27, subdivision 1a~~, as emotionally disturbed has been placed in a residential facility pursuant to a voluntary release by the child's parent or parents because of the child's handicapping conditions or need for long-term residential treatment or supervision, the social services agency responsible for the placement shall report to the court and bring a petition for review of the child's foster care status, pursuant to section 260C.141, subdivision 2, after the child has been in placement for six months as required in section 260C.141, subdivision 2, paragraph (b).

(b) If a child is in placement due solely to the child's ~~handicapping condition and developmental disability or emotional disturbance~~, and the court finds compelling reasons not to proceed under section 260C.201, subdivision 11, custody of the child is not transferred to the responsible social services agency under section 260C.201, subdivision 1, paragraph (a), clause (2), and no petition is required by section 260C.201, subdivision 11.

(c) Whenever a petition for review is brought pursuant to this subdivision, a guardian ad litem shall be appointed for the child.

Sec. 30. Minnesota Statutes 2000, section 260C.215, subdivision 6, is amended to read:

Subd. 6. [DUTIES OF CHILD-PLACING AGENCIES.] (a) Each authorized child-placing agency must:

(1) develop and follow procedures for implementing the requirements of section 260C.193, subdivision 3, and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923;

(2) have a written plan for recruiting adoptive and foster families that reflect the ethnic and racial diversity of children who are in need of foster and adoptive homes. The plan must include (i) strategies for using existing resources in diverse communities, (ii) use of diverse outreach staff wherever possible, (iii) use of diverse foster homes for placements after birth and before adoption, and (iv) other techniques as appropriate;

(3) have a written plan for training adoptive and foster families;

(4) have a written plan for employing staff in adoption and foster care who have the capacity to assess the foster and adoptive parents' ability to understand and validate a child's cultural needs, and to advance the best interests of the child. The plan must include staffing goals and objectives;

(5) ensure that adoption and foster care workers attend training offered or approved by the department of human services regarding cultural diversity and the needs of special needs children; and

(6) develop and implement procedures for implementing the requirements of the Indian Child Welfare Act and the Minnesota Indian Family Preservation Act.

~~(b) In implementing the requirement to consider relatives for placement, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate implementing the preference. If a parent makes an explicit request that the relative preference not be followed, the agency shall bring the matter to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact relatives unless ordered to do so by the juvenile court; and~~

~~(c) In determining the suitability of a proposed placement of an Indian child, the standards to be applied must be the prevailing social and cultural standards of the Indian child's community, and the agency shall defer to tribal judgment as to suitability of a particular home when the tribe has intervened pursuant to the Indian Child Welfare Act.~~

Sec. 31. Minnesota Statutes 2000, section 260C.301, subdivision 1, is amended to read:

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

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

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

(1) that the parent has abandoned the child;

(2) that the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and either reasonable efforts by the social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable;

(3) that a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth;

(4) that a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the parent's parental rights to one or more other children were involuntarily terminated;

(5) that following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months. In the case of a child under age eight at the time the petition was filed alleging the child to be in need of protection or services, the presumption arises when the child has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the ~~case~~ out-of-home placement plan;

(ii) the court has approved ~~a case~~ the out-of-home placement plan required under section 260C.212 and filed with the court under section 260C.178;

(iii) conditions leading to the out-of-home placement have not been corrected. It is presumed that conditions leading to a child's out-of-home placement have not been corrected upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan; and

(iv) reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year, or in the case of a child under age eight, ~~within~~ prior to six months after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(A) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(B) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(C) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(D) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(E) the parent continues to abuse chemicals.

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

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

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

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

In an action involving an American Indian child, sections 260.751 to 260.835 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 32. Minnesota Statutes 2000, section 260C.301, subdivision 4, is amended to read:

Subd. 4. [~~CURRENT FOSTER CARE CHILDREN.~~] Except for cases where the child is in placement due solely to the child's ~~status as developmentally delayed under United States Code, title 42, section 6001(7); developmental disability or emotionally handicapped under section 252.27, and emotional disturbance,~~ where custody has not been transferred to the responsible social services agency, and where the court finds compelling reasons to continue placement, the county attorney shall file a termination of parental rights petition or a petition to ~~support another permanent placement proceeding transfer permanent legal and physical custody to a relative~~ under section 260C.201, subdivision 11, for all children who are ~~placed in out-of-home care for reasons other than care or treatment of the child's disability, and who are in out-of-home placement on April 21, 1998, and~~ have been in out-of-home care for 15 of the most recent 22 months. This requirement does not apply if there is a compelling reason ~~documented in a case plan filed with~~ approved by the court for determining that filing a termination of parental rights petition or other permanency petition would not be in the best interests of the child or if the responsible social services agency has not provided reasonable efforts necessary for the safe return of the child, if reasonable efforts are required.

Sec. 33. Minnesota Statutes 2000, section 260C.301, subdivision 8, is amended to read:

Subd. 8. [~~FINDINGS REGARDING REASONABLE EFFORTS.~~] In any proceeding under this section, the court shall make specific findings:

(1) that reasonable efforts to prevent the placement and to reunify the child and the parent were made including individualized and explicit findings regarding the nature and extent of efforts made by the social services agency to rehabilitate the parent and reunite the family; or

(2) that reasonable efforts at reunification are not required as provided under section 260.012.

Sec. 34. Minnesota Statutes 2000, section 260C.312, is amended to read:

260C.312 [DISPOSITION; PARENTAL RIGHTS NOT TERMINATED.]

(a) If, after a hearing, the court does not terminate parental rights but determines that the child is in need of protection or services, or that the child is neglected and in foster care, the court may find the child is in need of protection or services or neglected and in foster care and may enter an order in accordance with the provisions of section 260C.201.

(b) When a child has been in placement 15 of the last 22 months after a trial on a termination of parental rights petition, if the court finds that the petition is not proven or that termination of parental rights is not in the child's best interests, the court must order the child returned to the care of the parent unless the court finds compelling reasons why the child should remain out of the care of the parent. If the court orders the child returned to the care of the parent, the court may order protective supervision or monitoring under section 260C.201.

Sec. 35. Minnesota Statutes 2000, section 260C.317, subdivision 3, is amended to read:

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

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

(c) If the child continues in foster care for 12 months after the court has issued the order terminating parental rights and at least every 12 months thereafter as long as the child continues in out-of-home placement, the court shall conduct a permanency review hearing to determine the future status of the child including, but not limited to, whether the child should be continued in out-of-home placement, should be placed for adoption, or should, because of the child's special needs and for compelling reasons, be ordered into long-term out-of-home placement according to the following conditions:

(1) the court may order a child into long-term foster care only if it finds compelling reasons that neither a transfer of guardianship and legal custody to a relative, nor adoption is in the child's best interests; and

(2) further, the court may only order long-term foster care for the child under this section if it finds the following: (i) the child has reached age 14 and reasonable efforts by the responsible social services agency have failed to locate an adoptive family for the child; or (ii) the child is a sibling of a child described in item (i) and the siblings have a significant positive relationship and are ordered into the same long-term foster care home.

(d) The court shall retain jurisdiction in a case where long-term foster care is the permanent disposition whether under paragraph (c) or section 260C.201, subdivision 11. The guardian ad litem and counsel for the child must be dismissed from the case on the effective date of the permanent placement order. However, the foster parent and the child, if of sufficient age, must be informed how they may contact a guardian ad litem if the matter is subsequently returned to court. All of the review requirements under section 260C.201, subdivision 11, paragraph (g), apply.

