

SENATOR LINDSAY: A less restrictive statute would be but I am not sure that it is less restrictive. I think this statute provides for 24-hours notice, actual notice, whereas, or excuse me, the old statute calls for 24-hours actual notice; if you can't do that, then 24-hours, or excuse me, 48-hours mailed notice. Whereas, this statute we are proposing has the 48-hours mailed notice, does not have that 24-hours of actual notice provision in it.

SENATOR WESELY: But the standard involved here talks about if the court finds the minor is mature enough to make the decision independently or that it is not in the best interest of the minor for notification, that seems like a lower standard to meet in order to not have notification occur. That is what I was interpreting. Am I missing that because I...all I am saying is it looks to me like you have a statute that may have been unconstitutional in whatever year it was declared unconstitutional, but today in the different light of interpretations might be viable, and if it is viable, why not start with that instead of going back to a Minnesota law that, obviously, has a lot of problems with it?

SENATOR LINDSAY: Well, I think regardless of which...of what we start with, there is going to be the arguments that there is problems with it, and so I think either way we are going to have the same debate as far as whether it is a good policy or a bad policy. So I think what we want to do is start with the one that the Eighth Circuit already has dealt with and that is what it is modeled after, and has already declared constitutional. We know that area is...that this bill most likely is going to sustain, is going to withstand a constitutional test. I just think that modeling on the constitutional one is a better, as far as from the constitution would be a better policy.

SENATOR WESELY: But back to my original question, did the court actually say that section is stricken or I mean is there no way we can go back to the sort of language that is in there?

SENATOR LINDSAY: What they did was, the court enjoined the law enforcement officials, the county attorneys, at least those that are named as defendants, the Governor, and I believe the Attorney General is also named, from enforcing the statute. So they have got an injunction that that statute cannot be enforced.