

CHAPTER 360—H.F.No. 2068

An act relating to the city of Litchfield; permitting certain investments of municipal power agency funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. LITCHFIELD; UTILITY; LOANS.

Subject to any agreement with bondholders or noteholders, the commission or board charged with the operation of the Litchfield city municipal power agency may, with the approval of the Litchfield governing body, loan not more than \$750,000 from the agency's public utility fund to a public or private body for the development or redevelopment of industrial property as it deems prudent, notwithstanding the provisions of any other law relating to the investment of public funds. The authority granted by this section is in addition to any other provided by law and expires January 1, 1988.

Sec. 2. LOCAL APPROVAL.

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Litchfield.

Approved March 19, 1986

CHAPTER 361—H.F.No. 2017

An act relating to crimes; opening juvenile court hearings to the public in certain circumstances; making certain videotaped statements admissible in proceedings involving physical or sexual abuse against a child; amending Minnesota Statutes 1984, sections 260.155, subdivision 1; and 595.02, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 260.156; and 595.02, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 260.155, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the

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best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work-of the court; except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the hearing. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 2. Minnesota Statutes 1985 Supplement, section 260.156, is amended to read:

260.156 CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.

An out-of-court statement made by a child under the age of ten years, or a child over the age of ten years who is mentally impaired, as defined under section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) the court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) the proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

For purposes of this section, an out-of-court statement includes a video, audio, or other recorded statement.

Sec. 3. Minnesota Statutes 1985 Supplement, section 595.02, subdivision 3, is amended to read:

Subd. 3. **CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.** An out-of-court statement made by a child under the age of ten years or a person who is mentally impaired as defined in section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse of the child or the person who is mentally impaired by another, not otherwise admissible by statute or rule of evidence, is admissible ~~in~~ as substantive evidence if:

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(a) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) the child or person mentally impaired as defined in section 609.341, subdivision 6, either:

(i) testifies at the proceedings; or

(ii) is unavailable as a witness and there is corroborative evidence of the act; and

(c) the proponent of the statement notifies the adverse party of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

For purposes of this subdivision, an out-of-court statement includes video, audio, or other recorded statements. An unavailable witness includes an incompetent witness.

Sec. 4. Minnesota Statutes 1984, section 595.02, is amended by adding a subdivision to read:

Subd. 4. COURT ORDER. (a) In a proceeding in which a child less than ten years of age is alleging, denying, or describing an act of physical abuse or an act of sexual contact or penetration performed with or on the child by another, the court may, upon its own motion or upon the motion of any party, order that the testimony of the child be taken in a room other than the courtroom or in the courtroom and televised at the same time by closed-circuit equipment, or recorded for later showing to be viewed by the jury in the proceeding.

(b) At the taking of testimony under this subdivision, only the judge, the attorneys for the defendant and for the state, any person whose presence would contribute to the welfare and well-being of the child, and persons necessary to operate the recording or closed-circuit equipment may be present with the child during the child's testimony.

(c) The court shall permit the defendant to observe and hear the testimony of the child in person. If the court, upon its own motion or the motion of any party, determines that the presence of the defendant during testimony taken pursuant to this subdivision would psychologically traumatize the witness so as to render the witness unavailable to testify, the court may order that the testimony be taken in a manner that:

(1) the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant; or

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(2) the defendant and child can view each other by video or television monitor from separate rooms.

Approved March 19, 1986

CHAPTER 362—H.F.No. 2023

An act relating to elections; changing certain procedures in absentee voting; increasing minimum number of election judges in certain precincts; changing certain official ballots for judicial candidates; requiring vendor bonds for certain voting systems; requiring public notice and demonstration for new voting equipment; authorizing standard ballot format; limiting number of ballots at single counting centers; amending Minnesota Statutes 1984, sections 203B.08, subdivisions 1a and 3a; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204D.14, subdivision 2; 206.56, by adding a subdivision; 206.57, by adding a subdivision; 206.58, subdivision 1; 206.82, by adding a subdivision; 206.84, subdivision 3; and 206.85, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 203B.08, subdivision 1a, is amended to read:

Subd. 1a. **ELECTRONIC VOTING SYSTEM AUTHORIZED.** An electronic voting system approved and authorized for use under chapter 206 may be used for absentee voting when the voter applies in person to the municipal clerk for an absentee ballot and chooses to vote at the time of application. The municipal clerk designated under the provisions of section 203B.05 must give written notice to the county auditor prior to each state primary election that an electronic voting system will be used for absentee voting. The county auditor may provide that an electronic voting system approved and authorized for use under chapter 206 may be used for absentee voting when the voter applies in person to the county auditor for an absentee ballot and chooses to vote at the time of application. Paper ballots must be used ~~when applications for absentee ballots are submitted to the county auditor;~~ when ballots are delivered to temporary or permanent residents or patients in a health care facility as provided in section 203B.11, or when applications are submitted by mail.

Sec. 2. Minnesota Statutes 1984, section 203B.08, subdivision 3a, is amended to read:

Subd. 3a. **PROCEDURES FOR SAFEGUARDING ELECTRONICALLY MARKED BALLOTS.** When the voter has completed marking the ballot as authorized under subdivision 1a, the voter shall remove the ballot card from the electronic voting device, insert it in a security envelope, and place the security envelope in an absentee ballot return envelope which is to be signed by the voter and witnessed as provided in section 203B.07, subdivision 2. The return enve-

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