Sec. 36. Minnesota Statutes 2000, section 260C.325, subdivision 4, is amended to read:

Subd. 4. [GUARDIAN'S RESPONSIBILITIES.] (a) A guardian appointed under the provisions of this section has legal custody of a ward unless the court which appoints the guardian gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of the ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to this section, the commissioner of human services is appointed guardian, the commissioner may delegate to the ~~local~~ responsible social services agency of the county in which, after the appointment, the ward resides, the authority to act for the commissioner in decisions affecting the person of the ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of this section shall not of itself include the guardianship of the estate of the ward.

~~(d) If the ward is in foster care, the court shall, upon its own motion or that of the guardian, conduct a dispositional hearing within 18 months of the child's initial foster care placement and once every 12 months thereafter to determine the future status of the ward including, but not limited to, whether the child should be continued in foster care for a specified period, should be placed for adoption, or should, because of the child's special needs or circumstances, be continued in foster care on a long-term basis.~~

Sec. 37. [REPEALER.]

Minnesota Statutes 2000, sections 260C.325, subdivision 2; and 626.5565, are repealed.

Sec. 38. [INSTRUCTION TO REVISOR.]

(a) The revisor of statutes shall change the term "local social services agency" to "responsible social services agency" in Minnesota Statutes, chapter 260C.

(b) The revisor of statutes shall renumber definitions under section 260C.007 and change affected cross-references accordingly."

Delete the title and insert:

"A bill for an act relating to human services; changing child placement provisions; amending Minnesota Statutes 2000, sections 256.01, subdivision 2; 260C.007, subdivisions 4, 14, and by adding subdivisions; 260C.141, subdivision 2; 260C.151, subdivision 6; 260C.178, subdivisions 1 and 7; 260C.193, subdivision 3; 260C.201, subdivisions 1, 2, 5, 6, 7, 10, 11, and by adding a subdivision; 260C.205; 260C.212, subdivisions 1, 2, 4, 5, 7, 8, and 9; 260C.215, subdivision 6; 260C.301, subdivisions 1, 4, and 8; 260C.312; 260C.317, subdivision 3; and 260C.325, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 2000, sections 260C.325, subdivision 2; and 626.5565."

The motion prevailed and the amendment was adopted.

Tingelstad moved to amend S. F. No. 1394, as amended, as follows:

Page 67, after line 27, insert:

"Sec. 37. [UNIFORM PARENTAGE ACT STUDY AND REPORT.]

(a) The commissioner of human services shall appoint a task force to review the Uniform Parentage Act adopted by the Uniform Laws Commission in 2000 and to make recommendations to the legislature on whether Minnesota should enact all or part of the Uniform Parentage Act, whether portions of that act should be amended, and when it should be effective if it is enacted.

(b) The task force appointed under paragraph (a) should include, but is not limited to, persons representing:

(1) the department of human services;

(2) the department of health;

(3) adoption agencies;

(4) the Family Law and Children and the Law Sections of the Minnesota State Bar Association;

(5) the Juvenile Law Section of the Hennepin County Bar Association;

(6) genetic testing organizations;

(7) public defenders;

(8) county attorneys;

(9) legal service attorneys;

(10) judges;

(11) child support magistrates;

(12) children's advocates;

(13) communities of color;

(14) guardians ad litem;

(15) parent organizations;

(16) families involved in infertility treatment processes;

(17) persons who have been adopted;

(18) birth parents;

(19) adoptive families; and

(20) noncustodial parents.

(c) The task force must submit its report and recommendations to the chairs of the committees in the house of representatives and senate with jurisdiction over family and parentage issues by January 15, 2002. The task force expires on January 15, 2002.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1394, A bill for an act relating to human services; changing child placement provisions; modifying provisions governing child maltreatment investigations; classifying data and authorizing data sharing; amending Minnesota Statutes 2000, sections 13.319, by adding a subdivision; 13.32, subdivision 3; 13.43, by adding a subdivision; 13.46, subdivision 2; 119B.02, by adding a subdivision; 256.01, subdivision 2; 256.045, subdivision 3b; 260C.007, subdivisions 4, 14, and by adding subdivisions; 260C.141, subdivision 2; 260C.151, subdivision 6; 260C.178, subdivisions 1 and 7; 260C.193, subdivision 3; 260C.201, subdivisions 1, 2, 5, 6, 7, 10, 11, and by adding a subdivision; 260C.205; 260C.212, subdivisions 1, 2, 4, 5, 7, 8, and 9; 260C.215, subdivision 6; 260C.301,

subdivisions 1, 4, and 8; 260C.312; 260C.317, subdivision 3; and 260C.325, subdivision 4; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, 11; proposing coding for new law in Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 2000, sections 260C.325, subdivision 2; and 626.5565.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Howes	Lieder	Ozment	Stang
Abrams	Entenza	Huntley	Lindner	Paulsen	Swapinski
Anderson, B.	Erhardt	Jacobson	Lipman	Pawlenty	Swenson
Anderson, I.	Erickson	Jaros	Luther	Paymar	Sykora
Bakk	Evans	Jennings	Mahoney	Pelowski	Thompson
Bernardy	Finseth	Johnson, J.	Mares	Penas	Tingelstad
Biernat	Folliard	Johnson, R.	Marko	Peterson	Tuma
Boudreau	Fuller	Johnson, S.	Marquart	Pugh	Vandever
Bradley	Gerlach	Juhnke	McElroy	Rhodes	Wagenius
Buesgens	Gleason	Kahn	McGuire	Rifenberg	Walz
Carlson	Goodno	Kalis	Milbert	Rukavina	Wasiluk
Cassell	Goodwin	Kelliher	Molnau	Ruth	Wenzel
Clark, J.	Greiling	Kielkucki	Mulder	Schumacher	Westerberg
Clark, K.	Gunther	Knoblach	Mullery	Seagren	Westrom
Daggett	Haas	Koskinen	Murphy	Seifert	Wilkin
Davids	Hackbarth	Krinkie	Ness	Sertich	Winter
Davnie	Harder	Kubly	Nornes	Skoe	Wolf
Dehler	Hausman	Kuisle	Olson	Skoglund	Workman
Dempsey	Hilstrom	Larson	Opatz	Slawik	Spk. Sviggum
Dibble	Hilty	Leighton	Osskopp	Smith	
Dorman	Holberg	Lenczewski	Osthoff	Solberg	
Dorn	Holsten	Leppik	Otremba	Stanek	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1292 was reported to the House.

Goodno moved that H. F. No. 1292 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 1437, A bill for an act relating to local government; modifying the compensation limit for political subdivision employees; amending Minnesota Statutes 2000, sections 43A.17, subdivision 9; and 356.611, subdivision 1.

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 37 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Cassell	Dempsey	Greiling	Holberg	Jennings	Leppik
Davids	Dibble	Gunther	Huntley	Knoblach	Lieder
Dehler	Folliard	Harder	Jaros	Leighton	Mares

Mariani	Osskopp	Pugh	Thompson	Winter
McElroy	Osthoff	Rhodes	Tuma	Wolf
Molnau	Ozment	Solberg	Wagenius	Spk. Sviggum
Opatz	Paymar	Sykora	Wilkin	

Those who voted in the negative were:

Abeler	Dorman	Hausman	Kubly	Otremba	Smith
Abrams	Dorn	Hilstrom	Kuisle	Paulsen	Stanek
Anderson, B.	Eastlund	Hilty	Larson	Pawlenty	Stang
Anderson, I.	Entenza	Holsten	Lenczewski	Pelowski	Swapinski
Bakk	Erhardt	Howes	Lindner	Penas	Swenson
Bernardy	Erickson	Jacobson	Lipman	Peterson	Tingelstad
Biernat	Evans	Johnson, J.	Luther	Rifenberg	Vandever
Bishop	Finseth	Johnson, R.	Mahoney	Rukavina	Walz
Boudreau	Fuller	Johnson, S.	Marko	Ruth	Wasiluk
Bradley	Gerlach	Juhnke	Marquart	Schumacher	Wenzel
Buesgens	Gleason	Kahn	McGuire	Seagren	Westerberg
Carlson	Goodno	Kalis	Mulder	Seifert	Westrom
Clark, J.	Goodwin	Kelliher	Mullery	Sertich	Workman
Clark, K.	Gray	Kielkucki	Ness	Skoe	
Daggett	Haas	Koskinen	Nornes	Skoglund	
Davnie	Hackbarth	Krinkie	Olson	Slawik	

The bill was not passed.

S. F. No. 1441, A bill for an act relating to local government; providing a limited exemption for attendees at a conference or event; amending Minnesota Statutes 2000, section 471.895, subdivision 3.

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 114 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Haas	Juhnke	Mariani	Ozment
Anderson, B.	Dempsey	Hackbarth	Kahn	Marko	Paulsen
Anderson, I.	Dibble	Harder	Kalis	Marquart	Paymar
Bakk	Dorn	Hausman	Kelliher	McElroy	Pelowski
Bernardy	Entenza	Hilstrom	Kielkucki	McGuire	Penas
Biernat	Erhardt	Hilty	Knoblach	Milbert	Peterson
Boudreau	Erickson	Holberg	Koskinen	Molnau	Pugh
Bradley	Evans	Holsten	Krinkie	Mulder	Rhodes
Buesgens	Finseth	Howes	Leighton	Mullery	Rukavina
Carlson	Folliard	Huntley	Leppik	Murphy	Ruth
Cassell	Fuller	Jacobson	Lieder	Ness	Schumacher
Clark, J.	Gleason	Jaros	Lindner	Nornes	Seagren
Clark, K.	Goodno	Jennings	Lipman	Opatz	Sertich
Daggett	Goodwin	Johnson, J.	Luther	Osskopp	Skoe
Davids	Gray	Johnson, R.	Mahoney	Osthoff	Skoglund
Davnie	Gunther	Johnson, S.	Mares	Otremba	Slawik

Solberg	Swapinski	Tingelstad	Wasiluk	Westrom	Wolf
Stanek	Swenson	Tuma	Wenzel	Wilkin	Workman
Stang	Sykora	Walz	Westerberg	Winter	Spk. Sviggum

Those who voted in the negative were:

Abrams	Gerlach	Kuisle	Olson	Seifert	Vandever
Dorman	Greiling	Larson	Pawlenty	Smith	
Eastlund	Kubly	Lenczewski	Rifenberg	Thompson	

The bill was passed and its title agreed to.

H. F. No. 1973, A bill for an act relating to transportation; regulating state highways in municipalities; making conforming changes; amending Minnesota Statutes 2000, sections 160.85, subdivision 3; and 161.1245, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 2000, sections 161.17; 161.171; 161.172; 161.173; 161.174; 161.175; 161.176; 161.177; and 473.181, subdivision 1.

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 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Lenczewski	Osthoff	Stanek
Abrams	Eastlund	Holsten	Leppik	Otremba	Stang
Anderson, B.	Entenza	Howes	Lieder	Ozment	Swapinski
Anderson, I.	Erhardt	Huntley	Lindner	Paulsen	Swenson
Bakk	Erickson	Jacobson	Lipman	Pawlenty	Sykora
Bernardy	Evans	Jaros	Luther	Paymar	Thompson
Biernat	Finseth	Jennings	Mahoney	Pelowski	Tingelstad
Bishop	Folliard	Johnson, J.	Mares	Penas	Tuma
Boudreau	Fuller	Johnson, R.	Mariani	Peterson	Vandever
Bradley	Gerlach	Johnson, S.	Marko	Pugh	Wagenius
Buesgens	Gleason	Juhnke	Marquart	Rhodes	Walz
Carlson	Goodno	Kahn	McGuire	Rifenberg	Wasiluk
Cassell	Goodwin	Kalis	Milbert	Rukavina	Wenzel
Clark, J.	Gray	Kelliher	Molnau	Ruth	Westerberg
Clark, K.	Greiling	Kielkucki	Mulder	Schumacher	Westrom
Daggett	Gunther	Knoblach	Mullery	Seagren	Wilkin
Davids	Haas	Koskinen	Murphy	Seifert	Winter
Davnie	Hackbarth	Krinkie	Ness	Sertich	Wolf
Dehler	Harder	Kubly	Nornes	Skoe	Workman
Dempsey	Hausman	Kuisle	Olson	Slawik	Spk. Sviggum
Dibble	Hilstrom	Larson	Opatz	Smith	
Dorman	Hilty	Leighton	Osskopp	Solberg	

Those who voted in the negative were:

McElroy

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 1407, A bill for an act relating to health; modifying provisions for public health collaboration plans; modifying rural hospital programs eligibility; transferring certain enforcement authority related to the provision of funeral goods and services; repealing professional boxing regulation; amending Minnesota Statutes 2000, sections 62Q.075; 144.147, subdivision 1; 144.148, subdivision 1; 144.1483; 149A.01, by adding a subdivision; 149A.02, subdivision 14, by adding a subdivision; 149A.11; 149A.62; 149A.71, subdivision 4; 149A.97, subdivision 8; repealing Minnesota Statutes 2000, section 144.994; Laws 2000, chapter 488, article 2, section 26.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Lenczewski	Osskopp	Solberg
Abrams	Eastlund	Holsten	Leppik	Osthoff	Stanek
Anderson, B.	Entenza	Howes	Lieder	Otremba	Stang
Anderson, I.	Erhardt	Huntley	Lindner	Ozment	Swapinski
Bakk	Erickson	Jacobson	Lipman	Paulsen	Swenson
Bernardy	Evans	Jaros	Luther	Pawlenty	Sykora
Biernat	Finseth	Jennings	Mahoney	Paymar	Thompson
Bishop	Folliard	Johnson, J.	Mares	Pelowski	Tingelstad
Boudreau	Fuller	Johnson, R.	Mariani	Penas	Tuma
Bradley	Gerlach	Johnson, S.	Marko	Peterson	Vandever
Buesgens	Gleason	Juhnke	Marquart	Pugh	Wagenius
Carlson	Goodno	Kahn	McElroy	Rhodes	Walz
Cassell	Goodwin	Kalis	McGuire	Rifenberg	Wasiluk
Clark, J.	Gray	Kelliher	Milbert	Rukavina	Wenzel
Clark, K.	Greiling	Kielkucki	Molnau	Ruth	Westerberg
Daggett	Gunther	Knoblach	Mulder	Schumacher	Westrom
Davids	Haas	Koskinen	Mullery	Seagren	Wilkin
Davnie	Hackbarth	Krinkie	Murphy	Seifert	Winter
Dehler	Harder	Kubly	Ness	Sertich	Wolf
Dempsey	Hausman	Kuisle	Nornes	Skoe	Workman
Dibble	Hilstrom	Larson	Olson	Slawik	Spk. Sviggum
Dorman	Hilty	Leighton	Opatz	Smith	

The bill was passed and its title agreed to.

S. F. No. 103 was reported to the House.

Stang moved to amend S. F. No. 103 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2000, section 332.50, is amended to read:

332.50 [~~CIVIL LIABILITY FOR~~ ISSUANCE OF WORTHLESS CHECK.]

Subdivision 1. [DEFINITIONS.] (a) The definitions provided in this subdivision apply to this section.

(b) "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

(c) "Credit" means an arrangement or understanding with the drawee for the payment of the check.

(d) "Dishonor" has the meaning given in section 336.3-502, but does not include dishonor due to a stop payment order requested by an issuer who has a good faith defense to payment on the check. "Dishonor" does include a stop payment order requested by an issuer if the account did not have sufficient funds for payment of the check at the time of presentment, except for stop payment orders on a check found to be stolen.

(e) "Payee" or "holder" includes an agent of the payee or holder.

Subd. 2. [ACTS CONSTITUTING.] Whoever issues any check that is dishonored is liable for the following penalties charges:

(a) A service charge of up to \$20, or actual costs of collection not to exceed \$30, may be imposed immediately on any dishonored check by the payee or holder of the check, regardless of mailing a notice of dishonor, if notice of the service charge was conspicuously displayed on the premises when the check was issued. ~~If a law enforcement agency obtains payment of a dishonored check, a service charge not to exceed \$25 may be imposed if the service charge is retained by the law enforcement agency for its expenses.~~ Only one service charge may be imposed under this paragraph for each dishonored check. The displayed notice must also include a provision notifying the issuer of the check that additional charges may be imposed for nonpayment.

(b) The payee or holder of a dishonored check may impose additional charges as described in this subdivision against the issuer of a dishonored check if the payee or holder mails the issuer a notice of dishonor, notifying the issuer that the face value of the check and the service charge must be paid within 30 days after the date of mailing. If the issuer fails to remit payment of the check amount and the \$30 service charge within 30 days after the date of the mailing of the notice, the payee or holder must, if the payee or holder wishes to assess the additional charges permitted by this subdivision, send a second notice, entitled notice of failure to pay. That notice must inform the issuer that the payee or holder has not received the payment of the original face amount of the dishonored check and the \$30 service charge as demanded in the notice of dishonor. The notice of failure to pay must inform the issuer that failure to remit payment as demanded within ten days of the mailing of the notice of failure to pay will permit the payee or holder to immediately impose an additional charge of \$75 or the face value of the check, whichever is greater; interest charges from the date of dishonor; and reasonable attorney fees as applicable under clause (3). If the amount of the dishonored check is and the service charge of \$30 are not paid within 30 ten days after the payee or holder has mailed notice of dishonor pursuant to section 609.535 and a description of the penalties contained in this subdivision the notice of failure to pay, whoever issued the dishonored check is liable to the payee or holder of the check for:

(1) the amount of the check, the service charge as provided in paragraph (a), plus a civil penalty of up to \$100 and an additional charge of \$75 or the value of the check, whichever is greater. ~~The civil penalty may not be imposed until 30 days following the mailing of the notice of dishonor. A payee or holder of the check may make a written demand for payment of the civil liability by sending a copy of this section and a description of the liability contained in this section to the issuer's last known address. Notice as provided in paragraph (a) must also include notification that additional civil penalties will be imposed for dishonored checks for nonpayment after 30 days;~~

(2) interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor; and

(3) reasonable attorney fees if the aggregate amount of dishonored checks issued by the issuer to all payees within a six-month period is over \$1,250.

(c) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed the charges in paragraph (a) or terms or conditions for imposing the charges which have been agreed to by the parties in an express contract.

(d) A sight draft may not be used as a means of collecting the ~~civil penalties provided in this section~~ additional charges as described in paragraph (b) without prior consent of the issuer.

(e) The issuer of a dishonored check is not liable for the ~~penalties described~~ charges permitted in paragraph (b), clauses (1), (2), and (3), if a pretrial diversion program under section 628.69 has been established in the jurisdiction where the dishonored check was issued, the issuer was accepted into the program, and the issuer successfully completes the program.

(f) If the issuer's account had insufficient funds because a paycheck, maintenance check, or child support check that was legally owed, paid to, and deposited by the issuer in good faith was dishonored, the issuer can submit an affidavit to the payee or holder to extend the time permitted to pay the dishonored check and the service charge before the additional charge in paragraph (b) will be imposed. The affidavit must be sent to the payee or holder before the 30 days provided in the Notice of Dishonor have expired. The affidavit must state that under penalty of perjury the sole reason that there were insufficient funds in the issuer's account was because:

(1) a paycheck, maintenance check, or child support check paid to the issuer and deposited in good faith in the account was dishonored on or before the time the dishonored check was presented for payment; and

(2) at the time the dishonored check was written, the issuer did not have notice that the paycheck, maintenance check, or child support check deposited in the account was dishonored.

The issuer must also provide the payee or holder with proof of the name of the person or entity who issued the dishonored paycheck, maintenance check, or child support check, the date the check was deposited, the date it was dishonored, and the check amount.

The payee or holder shall then give the issuer an additional 30 days beyond the initial 30 days given in the Notice of Dishonor to submit full payment for value of the check and the service charge before the additional charge in paragraph (b) will be imposed. If after the additional 30 days, the issuer fails to submit full payment for the check and service charge, the payee or holder shall send the Notice of Failure to pay, giving the issuer ten additional days before the issuer shall be liable for the additional charge of \$75 per dishonored check or the value of the check, whichever is greater.

Subd. 3. [~~NOTICE OF DISHONOR REQUIRED MAILING AND FORM OF NOTICE REQUIREMENTS FOR NOTICE OF DISHONOR AND NOTICE OF FAILURE TO PAY.~~] (a) ~~Notice of nonpayment or dishonor and notice of failure to pay that includes include~~ a citation to this section and section 609.535, and a description of the penalties contained in these sections, shall be sent by the payee or holder of the check to the drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed or written on the check. shall be substantially in the form provided in paragraphs (d) and (e), respectively. The notices shall be mailed by the payee or holder of the check to the issuer by certified mail, return receipt requested, or by regular mail, supported by proof of mailing, to the address printed or written on the check, or to the issuer's last known address. The proof of mailing shall be prepared and provided, at no charge, to the issuer of the dishonored check upon written request by the issuer to the sender of the notice.

(b) The issuance of a check with an address printed or written on it is a representation by the ~~drawer issuer~~ that the address is the correct address for receipt of mail concerning the check. Failure of the ~~drawer issuer~~ to receive a regular or certified mail notice sent to that address is not a defense to liability under this section, if the ~~drawer issuer~~ has had actual notice for 30 days that the check has been dishonored.

An affidavit of service by Proof of mailing shall be retained by the payee or holder of the check.

(c) All forms must be clearly legible and printed in not less than the equivalent of 10-point type. A form that uses both sides of a sheet must clearly indicate on the front side that there is additional information on the back side of the sheet.

(d) The Notice of Dishonor must be in substantially the following form and mailed as required in this section. All forms must be clearly legible and printed in not less than the equivalent of 10-point type. A form that uses both sides of a sheet must clearly indicate on the front side that there is additional information on the back side of the sheet.

First Notice
Notice of Dishonored Check

Date:
Name of issuer:
Street Address:
City and State:
Total Now Due:

You are, according to law, hereby notified that the checks listed below have been dishonored and returned unpaid by your financial institution. Under Minnesota law, unless the checks are paid in full within five business days after mailing of this notice, the payee or holder of the checks will or may refer the matter to proper authorities for prosecution under Minnesota Statutes, section 609.535, subdivision 3.

A service charge of \$30 per check has been imposed under Minnesota Statutes, section 332.50. If the dishonored checks plus the service charges are not paid within 30 days after the mailing of this notice, the payee or holder of the check may send you a notice of failure to pay notifying you that you will be liable to pay an additional service charge in the amount of \$75 per check or the face value of the check, whichever is greater. The additional charges will be imposed if payment of the face amount of the checks plus the service charges are not paid within ten days of the mailing of the notice of failure to pay.

Check No. Check Date Payee Check Amt. Service Chg.
.....

Payment is to be sent to the following name and address:

Payee or Holder:
Mailing Address:
.....
Telephone Number: (.....)

If your account had insufficient funds because a paycheck, maintenance check, or child support check that was legally owed to you, paid to you, and deposited in your account was dishonored, you can submit an affidavit to the payee or holder to extend the time permitted to pay the dishonored check and the service charge by an additional 30 days beyond the initial 30 days given in the Notice of Dishonor before the additional charge of \$75 or the value of the check, whichever is greater, will be imposed. You must send the affidavit before the 30 days provided in the Notice of Dishonor have expired. The affidavit must state under penalty of perjury that:

(1) the sole reason your account had insufficient funds was because a paycheck, maintenance check, or child support check paid to you and deposited in good faith in your account was dishonored on or before the time you wrote the dishonored check; and

(2) at the time you wrote the dishonored check, you did not have notice that the paycheck, maintenance check, or child support check deposited in your account was dishonored.

You must also provide the payee or holder with proof of the name of the person or entity who issued you the dishonored check, the date that check was deposited in your account, and the amount of that check.

(e) The Notice of Failure to Pay must be in substantially the following form and mailed as required in this section. All forms must be clearly legible and printed in not less than the equivalent of 10-point type. A form that uses both sides of a sheet must clearly indicate on the front side that there is additional information on the back side of the sheet.

Second Notice
Notice of Failure to Pay

Date:
Name of Issuer:
Street Address:
City and State:
Total Now Due:
Total Due After Ten Days:

You are, according to law, hereby notified that the checks and service charges listed below continue to remain unpaid. Under Minnesota Statutes, section 332.50, unless the checks and service charge of \$30 per check are paid in full within ten days after mailing of this second notice, the payee or holder of the checks will assess an additional service charge of \$75 for each dishonored check or the value of the check, whichever is greater, and/or may refer the matter to proper authorities for prosecution under Minnesota Statutes, section 609.535, subdivision 3.

Table with 5 columns: Check No., Check Date, Payee, Check Amt., Service Chg.

Payment is to be sent to the following name and address:

Payee or Holder:
Mailing Address:
Telephone Number:

Subd. 4. [PROOF OF IDENTITY.] The check is prima facie evidence of the identity of the drawer issuer if the person receiving the check:

(a) records the following information about the drawer issuer on the check, unless it is printed on the face of the check:

- (1) name;
(2) home or work address;
(3) home or work telephone number; and
(4) identification number issued pursuant to section 171.07;

(b) compares the ~~drawer's~~ issuer's physical appearance, signature, and the personal information recorded on the check with the ~~drawer's~~ issuer's identification card issued pursuant to section 171.07; and

(c) initials the check to indicate compliance with these requirements.

Subd. 5. [DEFENSES.] Any defense otherwise available to the ~~drawer~~ issuer also applies to liability under this section."

Page 2, line 33, before "Section" insert "Section 1 is effective August 1, 2001, and applies to checks issued on or after that date."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Westrom moved to amend the Stang amendment to S. F. No. 103 as follows:

Page 5, line 12, after the period, insert "The second notice described in paragraph (e) must be sent by certified mail, return receipt requested."

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

Clark, K., moved to amend the Stang amendment to S. F. No. 103 as follows:

Page 1, line 23, reinstate the stricken "penalties" and delete "charges"

Page 2, line 11, delete "charges" and insert "penalties"

Page 2, lines 12 to 36, delete the new language, reinstate the stricken language, and insert:

"If the amount of the dishonored check plus the service charge permitted under paragraph (a) is not paid within 60 days after the payee or holder has mailed a notice of dishonor pursuant to section 609.535 and a description of the penalties contained in this subdivision, whoever issued the dishonored check is liable to the payee or holder of the check for:"

Page 3, lines 1 to 36, delete the new language and reinstate the stricken language, and insert:

"The amount of the civil penalty must be determined by a court of competent jurisdiction. In determining the amount of the penalty imposed, the court shall consider the amount of the check and the reason for nonpayment. The civil penalty may not be imposed until 60 days following the mailing of both the notice of dishonor and a separate notice written in language easily readable and understandable by a person of average intelligence and education explaining how the penalty can be avoided as set forth in this section.

(b) The civil penalty can be avoided if the person who issued the dishonored check either: (1) pays the amount of the check and the service charge described in paragraph (a) within the 60-day period; or (2) pays the amount of the check, the service charge described in paragraph (a), court costs, and a reasonable attorney fee if provided for under paragraph (b), clause (3), after notice has been sent, but before an action under this section has been heard by the court."

Reletter the remaining paragraphs in sequence

Page 4, delete the new language and reinstate the stricken language

Page 5, delete the new language and reinstate the stricken language

Pages 6 and 7, delete the new language

Page 8, delete the new language and reinstate the stricken language

Page 9, delete the new language and reinstate the stricken language

Renumber and reletter the sections, paragraphs, and clauses in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Greiling	Johnson, S.	Mariani	Rukavina
Anderson, I.	Dorn	Hausman	Juhnke	Marko	Sertich
Bakk	Entenza	Hilstrom	Kahn	McGuire	Skoglund
Bernardy	Evans	Hilty	Kelliher	Milbert	Solberg
Biernat	Folliard	Huntley	Koskinen	Mullery	Swapinski
Carlson	Gleason	Jaros	Leighton	Murphy	Wagenius
Clark, K.	Goodwin	Jennings	Luther	Otremba	Wasiluk
Davnie	Gray	Johnson, R.	Mahoney	Pugh	Winter

Those who voted in the negative were:

Abrams	Erhardt	Johnson, J.	Marquart	Pelowski	Swenson
Anderson, B.	Erickson	Kalis	McElroy	Penas	Sykora
Bishop	Finseth	Kielkucki	Molnau	Peterson	Thompson
Boudreau	Fuller	Knoblach	Mulder	Rhodes	Tingelstad
Bradley	Gerlach	Krinkie	Ness	Rifenberg	Tuma
Buesgens	Goodno	Kubly	Nornes	Ruth	Vandever
Cassell	Gunther	Kuisle	Olson	Schumacher	Walz
Clark, J.	Haas	Larson	Opatz	Seagren	Wenzel
Daggett	Hackbarth	Lenczewski	Osskopp	Seifert	Westerberg
Davids	Harder	Leppik	Osthoff	Skoe	Westrom
Dehler	Holberg	Lieder	Ozment	Slawik	Wilkin
Dempsey	Holsten	Lindner	Paulsen	Smith	Wolf
Dorman	Howes	Lipman	Pawlenty	Stanek	Workman
Eastlund	Jacobson	Mares	Paymar	Stang	Spk. Sviggum

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

Skoglund and Mullery moved to amend the Stang amendment to S. F. No. 103 as follows:

Page 4, after line 33, insert:

"If an employee incurs one or more service charges authorized in paragraph (a) as a result of a dishonored paycheck or dishonor of an equivalent electronic deposit of pay from an employer, the employer shall reimburse the employee for the service charges. If a paycheck or equivalent electronic deposit is dishonored, the employer shall ask the employee if the employee incurred any such service charges and promptly make reimbursement."

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the amendment to the amendment and the roll was called. There were 113 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Jacobson	Luther	Ozment	Stanek
Abrams	Evans	Jaros	Mahoney	Paulsen	Swapinski
Anderson, I.	Finseth	Jennings	Mares	Pawlenty	Swenson
Bakk	Folliard	Johnson, R.	Mariani	Paymar	Sykora
Bernardy	Fuller	Johnson, S.	Marko	Pelowski	Thompson
Biernat	Gerlach	Juhnke	Marquart	Penas	Tingelstad
Bishop	Gleason	Kahn	McElroy	Peterson	Tuma
Boudreau	Goodwin	Kalis	McGuire	Pugh	Vandever
Bradley	Gray	Kelliher	Milbert	Rhodes	Wagenius
Carlson	Greiling	Kielkucki	Molnau	Rukavina	Walz
Clark, K.	Gunther	Knoblach	Mullery	Ruth	Wasiluk
Daggett	Haas	Koskinen	Murphy	Schumacher	Wenzel
Davids	Harder	Kubly	Ness	Seagren	Westerberg
Davnie	Hausman	Larson	Nornes	Sertich	Westrom
Dehler	Hilstrom	Leighton	Olson	Skoe	Wilkin
Dempsey	Hilty	Lenczewski	Opatz	Skoglund	Winter
Dibble	Holberg	Leppik	Osskopp	Slawik	Wolf
Dorn	Howes	Lieder	Osthoff	Smith	Workman
Entenza	Huntley	Lipman	Otremba	Solberg	

Those who voted in the negative were:

Anderson, B.	Dorman	Hackbarth	Kuisle	Seifert
Buesgens	Eastlund	Holsten	Lindner	Stang
Cassell	Erickson	Johnson, J.	Mulder	Spk. Sviggum
Clark, J.	Goodno	Krinkie	Rifenberg	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Stang amendment, as amended, and the roll was called. There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Jacobson	McElroy	Penas	Tingelstad
Anderson, B.	Erhardt	Jennings	McGuire	Rhodes	Tuma
Bishop	Erickson	Johnson, J.	Milbert	Rifenberg	Vandever
Boudreau	Finseth	Johnson, R.	Molnau	Ruth	Walz
Bradley	Fuller	Kielkucki	Mulder	Schumacher	Wenzel
Buesgens	Gerlach	Knoblach	Ness	Seagren	Westerberg
Carlson	Goodno	Kuisle	Nornes	Seifert	Wilkin
Cassell	Greiling	Larson	Olson	Skoe	Wolf
Clark, J.	Gunther	Lenczewski	Opatz	Slawik	Workman
Daggett	Haas	Leppik	Osskopp	Smith	Spk. Sviggum
Davids	Hackbarth	Lieder	Osthoff	Stanek	
Dehler	Harder	Lindner	Ozment	Stang	
Dempsey	Holberg	Lipman	Paulsen	Swenson	
Dorman	Holsten	Mares	Pawlenty	Sykora	
Dorn	Howes	Marquart	Pelowski	Thompson	

Those who voted in the negative were:

Abrams	Entenza	Hilty	Koskinen	Mullery	Skoglund
Anderson, I.	Evans	Huntley	Krinkie	Murphy	Solberg
Bakk	Folliard	Jaros	Kubly	Otremba	Swapinski
Bernardy	Gleason	Johnson, S.	Leighton	Paymar	Wagenius
Biernat	Goodwin	Juhnke	Luther	Peterson	Wasiluk
Clark, K.	Gray	Kahn	Mahoney	Pugh	Westrom
Davnie	Hausman	Kalis	Mariani	Rukavina	Winter
Dibble	Hilstrom	Kelliher	Marko	Sertich	

The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 103, A bill for an act relating to civil actions; providing civil remedies for receiving motor fuel from a motor fuel retail business without paying for it; proposing coding for new law in Minnesota Statutes, chapter 332.

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 103 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Entenza	Goodno	Holberg	Johnson, S.
Anderson, B.	Daggett	Erhardt	Greiling	Holsten	Kalis
Biernat	Davids	Erickson	Gunther	Howes	Kelliher
Bishop	Dehler	Evans	Haas	Huntley	Kielkucki
Boudreau	Dempsey	Finseth	Hackbarth	Jacobson	Knoblach
Bradley	Dorman	Folliard	Harder	Jennings	Koskinen
Buesgens	Dorn	Fuller	Hilstrom	Johnson, J.	Kubly
Carlson	Eastlund	Gerlach	Hilty	Johnson, R.	Larson

Lenczewski	McGuire	Osthoff	Rifenberg	Swenson	Wilkin
Leppik	Milbert	Otremba	Ruth	Sykora	Winter
Lieder	Molnau	Ozment	Schumacher	Thompson	Wolf
Lindner	Mulder	Paulsen	Seagren	Tingelstad	Workman
Lipman	Murphy	Pawlenty	Seifert	Tuma	Spk. Sviggum
Mahoney	Ness	Pelowski	Skoe	Vandever	
Mares	Nornes	Penas	Slawik	Walz	
Marko	Olson	Peterson	Smith	Wasiluk	
Marquart	Opatz	Pugh	Stanek	Wenzel	
McElroy	Osskopp	Rhodes	Stang	Westerberg	

Those who voted in the negative were:

Abrams	Clark, K.	Gray	Krinkie	Paymar	Swapinski
Anderson, I.	Davnie	Hausman	Leighton	Rukavina	Wagenius
Bakk	Dibble	Jaros	Luther	Sertich	Westrom
Bernardy	Gleason	Juhnke	Mariani	Skoglund	
Clark, J.	Goodwin	Kahn	Mullery	Solberg	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1404, A bill for an act relating to state employment; permitting retired state employees to purchase group long-term care insurance through the same plan offered to active state employees; amending Minnesota Statutes 2000, section 43A.318, subdivision 1.

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 113 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hausman	Leighton	Otremba	Stang
Abrams	Dorn	Hilstrom	Lenczewski	Ozment	Swapinski
Anderson, I.	Eastlund	Hilty	Leppik	Pawlenty	Swenson
Bakk	Entenza	Holsten	Lieder	Paymar	Sykora
Bernardy	Erhardt	Howes	Luther	Pelowski	Thompson
Biernat	Erickson	Huntley	Mahoney	Penas	Tingelstad
Bishop	Evans	Jacobson	Mares	Peterson	Tuma
Boudreau	Finseth	Jaros	Mariani	Pugh	Vandever
Bradley	Folliard	Jennings	Marko	Rhodes	Wagenius
Carlson	Fuller	Johnson, R.	Marquart	Rukavina	Walz
Cassell	Gleason	Johnson, S.	McElroy	Ruth	Wasiluk
Clark, J.	Goodno	Juhnke	McGuire	Schumacher	Wenzel
Clark, K.	Goodwin	Kahn	Milbert	Seifert	Westerberg
Daggett	Gray	Kalis	Mullery	Sertich	Westrom
Davids	Greiling	Kelliher	Murphy	Skoe	Winter
Davnie	Gunther	Knoblach	Ness	Skoglund	Wolf
Dehler	Haas	Koskinen	Nornes	Slawik	Workman
Dempsey	Hackbarth	Kubly	Opatz	Solberg	Spk. Sviggum
Dibble	Harder	Larson	Osthoff	Stanek	

Those who voted in the negative were:

Anderson, B.	Johnson, J.	Lindner	Olson	Seagren
Buesgens	Kielkucki	Lipman	Osskopp	Smith
Gerlach	Krinkie	Molnau	Paulsen	Wilkin
Holberg	Kuisle	Mulder	Rifenberg	

The bill was passed and its title agreed to.

H. F. No. 905 was reported to the House.

Haas moved that H. F. No. 905 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 783 was reported to the House.

Stanek moved to amend H. F. No. 783, the first engrossment, as follows:

Page 1, line 23, delete "August 1, 2001" and insert "the day following final enactment"

The motion prevailed and the amendment was adopted.

H. F. No. 783, A bill for an act relating to crime prevention; specifying that peace officers' use of less lethal munitions does not constitute deadly force; amending Minnesota Statutes 2000, section 609.066, subdivision 1.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Goodwin	Johnson, J.	Lieder	Olson
Abrams	Dehler	Gray	Johnson, R.	Lindner	Opatz
Anderson, B.	Dempsey	Greiling	Johnson, S.	Lipman	Osskopp
Anderson, I.	Dibble	Gunther	Juhnke	Luther	Osthoff
Bakk	Dorman	Haas	Kahn	Mahoney	Otremba
Bernardy	Dorn	Hackbarth	Kalis	Mares	Ozment
Biernat	Eastlund	Harder	Kelliher	Marko	Paulsen
Bishop	Entenza	Hausman	Kielkucki	Marquart	Pawlenty
Boudreau	Erhardt	Hilstrom	Knoblach	McElroy	Paymar
Bradley	Erickson	Hilty	Koskinen	McGuire	Pelowski
Buesgens	Evans	Holberg	Krinkie	Milbert	Penas
Carlson	Finseth	Holsten	Kubly	Molnau	Peterson
Cassell	Folliard	Howes	Kuisle	Mulder	Pugh
Clark, J.	Fuller	Huntley	Larson	Mullery	Rhodes
Clark, K.	Gerlach	Jacobson	Leighton	Murphy	Rifenberg
Daggett	Gleason	Jaros	Lenczewski	Ness	Rukavina
Davids	Goodno	Jennings	Leppik	Nornes	Ruth

Schumacher	Skoglund	Stang	Tingelstad	Wasiluk	Winter
Seagren	Slawik	Swapinski	Tuma	Wenzel	Wolf
Seifert	Smith	Swenson	Vandever	Westerberg	Workman
Sertich	Solberg	Sykora	Wagenius	Westrom	Spk. Sviggum
Skoe	Stanek	Thompson	Walz	Wilkin	

The bill was passed, as amended, and its title agreed to.

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 2361.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2361, A bill for an act relating to human services; modifying provisions relating to health department; health care; continuing care and home care; consumer information and assistance and community-based care; long-term care reform and reimbursement; work force; regulation of supplemental nursing services agencies; long-term insurance; mental health and civil commitment; assistance programs; licensing; adding an informed consent provision for abortion procedures; creating a child maltreatment review panel; requiring studies; adding provisions relating to termination of parental rights; appropriating money; amending Minnesota Statutes 2000, sections 13.46, subdivision 4; 13.461, subdivision 17; 13B.06, subdivision 4; 62A.48, subdivision 4, by adding subdivisions; 62S.01, by adding subdivisions; 62S.26; 103I.101, subdivision 6; 103I.112; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 103I.525, subdivisions 2, 6, 8, 9; 103I.531, subdivisions 2, 6, 8, 9; 103I.535, subdivisions 2, 6, 8, 9; 103I.541, subdivisions 2b, 4, 5; 103I.545; 121A.15, subdivision 6; 135A.14, by adding a subdivision; 144.057; 144.1202, subdivision 4; 144.122; 144.1222, by adding a subdivision; 144.1464; 144.148, subdivision 2; 144.226, subdivision 4; 144.551, subdivision 1; 144.98, subdivision 3; 144A.071, subdivisions 1,

1a, 2, 4a; 144A.073, subdivisions 2, 4; 144A.44, subdivision 1; 144A.4605, subdivision 4; 144A.62, subdivisions 1, 2, 3, 4; 144D.03, subdivision 2; 144D.04, subdivisions 2, 3; 144D.06; 145.881, subdivision 2; 145.882, subdivision 7, by adding a subdivision; 145.885, subdivision 2; 145.924; 145.925, subdivisions 1, 1a; 145A.15, subdivision 1, by adding a subdivision; 145A.16, subdivision 1, by adding a subdivision; 148.212; 148B.21, subdivision 6a; 148B.22, subdivision 3; 157.16, subdivision 3; 157.22; 214.104; 245.462, subdivisions 8, 18, by adding a subdivision; 245.4871, subdivisions 10, 27; 245.4876, subdivision 1, by adding a subdivision; 245.4885, subdivision 1; 245.4886, subdivision 1; 245.99, subdivision 4; 245A.03, subdivision 2b; 245A.04, subdivisions 3, 3a, 3b, 3c, 3d; 245A.05; 245A.06; 245A.07; 245A.08; 245A.13, subdivisions 7, 8; 245A.14, by adding a subdivision; 245A.16, subdivision 1; 245B.08, subdivision 3; 246.57, by adding a subdivision; 252.275, subdivision 4b; 252A.02, subdivisions 12, 13, by adding a subdivision; 252A.111, subdivision 6; 252A.16, subdivision 1; 252A.19, subdivision 2; 252A.20, subdivision 1; 254B.02, subdivision 3; 254B.03, subdivision 1; 254B.04, subdivision 1; 254B.09, by adding a subdivision; 256.01, subdivisions 2, 18, by adding a subdivision; 256.045, subdivisions 3, 3b, 4; 256.476, subdivisions 1, 2, 3, 4, 5, 8; 256.482, subdivision 8; 256.955, subdivision 2b; 256.9657, subdivision 2; 256.969, subdivisions 2b, 3a, by adding a subdivision; 256.973, by adding a subdivision; 256.975, by adding subdivisions; 256B.04, by adding a subdivision; 256B.055, subdivision 3a; 256B.056, subdivisions 1a, 3, 4, 5; 256B.057, subdivision 9, by adding a subdivision; 256B.0625, subdivisions 3b, 7, 13, 13a, 17, 17a, 18a, 19a, 19c, 20, 30, 34, by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, 5, 7, 8, 10, 11, by adding subdivisions; 256B.0635, subdivisions 1, 2; 256B.0911, subdivisions 1, 3, 5, 6, 7, by adding subdivisions; 256B.0913, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; 256B.0915, subdivisions 1d, 3, 5; 256B.0916, subdivisions 1, 7, 9, by adding a subdivision; 256B.0917, subdivision 7; 256B.092, subdivisions 2a, 5; 256B.093, subdivision 3; 256B.095; 256B.0951, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 256B.0952, subdivisions 1, 4; 256B.431, subdivision 17, by adding subdivisions; 256B.434, subdivision 4, by adding subdivisions; 256B.49, by adding subdivisions; 256B.501, by adding a subdivision; 256B.69, subdivisions 4, 5, 5b, 23, by adding a subdivision; 256B.75; 256B.76; 256D.03, subdivisions 3, 4; 256D.35, by adding subdivisions; 256D.44, subdivision 5; 256I.05, subdivision 1e; 256J.09, subdivisions 1, 2, 3, by adding subdivisions; 256J.15, by adding a subdivision; 256J.24, subdivision 10; 256J.26, subdivision 1; 256J.31, subdivisions 4, 12; 256J.32, subdivision 7a; 256J.42, by adding a subdivision; 256J.45, subdivision 1; 256J.46, subdivisions 1, 2a, by adding a subdivision; 256J.50, subdivisions 1, 7; 256J.56; 256J.57, subdivision 2; 256J.62, subdivision 9; 256J.625, subdivisions 1, 2, 4; 256J.751; 256K.03, subdivision 1; 256K.07; 256K.25, subdivisions 1, 3, 4, 5, 6; 256L.06, subdivision 3; 256L.12, subdivision 9, by adding a subdivision; 256L.16; 260C.301, by adding subdivisions; 260C.307, subdivision 3; 260C.317, by adding a subdivision; 261.062; 268.0122, subdivision 2; 626.556, subdivisions 3, 3c, 10, 10b, 10d, 10e, 10f, 10i, 11, 12, by adding subdivisions; 626.557, subdivisions 3, 9d; 626.5572, subdivision 17; 626.559, subdivision 2; Laws 1995, chapter 178, article 2, section 36; Laws 1995, chapter 207, article 3, section 21, as amended; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 1999, chapter 152, sections 1, 4; Laws 1999, chapter 245, article 3, section 45, as amended; Laws 1999, chapter 245, article 4, section 110; proposing coding for new law in Minnesota Statutes, chapters 62S; 144; 144A; 145; 145A; 246; 256; 256B; 256I; 256J; 260; 299A; 325F; repealing Minnesota Statutes 2000, sections 144.0721, subdivision 1; 144.148, subdivision 8; 145.882, subdivisions 3, 4; 145.9245; 145.927; 252A.111, subdivision 3; 256.476, subdivision 7; 256B.037, subdivision 5; 256B.0635, subdivision 3; 256B.0911, subdivisions 2, 2a, 4, 8, 9; 256B.0912; 256B.0913, subdivisions 3, 15a, 15b, 15c, 16; 256B.0915, subdivisions 3a, 3b, 3c; 256B.0951, subdivision 6; 256B.434, subdivision 5; 256B.49, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 256E.06, subdivision 2b; 256J.42, subdivision 4; 256J.44; 256J.46, subdivision 1a; Laws 1995, chapter 178, article 2, section 48, subdivision 6; Minnesota Rules, parts 9505.2390; 9505.2395; 9505.2396; 9505.2400; 9505.2405; 9505.2410; 9505.2413; 9505.2415; 9505.2420; 9505.2425; 9505.2426; 9505.2430; 9505.2435; 9505.2440; 9505.2445; 9505.2450; 9505.2455; 9505.2458; 9505.2460; 9505.2465; 9505.2470; 9505.2473; 9505.2475; 9505.2480; 9505.2485; 9505.2486; 9505.2490; 9505.2495; 9505.2496; 9505.2500; 9505.3010; 9505.3015; 9505.3020; 9505.3025; 9505.3030; 9505.3035; 9505.3040; 9505.3065; 9505.3085; 9505.3135; 9505.3500; 9505.3510; 9505.3520; 9505.3530; 9505.3535; 9505.3540; 9505.3545; 9505.3550; 9505.3560; 9505.3570; 9505.3575; 9505.3580; 9505.3585; 9505.3600; 9505.3610; 9505.3620; 9505.3622; 9505.3624; 9505.3626; 9505.3630; 9505.3635; 9505.3640; 9505.3645; 9505.3650; 9505.3660; 9505.3670.

The bill was read for the first time.

Goodno moved that S. F. No. 2361 and H. F. No. 1832, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2486:

McElroy, Gunther, Gerlach, Lindner and Clark, K.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1515:

Sykora, Haas, Mulder, Eastlund and Nornes.

POINT OF ORDER

Pugh raised a point of order pursuant to section 769 of "Mason's Manual of Legislative Procedure," relating to the Appointment of Conference Committees.

Pursuant to section 244 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Abrams deferred his decision on the Pugh point of order.

The Speaker resumed the Chair.

MOTIONS AND RESOLUTIONS

Davids moved that the name of Haas be added as an author on H. F. No. 1955. The motion prevailed.

Dawkins moved that the names of Davnie and Johnson, S., be added as authors on H. F. No. 2465. The motion prevailed.

Davids moved that the name of Marko be added as an author on H. F. No. 2492. The motion prevailed.

Mares moved that the name of Solberg be added as an author on H. F. No. 2513. The motion prevailed.

Buesgens moved that H. F. No. 2064 be recalled from the Committee on K-12 Education Finance and be referred to the Committee on Rules and Legislative Administration. The motion prevailed.

House Resolution No. 9 was reported to the House.

HOUSE RESOLUTION NO. 9

A house resolution recognizing the years 2000 through 2010 as the "Bone and Joint Decade."

Whereas, one in every seven Americans reports a musculoskeletal impairment; and

Whereas, in the United States alone, musculoskeletal conditions were estimated to cost \$215 billion per year; and

Whereas, musculoskeletal impairments rank number one for both men and women and for the major racial groups, and arthritis is the leading chronic condition reported by the elderly; and

Whereas, musculoskeletal conditions and deformities deprive children of a normal development; and

Whereas, musculoskeletal research currently is at the precipice of major breakthroughs that likely will change and simplify the way bone and joint disorders are treated and prevented throughout the world; and

Whereas, many countries and international organizations have joined together to recognize the years 2000 through 2010 as the "Bone and Joint Decade" to increase public awareness of these problems and to promote research to find cures for musculoskeletal impairments; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes the years 2000 through 2010 as the "Bone and Joint Decade."

Abeler moved that House Resolution No. 9 be now adopted. The motion prevailed and House Resolution No. 9 was adopted.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, May 9, 2001. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Wednesday, May 9, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives