

EIGHTY-FIRST DAY

St. Paul, Minnesota, Friday, March 7, 1986

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Laidig imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Thomas J. Nielsen.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Knaak	Moe, R.D.	Reichgott
Anderson	Dieterich	Knutson	Nelson	Renneke
Belanger	Frank	Kroening	Novak	Samuelson
Benson	Frederick	Kronebusch	Olson	Schmitz
Berg	Frederickson	Laidig	Pehler	Sieloff
Berglin	Freeman	Langseth	Peterson, C.C.	Solon
Bertram	Gustafson	Lantry	Peterson, D.C.	Spear
Brataas	Hughes	Lessard	Peterson, D.L.	Storm
Chmielewski	Isackson	Luther	Peterson, R.W.	Stumpf
Dahl	Johnson, D.E.	McQuaid	Petty	Taylor
Davis	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
DeCramer	Jude	Merriam	Purfeerst	Wegscheid
Dicklich	Kamrath	Moe, D.M.	Ramstad	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1782, 2100, 2365, 2370, 1749, 2017, 2295, 2344, 2141 and 2216.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1986

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 1782: A bill for an act relating to natural resources; enacting the lake improvement district act; providing for the creation, powers, and termination of lake improvement districts; amending Minnesota Statutes 1984, sections 378.41; 378.42; 378.43; 378.44; 378.46; 378.47; 378.51; 378.52; 378.55; 378.56; and 378.57; proposing coding for new law in Minnesota Statutes, chapter 378; repealing Minnesota Statutes 1984, sections 378.41, subdivision 3; 378.45; and 378.53.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1599.

H.F. No. 2100: A bill for an act relating to agriculture; state agricultural society; removing the time and geographical restrictions on the society's ability to impose certain restrictions on performers at the state fairgrounds; amending Minnesota Statutes 1985 Supplement, section 37.17, subdivision 1.

Mr. Chmielewski moved that H.F. No. 2100 be laid on the table. The motion prevailed.

H.F. No. 2365: A bill for an act relating to transportation; clarifying procedures in certain contested matters brought before the transportation regulation board; amending Minnesota Statutes 1984, sections 174A.02, subdivision 4; and 216A.05, subdivision 5.

Referred to the Committee on Transportation.

H.F. No. 2370: A bill for an act relating to transportation; railroads; permitting the transportation regulation board to grant clearance variances without evidentiary hearings in certain cases; amending Minnesota Statutes 1985 Supplement, section 219.47, subdivision 1.

Mr. DeCramer moved that H.F. No. 2370 be laid on the table. The motion prevailed.

H.F. No. 1749: A bill for an act relating to education; allowing independent school district No. 281, Robbinsdale, to make a levy for transportation of certain pupils.

Referred to the Committee on Education.

H.F. No. 2017: A bill for an act relating to crimes; making certain videotaped statements admissible in proceedings involving physical or sexual abuse against a child; amending Minnesota Statutes 1984, section 595.02, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 260.156; and 595.02, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1862.

H.F. No. 2295: A bill for an act relating to independent school district No. 709; providing for severance pay for employees.

Referred to the Committee on Education.

H.F. No. 2344: A bill for an act relating to St. Louis county; making certain offices appointive; allowing the county board to assign certain offices to the unclassified service; amending Minnesota Statutes 1984, sections 375A.06, subdivision 5; 383C.035 and 383C.136.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2163, now on General Orders.

H.F. No. 2141: A bill for an act relating to agriculture; requiring certain corporate owners of agricultural land to reimburse the state for damage to conservation practices; requiring certain lease terms; requiring the sale or lease of certain farm land to certain persons; amending Minnesota Statutes 1984, section 500.24, by adding subdivisions.

Referred to the Committee on Agriculture and Natural Resources.

H.F. No. 2216: A bill for an act relating to land surveying; providing for the surveying of lands by a county board; providing for the establishment of an office of county surveyor and the assignment of its duties; providing a penalty; amending Minnesota Statutes 1984, sections 381.01; 381.02; 381.03; 381.04; 381.05; 381.06; 381.07; 381.08; 381.09; 381.10; 381.12; 381.13; 389.011; 389.02; 389.03; 389.04; 389.08; Minnesota Statutes 1985 Supplement, section 389.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 381; repealing Minnesota Statutes 1984, section 389.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2252.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1732 and 2041. The motion prevailed.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2067: A bill for an act relating to local government; permitting the establishment of special service districts in the city of Mendota Heights; providing taxing and other financial authority for the city.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1960: A bill for an act relating to occupations and professions; limiting the civil liability of psychologists for the violent acts of patients; proposing coding for new law in Minnesota Statutes, chapter 148.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [148.975] [LIMITATION ON LIABILITY; VIOLENT BEHAVIOR OF PATIENT.]

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

(b) "Practitioner" means a psychologist, school psychologist, nurse,

chemical dependency counselor, or social worker who is licensed by the state or who performs psychotherapy within a program or facility licensed by the state or established pursuant to rules adopted under section 245.69, subdivision 2.

(c) "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

Subd. 2. [LIABILITY STANDARD.] No monetary liability and no cause of action may arise against a practitioner for failure to predict, warn of, or take reasonable precautions to provide protection from, a patient's violent behavior, unless the patient or other person has communicated to the practitioner a specific, serious threat of physical violence against a specific, clearly identified or identifiable potential victim.

Subd. 3. [DUTY TO WARN.] The duty to predict, warn of, or take reasonable precautions to provide protection from, violent behavior arises only under the limited circumstances specified in subdivision 2. The duty is discharged by the practitioner if reasonable efforts are made to communicate the threat to the potential victim.

Subd. 4. [DISCLOSURE OF CONFIDENCES.] No monetary liability and no cause of action, or disciplinary action by the state board of psychology or board of nursing may arise against a practitioner for disclosing confidences to third parties in a good faith effort to discharge a duty arising under this section.

Subd. 5. [CONTINUITY OF CARE.] Nothing in subdivision 3 shall be construed to authorize a practitioner to terminate treatment of a patient as a direct result of a patient's violent behavior or threat of physical violence unless the patient is referred to another practitioner or appropriate health care facility.

Subd. 6. [EXCEPTION.] This section does not apply to a threat to commit suicide or other threats by a patient to harm the patient, or to a threat by a patient who is adjudicated mentally ill and dangerous under chapter 253B.

Sec. 2. [EFFECTIVE DATE.]

This act is effective August 1, 1986, and applies to causes of action arising on or after that date."

Amend the title as follows:

Page 1, line 3, delete "psychologists" and insert "practitioners"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2041: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law as Minnesota Statutes, chapter 480B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley; ~~nine~~ 20 judges; and ~~four~~ permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, Gaylord, LeCenter, West St. Paul, Chaska, Burnsville, South St. Paul, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; ~~13~~ 24 judges; and permanent chambers shall be maintained in New Brighton, Roseville, Maplewood, North St. Paul, White Bear Lake, and St. Paul;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, Wabasha, Caledonia, Mantorville, Preston, Owatonna, Waseca, and Winona;

4. Hennepin; ~~24~~ 41 judges; and permanent chambers shall be maintained in Minneapolis, and at other northern, southern, and western suburban locations throughout the county as a majority of the judges designate;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; ~~five~~ 21 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, St. Peter, St. James, Blue Earth, Jackson, Pipestone, Worthington, Slayton, Redwood Falls, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; ~~six~~ 14 judges; and permanent chambers shall be maintained in Duluth, Virginia, Hibbing, Two Harbors, Grand Marais, and Carlton;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 19 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, Foley, Alexandria, Milaca, Long Prairie, Detroit Lakes, Wadena, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; ~~three~~ 13 judges; and permanent chambers shall be maintained in Morris, Montevideo, Litchfield, Olivia, Wheaton, Glenwood, Breckenridge, Benson, Granite Falls, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; ~~six~~ 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, Ada, Warren, Hallock, Red Lake Falls, Roseau, Mahnomen, Aitkin, Park Rapids, Baudette, Bagley, Walker, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and

Washington; 24 judges; and permanent chambers shall be maintained in Anoka, Stillwater, Buffalo, Elk River, Mora, Cambridge, Center City, Pine City, and other places designated by the chief judge of the district.

All permanent chambers designated in this section are subject to section 480.22."

Page 1, line 19, delete "four" and insert "two"

Page 1, after line 21, insert:

"(3) one member appointed by the speaker of the house and one member appointed by the subcommittee on committees of the committee on rules and administration of the senate, each to a four-year term, which shall end on the same day the governor's term of office ends;"

Page 2, lines 7 and 13, delete "(3)" and insert "(4)"

Page 2, lines 8, 17, and 22, delete "(4)" and insert "(5)"

Renumber the clauses in sequence

Page 5, after line 3, insert:

"Sec. 3. Minnesota Statutes 1984, section 484.01, is amended to read:

484.01 [JURISDICTION.]

There is one trial court, which is the district court.

The district courts shall have court has original jurisdiction in all civil actions within their respective districts its judicial district, in all cases of crime committed or triable therein in the district, in all juvenile proceedings, in all probate proceedings, including the administration of estates of deceased persons and trust estates and guardianship and incompetency proceedings, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such in which the jurisdiction is especially conferred upon them it by law. They shall It also have has appellate jurisdiction in every case in which an appeal thereto to it is allowed by law from any other court, officer, or body.

Sec. 4. Minnesota Statutes 1984, section 484.545, subdivision 1, is amended to read:

Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second, fourth, and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges of in the judicial district as of July 31, 1987. The district judges regularly assigned to hold court in the first and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge of in the district as of July 31, 1987. No new law clerk positions may be created in a district after July 31, 1987, but any vacancies in those positions which existed as of July 31, 1987, may be filled. The district court administrator in each district shall make assignments of all law clerks in that district.

The judicial advisory service shall continue to be available to all trial court judges to assist them with research, information about current legal

developments, library services, and legal forms.

Sec. 5. Minnesota Statutes 1984, section 484.69, subdivision 1, is amended to read:

Subdivision 1. [ELECTION; TERM; REMOVAL.] ~~By July 1, 1977, the judges of the district, county, county municipal and probate courts resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief justice shall appoint the chief judge and assistant chief judge in each of the judicial districts from a list of three names for each position submitted by the judges of the district. The chief judge and the assistant chief judge shall serve a term of two three years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two year three-year terms.~~

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the ~~election~~ *appointment* of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, ~~or by a majority of the judges of the judicial district.~~

Sec. 6. Minnesota Statutes 1984, section 484.70, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984. *No new district court referee positions may be created after July 31, 1987, but any vacancies in referee positions which existed as of July 31, 1987, may be filled.*

Sec. 7. [484.74] [REORGANIZATION PLAN.]

The judges in each judicial district, in consultation with the district administrator, shall prepare a reorganization plan establishing an administrative structure to implement the unified trial court.

The reorganization plan required by this section shall set forth the criteria to be considered in the assignment of judges to particular cases or categories of cases.

The plan shall be filed with the state court administrator by August 1, 1987. The state court administrator shall establish a reorganization plan for any judicial district that does not file its plan by the required date. Organization plans filed with the secretary of state pursuant to Minnesota Statutes, section 487.191, may be filed with the state court administrator to meet this requirement.

Sec. 8. [487.001] [COUNTY AND PROBATE COURT ABOLISHED.]

The probate court, which is also the county court, is abolished. The jurisdiction of the county and probate court is transferred to the district court. The judges of the county and probate court who are learned in the law are judges of the district court in which the county and probate court on which they served was located and shall continue to serve the term to which they were appointed or last elected. The county court judge not learned in the law serving on July 31, 1987, is an associate judge of the district court in the judicial district in which the county court where he served was located and shall continue to serve the term to which he was last elected. The associate judge is subject to section 487.04. Upon completion of the term to which they were serving on August 1, 1987, all judges are eligible for reelection as incumbent judges of the district court in the judicial district in which the county and probate court on which they served was located. The cases pending, the records, and the individuals employed by or serving in the county and probate courts on August 1, 1987, shall be transferred to the district court in the judicial district in which the county and probate court was located. No new courtroom bailiff or clerk positions may be created after July 31, 1987, but any vacancies in those positions which existed as of July 31, 1987, may be filled.

Sec. 9. [488A.001] [MUNICIPAL AND CONCILIATION COURTS MERGER WITH DISTRICT COURT.]

The municipal and conciliation courts of Ramsey and Hennepin counties are merged with the district courts in the second and fourth judicial districts respectively. The judges of the municipal courts of Ramsey and Hennepin counties are district judges of the second and fourth judicial districts respectively and shall continue to serve the term to which they were appointed or last elected. Upon completion of the term which they were serving on August 1, 1987, they are eligible for reelection as incumbent judges of the district court of the second and fourth judicial districts respectively. The cases pending, the records, and the individuals employed by or serving in the municipal and conciliation courts of Ramsey and Hennepin counties on August 1, 1987, are transferred to the district courts in the second and fourth judicial districts respectively. No new courtroom bailiff or clerk positions may be created after July 31, 1987, but any vacancies in those positions which existed as of July 31, 1987, may be filled.

Sec. 10. [INSTRUCTIONS TO THE STATE COURT ADMINISTRATOR.]

On or before August 1, 1987, the state court administrator shall present to the chairmen of the committees on the judiciary in the house and senate a report of the statutes in effect prior to the effective date of sections 1, 3 to 6, 8, 9, and 11 which concern the jurisdiction, administration, procedure, judges, and personnel of the district, probate, county, and municipal courts and which require amendment in order to implement the purposes of sections 1, 3 to 6, 8, 9, and 11. The state court administrator shall consult with the revisor of statutes in the preparation of this report which must be in the form of a bill draft.

Sec. 11. [REPEALER.]

Minnesota Statutes 1984, section 487.191, is repealed."

Page 5, line 5, before "Section" insert "(a)" and delete "1" and insert "2."

Page 5, after line 8, insert:

"(b) Sections 1, 3 to 6, 8, 9, and 11 are effective August 1, 1987. Sections 7 and 10 are effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to courts; abolishing the county and probate court; transferring the jurisdiction, cases, records, and employees of that court to the district court; merging the municipal and conciliation courts with the district court in the second and fourth judicial districts; transferring the jurisdiction, cases, records, and employees of those courts to the district court; providing that municipal, probate and county judges learned in the law are district judges; providing that the county court judge not learned in the law is an associate judge; limiting the creation of additional referee, law clerk, courtroom bailiff, and courtroom deputy clerk positions; requiring each judicial district to prepare a reorganization plan; providing for the manner of filling judicial vacancies; amending Minnesota Statutes 1984, sections 484.01; 484.545, subdivision 1; 484.69, subdivision 1; and 484.70, subdivision 1; Minnesota Statutes 1985 Supplement, section 2.722, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 484, 487, and 488A; proposing coding for new law as Minnesota Statutes, chapter 480B; repealing Minnesota Statutes 1984, section 487.191."

And when so amended the bill do pass. Mr. Willet questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Judiciary, to which was re-referred

S.F. No. 1732: A bill for an act relating to marriage dissolution; providing a presumption for joint legal custody; providing for custody mediation; regulating support determinations; amending Minnesota Statutes 1984, sections 518.17, subdivisions 2 and 5; 518.551, subdivision 5; Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, after the period, insert *"If joint legal custody is awarded over the objections of either party, the custody order shall include a plan for implementing the joint legal custody order and the court may order the department of court services or the county welfare agency to assist the parties in formulating a plan for implementation of the custody order."*

Page 1, after line 26, insert:

"Sec. 2. Minnesota Statutes 1984, section 518.17, subdivision 4, is amended to read:

Subd. 4. [CHILD SUPPORT.] *Both parents owe a duty of support to a*

child of the marriage. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for ~~his~~ *the support of the child*, without regard to marital misconduct, after considering all relevant factors including:

- (a) The financial resources and needs of the child;
- (b) The financial resources and needs of the custodial parent;
- (c) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (d) The physical and emotional condition of the child, and his educational needs; and
- (e) The financial resources and needs of the noncustodial parent."

Page 2, lines 5 and 6, strike "for use in public assistance cases, only"

Page 2, line 8, strike "An order for support"

Page 2, lines 9 to 11, strike the old language and delete the new language

Pages 2 to 5, delete section 3 and insert:

"Sec. 4. Minnesota Statutes 1984, section 518.17, is amended by adding a subdivision to read:

Subd. 6. [DEPARTURE FROM GUIDELINES BASED ON JOINT CUSTODY.] An award of joint legal custody is not a reason for departure from the guidelines in section 518.551, subdivision 5. An award of joint physical custody is a reason for departure from the guidelines.

Sec. 5. Minnesota Statutes 1984, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support by multiplying as follows:

(1) The court shall multiply the ~~obligor's~~ total net income of the parents by the percentage indicated by the following guidelines:

Total Net Income Per Month of Obligor Parents	Number of Children						
	1	2	3	4	5	6	7 or more

\$400 and Below

Order based on the ability of the ~~obligor~~ parents to provide support at these income levels, or at higher levels, if the ~~obligor has~~ parents have the earning ability.

\$401 - 500	14%	17%	20%	22%	24%	26%	28%
\$501 - 550	15%	18%	21%	24%	26%	28%	30%
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%

\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001- 6000 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for ~~an obligor~~ parents with a monthly income of ~~\$6001~~ \$4001 or more shall be the same dollar amounts as provided for in the guidelines for ~~an obligor~~ parents with a monthly income of ~~\$6000~~ \$4000.

Net Income defined as:

Total monthly
income less

- *(1) Federal Income Tax
- *(2) State Income Tax
- (3) Social Security Deductions
- (4) ~~Mandatory~~ Reasonable Pension Deductions
- (5) Union Dues
- (6) Cost of Dependent Health Insurance Coverage
- (7) Cost of Individual Health/Hospitalization Coverage or an ~~Equivalent~~ Amount for Actual Medical Expenses
- (8) *In the Case of the Custodial Parent, Amount of Aid to Families with Dependent Children Received by the Parent or the Amount that the Parent would be Eligible for if the Parent were not Employed*
- (9) *A Child Support or Maintenance Order that is Currently Being Paid.*

*Standard
Deductions apply-
use of tax tables
recommended

"Total net income" includes the net income of both parents. "Total net income" does not include the income of either parent's spouse. The court may consider a noncustodial parent's earning capacity in calculating the parent's net income if the parent's actual net income does not accurately reflect the parent's current earning capacity or if the parent voluntarily reduced income.

(2) The court shall add to the amount calculated under clause (1) the reasonable cost of child care incurred by the custodial parent for the generation of income.

(3) The court shall set the noncustodial parent's support obligation by multiplying the amount under clause (2) by an amount equal to the proportion that the noncustodial parent's net income bears to the total net income of the parents.

(a) (b) In addition to the child support ~~payment~~ guidelines, the court shall take into consideration the following ~~criteria~~ factors in setting or amending child support:

- (1) all earnings, income, and resources of the ~~obligor~~ parents, including

real and personal property;

(2) the ~~basic living~~ needs of the ~~obligor~~ parents;

(3) the financial needs of the child or children to be supported; ~~and~~

(4) the amount of the aid to families with dependent children grant for the child or children; ~~and~~

(5) the parents' debts as provided in paragraph (c).

~~(b)~~ (c) In establishing or amending a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the debt was reasonably incurred for necessary support of the child or ~~obligee~~ parent or for the necessary generation of income, ~~or was incurred in good faith in connection with a property settlement made as a consequence of the dissolution proceeding.~~ If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income;

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

(4) the court determines that the debt ~~was legitimately incurred for the necessary support of the child or obligee or for the necessary generation of income meets at least one of the criteria of clause (2) of this paragraph.~~

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

The court shall *approve a child support agreement of the parties or order child support in accordance with the guidelines and the other factors set forth in paragraph (b) and section 518.17, subdivision 4, and any departure therefrom.* Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

~~(e) Previous support orders and maintenance orders may be considered if the obligor is paying them.~~

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

(e) The above guidelines are binding in each case unless the court *considers the factors in section 518.17, subdivision 4, and makes express findings*

of fact as to the reason for departure below or above the guidelines in that case in which the court orders support that so deviates from the guidelines. It may also increase the amount of child support by more than the guidelines without making express findings by agreement of the parties or by making further findings.

Sec. 6. Minnesota Statutes 1984, section 518.57, is amended to read:

518.57 [MINOR CHILDREN, SUPPORT.]

Subdivision 1. [ORDER.] Upon a decree of dissolution, legal separation or annulment, the court may make a further order which is just and proper concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties as defined in section 518.54, as support money, and may make the same a lien or charge upon the property of the parties to the proceeding, or either of them, either at the time of the entry of the judgment or by subsequent order upon proper application therefor.

Subd. 2. [SEASONAL INCOME.] The court shall establish the annual support of an obligor with a seasonal income so that the obligor makes either the same monthly payments throughout the year or monthly payments that reflect variations in income.

Sec. 7. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read:

Subd. 10. [ORDER TERMINATING INCOME WITHHOLDING.] Whenever an obligation for support of a child or maintenance of a spouse, or both, terminates under the terms of the order or decree establishing the obligation, and where the obligation is enforced by an order for income withholding from the obligor, the court shall enter an order terminating income withholding directed to the obligor's employer or other payer of funds. The order terminating income withholding must specify the effective date of the order, referencing the initial order or decree establishing the support obligation."

Page 5, line 12, before "If" insert "Except as provided in subdivision 2,"

Page 5, line 16, delete "shall" and insert "may"

Page 5, after line 22, insert:

"Subd. 2. [EXCEPTION.] If the court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party, the court may not require mediation."

Page 6, line 3, delete "The mediator may,"

Page 6, delete line 4

Page 6, line 5, delete everything before "When"

Page 6, line 10, after the period, insert "The mediator shall not conduct the investigation under section 518.167."

Renumber the subdivisions in sequence

Page 7, after line 17, insert:

"Sec. 10. [EFFECTIVE DATE.]

Sections 2 to 6 and 9 are effective May 1, 1986, and apply to child support orders issued before, on, and after the effective date. Sections 2 to 6 and 9 constitute a change of circumstances for purposes of a modification of support under section 518.64, subdivision 2."

Amend the title as follows:

Page 1, line 6, after "2" insert ", 4" and after "5" insert ", and by adding a subdivision" and after the second semicolon, insert "518.57; 518.611, by adding a subdivision;"

And when so amended the bill do pass. Ms. Berglin questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2081 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2081	1969				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2081 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2081 and insert the language after the enacting clause of S.F. No. 1969, the first engrossment; further, delete the title of H.F. No. 2081 and insert the title of S.F. No. 1969, the first engrossment.

And when so amended H.F. No. 2081 will be identical to S.F. No. 1969, and further recommends that H.F. No. 2081 be given its second reading and substituted for S.F. No. 1969, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2044 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2044	1946				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2044 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2044 and

insert the language after the enacting clause of S.F. No. 1946, the first engrossment; further, delete the title of H.F. No. 2044 and insert the title of S.F. No. 1946, the first engrossment.

And when so amended H.F. No. 2044 will be identical to S.F. No. 1946, and further recommends that H.F. No. 2044 be given its second reading and substituted for S.F. No. 1946, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1185 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1185	1473				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1926 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1926	1796				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1821 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERSH.F. No. S.F. No.
1821 1682**CONSENT CALENDAR**

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1940 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERSH.F. No. S.F. No.
1940 1860**CONSENT CALENDAR**

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2111 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERSH.F. No. S.F. No.
2111 1994**CONSENT CALENDAR**

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2187 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERSH.F. No. S.F. No.
2187 2209**CONSENT CALENDAR**

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1835 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1835	1592				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1835 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1835 and insert the language after the enacting clause of S.F. No. 1592, the first engrossment; further, delete the title of H.F. No. 1835 and insert the title of S.F. No. 1592, the first engrossment.

And when so amended H.F. No. 1835 will be identical to S.F. No. 1592, and further recommends that H.F. No. 1835 be given its second reading and substituted for S.F. No. 1592, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2035 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2035	2112				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2035 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2035 and insert the language after the enacting clause of S.F. No. 2112, the first engrossment; further, delete the title of H.F. No. 2035 and insert the title of S.F. No. 2112, the first engrossment.

And when so amended H.F. No. 2035 will be identical to S.F. No. 2112, and further recommends that H.F. No. 2035 be given its second reading and substituted for S.F. No. 2112, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secre-

tary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2265 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2265	2085		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2265 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2265 and insert the language after the enacting clause of S.F. No. 2085; further, delete the title of H.F. No. 2265 and insert the title of S.F. No. 2085.

And when so amended H.F. No. 2265 will be identical to S.F. No. 2085, and further recommends that H.F. No. 2265 be given its second reading and substituted for S.F. No. 2085, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1800 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1800	1767				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1800 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1800 and insert the language after the enacting clause of S.F. No. 1767, the first engrossment; further, delete the title of H.F. No. 1800 and insert the title of S.F. No. 1767, the first engrossment.

And when so amended H.F. No. 1800 will be identical to S.F. No. 1767, and further recommends that H.F. No. 1800 be given its second reading and substituted for S.F. No. 1767, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2364 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2364	2144				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2364 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2364 and insert the language after the enacting clause of S.F. No. 2144, the first engrossment; further, delete the title of H.F. No. 2364 and insert the title of S.F. No. 2144, the first engrossment.

And when so amended H.F. No. 2364 will be identical to S.F. No. 2144, and further recommends that H.F. No. 2364 be given its second reading and substituted for S.F. No. 2144, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2305 and 1960 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2081, 2044, 1185, 1926, 1821, 1940, 2111, 2187, 1835, 2035, 2265, 1800 and 2364 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Reichgott moved that S.F. No. 817 be withdrawn from the Committee on Public Utilities and State Regulated Industries and returned to its author. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 2035: A bill for an act relating to motor vehicles; designating category of collector military vehicle for registration purposes; exempting certain collector military vehicles and trailers from requirement to display license plates under certain conditions; amending Minnesota Statutes 1984, sections 168.10, subdivisions 1, 1e, 1f, and by adding a subdivision; and 169.73, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Novak	Schmitz
Anderson	Frank	Kroening	Olson	Sieloff
Belanger	Frederick	Kronebusch	Pehler	Solon
Benson	Frederickson	Laidig	Peterson, C.C.	Spear
Berg	Freeman	Langseth	Peterson, D.C.	Storm
Berglin	Gustafson	Lantry	Peterson, D.L.	Stumpf
Bertram	Hughes	Lessard	Peterson, R.W.	Taylor
Brataas	Isackson	Luther	Petty	Wegscheid
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Willet
Dahl	Johnson, D.J.	Mehrkens	Ramstad	
DeCramer	Jude	Moe, D.M.	Reichgott	
Dicklich	Kamrath	Moe, R.D.	Renneke	
Diessner	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 2294: A bill for an act relating to labor; independent school district No. 709, Duluth; removing certain educational assistants from civil service; amending Laws 1967, chapter 252, section 2, as amended.

Mr. Solon moved that H.F. No. 2294, No. 2 on the Consent Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

S.F. No. 1886: A bill for an act relating to the city of Moorhead; authorizing the establishment of a detached banking facility in the city of Moorhead by a state bank located within 30 miles of the city of Moorhead.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R.D.	Renneke
Anderson	Dieterich	Knaak	Nelson	Samuelson
Belanger	Frank	Knutson	Novak	Schmitz
Benson	Frederick	Kroening	Olson	Sieloff
Berg	Frederickson	Kronebusch	Pehler	Solon
Berglin	Freeman	Laidig	Peterson, D.C.	Spear
Bertram	Gustafson	Langseth	Peterson, D.L.	Storm
Brataas	Hughes	Lantry	Peterson, R.W.	Stumpf
Chmielewski	Isackson	Lessard	Petty	Taylor
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
DeCramer	Johnson, D.J.	Mehrkens	Ramstad	Wegscheid
Dicklich	Jude	Moe, D.M.	Reichgott	

Messrs. Peterson, C.C. and Willet voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that H.F. No. 2009 be taken from the table. The motion prevailed.

H.F. No. 2009: A bill for an act relating to economic development; defining the duties and terms of office of the members of the world trade center board; classifying data held by the board; amending Minnesota Statutes

1984, sections 44A.01, subdivision 1; 44A.02; 44A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 44A.

SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2009 and that the rules of the Senate be so far suspended as to give H.F. No. 2009 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2009 was read the second time.

Mr. Willet moved to amend H.F. No. 2009 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2009, and insert the language after the enacting clause, and the title, of S.F. No. 2305, as introduced.

The motion prevailed. So the amendment was adopted.

Mr. Waldorf moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 141, after line 11, insert:

“Subd. 10. Contingent Appropriation

Notwithstanding Minnesota Statutes, sections 16A.15, subdivision 6, and 16A.1541, until June 30, 1987, when the balance in the budget and cash flow reserve account has been restored to \$100,000,000, the excess must be used, one-half to restore the appropriation reductions to higher education systems in subdivisions 4 to 7, pro rated among the systems, then to fund a property tax payment change under Minnesota Statutes, section 121.904, subdivision 4c, and the remainder to restore the budget and cash flow reserve account and for other purposes as provided in Minnesota Statutes, section 16A.1541.

The necessary amounts are appropriated from the general fund for these purposes, subject to the approval of the governor under Minnesota Statutes, section 3.30.”

Renumber the remaining subdivision in sequence

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Willet imposed a call of the Senate for the balance of the proceedings on H.F. No. 2009. The Sergeant at Arms was instructed to bring in the absent

members.

Mrs. McQuaid moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 9, delete lines 4 to 9

Page 9, line 34, delete "(4,500,000)" and insert "(5,617,300)" and delete "(6,013,400)" and insert "(7,796,100)"

Correct the section totals and the summary by fund accordingly

Mr. Luther moved to amend the McQuaid amendment to H.F. No. 2009 as follows:

Page 1, delete lines 6 and 7 and insert:

"Page 13, after line 4, insert:

"Subd. 43. General Reduction (1,117,300) (1,782,700)

The commissioner of finance shall allocate this reduction pro rata among all the appropriations in Laws 1985, First Special Session chapter 13. ""

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

The question recurred on the McQuaid amendment, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Moe, R.D.	Reichgott
Anderson	Dieterich	Knutson	Novak	Renneke
Belanger	Frank	Kroening	Olson	Samuelson
Benson	Frederick	Kronebusch	Pehler	Schmitz
Berg	Frederickson	Laidig	Peterson, C.C.	Solon
Berglin	Freeman	Langseth	Peterson, D.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.L.	Storm
Brataas	Hughes	Luther	Peterson, R.W.	Stumpf
Chmielewski	Isackson	McQuaid	Petty	Taylor
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Davis	Jude	Merriam	Purfeerst	Wegscheid
DeCramer	Kamrath	Moe, D.M.	Ramstad	Willet

The motion prevailed. So the McQuaid amendment, as amended, was adopted.

Mr. Willet moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 48, line 31, before the period, insert “, to the extent that they are inconsistent”

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 169, after line 18, insert:

“ARTICLE 6

WORLD TRADE CENTER BOARD

Section 1. Minnesota Statutes 1984, section 44A.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) A world trade center board is created to facilitate and support Minnesota world trade center programs and services and promote the growth of international trade in Minnesota. The world trade center board consists of nine voting members and four legislators serving as nonvoting members. Three members are representatives of the membership of the Minnesota world trade center, one member is a representative of the international business community, and one member is a representative of the agricultural community.

(b) The initial voting members are appointed by the governor with the advice and consent of the senate ~~for a term expiring~~. *The terms of five of the initial voting members shall expire the first Monday in January 1987. The terms of the remaining four initial voting members shall expire the first Monday in January 1989.* A vacancy is filled in the same manner as the appointment.

(c) Legislator members are two members of the senate appointed under the rules of the senate and two members of the house of representatives appointed by the speaker. Except for the initial members, who are to be appointed following enactment, they are appointed at the beginning of each regular session of the legislature for two-year terms. A legislator who remains a member of the body from which he was appointed may serve until a successor is appointed and qualifies. A vacancy in a legislator member's term is filled for the unexpired portion of the term in the same manner as the original appointment.

Sec. 2. Minnesota Statutes 1984, section 44A.02, is amended to read:

44A.02 [EXECUTIVE DIRECTOR PRESIDENT.]

Subdivision 1. [SELECTION.] The ~~executive director~~ *president* of the world trade center board is selected by a majority of the board and serves at the pleasure of the board. The ~~executive director~~ *president* must be familiar with the international business community, and have demonstrated proficiency in communication skills, administration and management, ~~and public and private joint ventures~~. The salary of the ~~executive director~~ *president* is set by the board within the limit set by sections 15A.081, subdivision 1, and 43A.17.

Subd. 2. [DUTIES.] The ~~executive director~~ *president* is the chief administrative officer of the board and is responsible for performing the executive duties of the board. The ~~executive director~~ *president* is not a member of the board.

Subd. 3. [EMPLOYEES.] The ~~executive director~~ *president* may appoint unclassified employees in accordance with chapter 43A and prescribe their duties. The ~~executive director~~ *president* may delegate to a subordinate the

exercise of specified statutory powers or duties as the ~~executive director~~ president deems advisable, subject to the control of the ~~executive director~~ president.

Sec. 3. [44A.031] [PROMOTIONAL EXPENSES.]

The world trade center board may expend money in the world trade center fund, and any other money appropriated by the legislature, for the purpose of promotion of world trade in Minnesota. Promotional expenses include, but are not limited to, expenses for the food, lodging and travel of consultants and speakers hired by the board, and publications and other forms of advertising. Promotional expenditures may be made in the same manner as expenditures made by private persons, firms, corporations, or associations for similar purposes, and are not subject to regulation by the commissioner of employee relations.

Sec. 4. Minnesota Statutes 1984, section 44A.07, subdivision 1, is amended to read:

Subdivision 1. [SERVICES.] The world trade center board may:

(1) define, formulate, administer, and deliver programs and services through the world trade center;

(2) provide and contract for services and programs through the world trade center, including: a library and research service providing information on world trade; a trade lead service, providing and authenticating information about international trade opportunities; a club for world trade center club members; telecommunications services; translation and interpretation services; temporary secretarial and other business services; language instruction; educational conferences and seminars; and other programs and services that serve the purposes of the world trade center, in the determination of the board;

(3) establish and charge fees for services and programs provided without regard to chapter 14 and section 16A.128;

(4) establish membership requirements for Minnesota world trade center operations without regard to chapter 14;

(5) establish satellite operations of the Minnesota world trade center;

(6) maintain active membership in the world trade center association;

(7) create an international communication network to coordinate international trade information and activities;

(8) compile international trade information from, among other places, the United States Department of Commerce and private sources, and provide marketing information to business persons;

(9) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons regarding export trading; and

(10) coordinate the international trading activities of state and local agencies and organizations.

Sec. 5. [44A.08] [SERVICE INFORMATION; CLASSIFICATION OF

DATA.]

Subdivision 1. [SERVICE INFORMATION.] Information, including data bases, purchased by the board or developed by the board for sale pursuant to section 44A.07, is not subject to chapter 13.

Subd. 2. [CLASSIFICATION OF DATA.] For purposes of this subdivision, "business transaction" means a transaction between parties other than the board. The following data received or developed by the board is private with respect to data on individuals and nonpublic with respect to data not on individuals:

(1) Data relating to the financial condition of individuals or businesses receiving or performing services by or on behalf of the board.

(2) At the request of either party to the transaction data on business transactions.

(3) At the request of the person or business seeking the information, the identities of persons or businesses requesting business or trade information from the board, and the nature of the trade information."

Amend the title accordingly

Mr. Knaak questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Luther amendment. The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 2009, as follows:

Page 7, line 20, delete "\$575,000" and insert "\$425,000"

Page 9, line 34, delete "(4,500,000)" and insert "(4,650,000)"

Correct the subdivision and section totals

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Jude	Lessard	Ramstad
Belanger	Frederick	Kamrath	McQuaid	Renneke
Benson	Frederickson	Knaak	Mehrrens	Sieloff
Berg	Gustafson	Knutson	Merriam	Storm
Brataas	Isackson	Kronebusch	Olson	Taylor
Davis	Johnson, D.E.	Laidig	Peterson, D.L.	Wegscheid

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Samuelson
Berglin	Dieterich	Luther	Peterson, D.C.	Schmitz
Bertram	Freeman	Moe, D.M.	Peterson, R.W.	Solon
Chmielewski	Hughes	Moe, R.D.	Petty	Spear
Dahl	Johnson, D.J.	Nelson	Pogemiller	Stumpf
DeCramer	Kroening	Novak	Purfeerst	Waldorf
Dicklich	Langseth	Pehler	Reichgott	Willet

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

Mr. Kamrath moved to amend H.F. No. 2009, as amended by the Senate

March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 6, line 17, delete "(300)" and insert "(133,100)"

Correct the section totals and the summary by fund accordingly

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

Mr. Knutson moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 66, delete line 6 and insert:

"\$(1,000,000) \$(1,000,000)"

Page 66, line 10, delete "\$500,000" and insert "\$1,700,000"

Page 66, delete lines 51 to 58

Page 67, delete lines 44 to 51

Page 68, delete lines 1 to 19

Page 68, lines 44 and 54, delete "25" and insert "13"

Page 69, line 7, delete "\$3.50" and insert "\$3.90"

Page 69, delete lines 10 to 24

Page 69, delete lines 54 to 57

Page 70, after line 7, insert:

"Of this amount, \$6,500,000 in fiscal year 1986 is reduced from the jobs program appropriation made in Laws 1985, First Special Session chapter 9, article 1, section 3, subdivision 2."

Page 70, line 17, delete "The commissioner of"

Page 70, delete lines 18 to 22

Page 70, line 24, delete "(106,900)" and insert "(1,500,000)"

Page 71, delete lines 2 to 13

Pages 134 to 137, delete sections 63 to 65 of article 3

Correct the section totals and the summary by fund accordingly

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Kamrath	McQuaid	Renneke
Belanger	Frederick	Knaak	Mehrrens	Sieloff
Benson	Frederickson	Knutson	Olson	Storm
Berg	Gustafson	Kronebusch	Peterson, D.L.	Taylor
Brataas	Isackson	Laidig	Ramstad	

Adkins	Dieterich	Lantry	Pehler	Schmitz
Berglin	Frank	Lessard	Peterson, C.C.	Solon
Bertram	Freeman	Luther	Peterson, D.C.	Spear
Chmielewski	Hughes	Merriam	Peterson, R.W.	Stumpf
Dahl	Johnson, D.E.	Moe, D.M.	Petty	Waldorf
Davis	Jude	Moe, R.D.	Pogemiller	Willet
DeCramer	Kroening	Nelson	Purfeerst	
Dicklich	Langseth	Novak	Samuelson	

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

Mrs. Kronebusch moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 25, after line 32, insert:

"Sec. 20. Minnesota Statutes 1985 Supplement, section 116.07, subdivision 4d, is amended to read:

Subd. 4d. [PERMIT FEES.] The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under ~~section 16A.128~~ *chapter 14* establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this subdivision shall be deposited in the special revenue fund. *The agency shall not collect fees for permits related to water pollution control or air pollution control.*"

Page 52, after line 26, insert:

"Sec. 63. Laws 1985, First Special Session chapter 13, section 26, subdivision 2, is amended to read:

Subd. 2. Water Pollution Control

\$2,604,100	\$2,229,100	\$2,538,700	\$2,913,700
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Summary by Fund

General	\$1,798,700	\$1,436,400	\$2,561,400
Special	\$ 375,000	\$ 750,000	
Water Pollution Control	\$ 430,400	\$ 352,300	

Fees collected for the special fund for water pollution control permits prior to July 1, 1986, shall be refunded by the agency and a sum sufficient to make the refunds is appropriated from the special fund.

\$80,000 the first year is from the water pollution control fund for a grant to the Moose Lake and Windemere area sanitary sewer district to discharge the costs of preparations for sewer works made useless by changes in the conditions for federal funding.

Sec. 64. Laws 1985, First Special Session chapter 13, section 26, subdivision 3, is amended to read:

Subd. 3. Air Pollution Control

\$1,212,700	\$1,087,700	\$1,222,400	\$1,347,400
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Summary by Fund

General	\$1,087,700	\$ 952,400	1,347,400
Special	\$ 125,000	\$ 270,000	

Fees collected for the special fund for air pollution control permits prior to July 1, 1986, shall be refunded by the agency and a sum sufficient to make the refunds is appropriated from the special fund.

Sec. 65. Laws 1985, First Special Session chapter 13, section 28, subdivision 6, is amended to read:

Subd. 6. Community Development

\$8,404,000	\$8,406,800
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\$5,664,700 the first year and \$5,664,700 the second year is for economic recovery grants.

\$2,000,000 the first year and ~~\$2,000,000 the second year~~ is for payment of a grant to the metropolitan council for metropolitan area regional parks maintenance and operation money.

The appropriation in Laws 1984, chapter 597, section 8, for regional solid waste disposal is reduced by \$1,000,000. The remaining \$400,000 of that appropriation may be paid as grants to one or more counties or groups of counties among the seven counties formerly involved in that project, to be used to deal with solid waste disposal. A grant may not be paid until the commissioner of energy and economic development has determined that the additional financing necessary to complete the project has been committed by other sources.

\$500,000 the first year is for payment of a grant to Hubbard county for construction of the Viking Epic Drama amphitheater. The appropriation is available only upon a determination by the commissioner of energy and economic development that the additional financing necessary to complete the project has been committed by the commissioner and nonstate sources. Hubbard county shall repay \$300,000 to the state within ten years from the date this grant is paid to the county. Repayments must be made in equal installments deposited in the state treasury and credited to the state general

fund before November 1 each year."

Correct the section totals and the summary by fund accordingly

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knaak	Mehrkens	Sieloff
Belanger	Gustafson	Knutson	Olson	Storm
Benson	Isackson	Kronebusch	Peterson, D.L.	Taylor
Brataas	Johnson, D.E.	Laidig	Ramstad	
Frederick	Kamrath	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Pehler	Samuelson
Berglin	Frank	Lessard	Peterson, C.C.	Schmitz
Bertram	Freeman	Luther	Peterson, D.C.	Spear
Chmielewski	Hughes	Merriam	Peterson, R.W.	Stumpf
Dahl	Johnson, D.J.	Moe, D.M.	Petty	Waldorf
Davis	Jude	Moe, R.D.	Pogemiller	Willet
DeCramer	Kroening	Nelson	Purfeerst	
Dicklich	Langseth	Novak	Reichgott	

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

Mr. Moe, D.M. moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 6, delete lines 25 to 59

Page 16, line 5, after the fourth comma, insert "*finance*,"

Page 16, lines 6 and 7, delete "*management and budget*,"

Pages 17 to 19, delete sections 6 to 8 of article 1

Pages 24 and 25, delete section 18 of article 1

Page 27, delete sections 22 to 24 of article 1

Page 28, line 3, reinstate the stricken language and delete the new language

Page 28, lines 29 and 30, reinstate the stricken language

Page 29, line 2, reinstate the stricken language and delete the new language

Page 29, line 22, reinstate the stricken "and the commissioner of finance"

Page 29, line 27, reinstate the stricken language and delete the new language

Page 30, line 7, reinstate the stricken language and delete the new language

Page 31, lines 17, 20, 24, 28, and 30, reinstate the stricken language and delete the new language

Page 53, delete section 65 of article 1

Page 53, lines 22 and 23, delete "116K.01; 116K.02; 116K.03, subdivision 3;"

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Knaak	Moe, D.M.	Renneke
Belanger	Frederick	Knutson	Olson	Sieleff
Benson	Gustafson	Kronebusch	Peterson, D.L.	Spear
Berg	Isackson	Laidig	Peterson, R.W.	Storm
Brataas	Johnson, D.E.	McQuaid	Petty	Taylor
Dieterich	Kamrath	Merriam	Ramstad	Wegscheid

Those who voted in the negative were:

Adkins	Dicklich	Kroening	Novak	Schmitz
Berglin	Diessner	Langseth	Pehler	Solon
Bertram	Frederickson	Lantry	Peterson, C.C.	Stumpf
Chmielewski	Freeman	Lessard	Peterson, D.C.	Waldorf
Dahl	Hughes	Luther	Purfeerst	Willet
Davis	Johnson, D.J.	Moe, R.D.	Reichgott	
DeCramer	Jude	Nelson	Samuelson	

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

Mr. Benson moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 122, after line 27, insert:

"Sec. 54. Minnesota Statutes 1985 Supplement, section 256D.101, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFICATION.] If the local agency determines that a registrant has failed to comply with the requirements of section 256D.051, the local agency shall notify the registrant of the determination. The notification shall be in writing; shall state the facts that support the local agency's determination; shall specify the particular actions that must be taken by the registrant to achieve compliance; shall state that the recipient must take the specified actions by a date certain, which must be at least ~~45~~ ten days following the date the notification is mailed or delivered to the registrant; shall explain the ramifications of the registrant's failure to take the required actions by the specified date; and shall advise the registrant that the registrant may request and have a conference with the local agency to discuss the notification.

Sec. 55. Minnesota Statutes 1985 Supplement, section 256D.101, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF GRANT REDUCTION, SUSPENSION, OR

TERMINATION.] ~~No~~ The notice of grant reduction, suspension, or termination on the ground that a registrant has failed to comply with section 256D.051 shall be ~~given mailed or hand delivered~~ by the local agency ~~until the notification required by subdivision 1 has been given, the time for compliance stated in the notification has lapsed, and the local agency has, subsequent concurrently with the notification required by subdivision 1. Prior to giving the notification, assessed notifications, the local agency must assess the registrant's eligibility for general assistance under section 256D.05 to the extent possible using information contained in the case file, and determined determine that the registrant is not eligible under that section. The determination that the registrant is not eligible shall be stated in the notice of grant reduction, suspension, or termination.~~

Sec. 56. Minnesota Statutes 1985 Supplement, section 256D.101, is amended by adding a subdivision to read:

Subd. 3. [BENEFITS AFTER NOTIFICATION.] Assistance payments otherwise due to the registrant under section 256D.051 must not be issued after the notification required in subdivision 1 has been provided to the registrant unless, before the date stated in the notification, the registrant takes the specified action necessary to achieve compliance. If, by the required date, the registrant takes the specified action necessary to achieve compliance, both the notification required by subdivision 1 and the notice required by subdivision 2 must be canceled and all benefits due to the registrant paid promptly.

Sec. 57. Minnesota Statutes 1985 Supplement, section 256D.101, is amended by adding a subdivision to read:

Subd. 4. [INELIGIBILITY FOLLOWING SUSPENSION.] A registrant suspended for failing to comply with section 256D.051 is ineligible for remaining work readiness services or payments for 60 days following suspension. The registrant's total period of eligibility must be reduced by the period of ineligibility that results from suspension."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kamrath	McQuaid	Renneke
Belanger	Frederickson	Knaak	Mehrkens	Sieloff
Benson	Gustafson	Knutson	Olson	Storm
Brataas	Isackson	Kronebusch	Peterson, D.L.	Taylor
Chmielewski	Johnson, D.E.	Laidig	Ramstad	Waldorf

Those who voted in the negative were:

Adkins	Diessner	Langseth	Nelson	Pogemiller
Berglin	Dieterich	Lantry	Novak	Samuelson
Bertram	Frank	Lessard	Pehler	Schmitz
Dahl	Hughes	Luther	Peterson, D.C.	Spear
Davis	Jude	Merriam	Peterson, R.W.	Stumpf
Dicklich	Kroening	Moe, R.D.	Petty	Willett

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

Mr. Dicklich moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 9, line 34, delete "(6,013,400)" and insert "(5,913,400)"

Page 52, after line 26, insert:

"Sec. 63. Laws 1985, First Special Session chapter 13, section 28, subdivision 7, is amended to read:

Subd. 7. Science and Technology

\$1,376,900 \$1,405,400

\$96,700 the first year and \$96,700 the second year is for the council on biotechnology.

\$75,000 the first year and \$100,000 the second year is for a grant to the ~~Minnesota Inventors' Congress~~ *Institute for Invention and Innovation*. The purposes of this grant include establishment of a focal point for development of an invention support system including an advisory council comprised of representatives from the public and private sectors; coordination of an invention support system, primarily in the form of semi-autonomous regional centers, while protecting, enriching, and promoting existing activities such as the Minnesota Inventors' Congress, the Minnesota Inventors' Hall of Fame, the Inventions and Technology Transfer Corporation, the Inventors' Club, and the Young Inventors' Fair; promotion of invention research, with resultant knowledge to be disseminated to Minnesota educational systems; and development of a fiscal design for the statewide invention support system. The ~~Inventors' Congress~~ *Institute* shall report to the commissioner of energy and economic development by June 30 of each year on its activities in carrying out the purposes of this grant.

Sec. 64. [APPLICABILITY.]

Section 63 applies to grant money not paid or obligated by contract before its effective date."

Correct the section totals and the summary by fund accordingly

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 65, line 18, before the period, insert “, and except that sections 7 and 8 are not effective until the governor informs the legislature of the present and precise location of the budget reserve money previously represented to be available to finance state government programs”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 33, as follows:

Those who voted in the affirmative were:

Benson	Frederickson	Knaak	Ramstad	Storm
Brataas	Gustafson	McQuaid	Renneke	
Frederick	Kamrath	Olson	Sieloff	

Those who voted in the negative were:

Anderson	Davis	Kroening	Novak	Samuelson
Belanger	Diessner	Langseth	Pehler	Spear
Berg	Dieterich	Lantry	Peterson, D.C.	Stumpf
Berglin	Frank	Lessard	Peterson, R.W.	Waldorf
Bertram	Hughes	Mehrkens	Petty	Willet
Chmielewski	Johnson, D.E.	Merriam	Pogemiller	
Dahl	Jude	Moe, R.D.	Purfeerst	

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

Mr. Frederick moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 62, line 24, strike “37.5” and insert “54.17”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Johnson, D.E.	McQuaid	Renneke
Benson	Frederickson	Knaak	Mehrkens	Storm
Berg	Gustafson	Kronebusch	Olson	Taylor
Brataas	Isackson	Laidig	Ramstad	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Peterson, D.C.	Spear
Berglin	Frank	Luther	Peterson, R.W.	Stumpf
Bertram	Freeman	Merriam	Petty	Waldorf
Davis	Hughes	Moe, R.D.	Pogemiller	Willet
DeCramer	Jude	Novak	Purfeerst	
Dicklich	Kroening	Pehler	Samuelson	
Diessner	Langseth	Peterson, C.C.	Schmitz	

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

Mr. Samuelson moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 70, delete lines 14 to 22

The motion prevailed. So the amendment was adopted.

Mr. Gustafson moved to amend H.F. No. 2009, as amended by the Senate

March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 10, line 48, delete "(2,001,600)" and insert "(2,041,600)"

Page 10, delete lines 54 and 55

Page 11, delete lines 1 to 6

Correct the section totals and the summary by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knaak	Mehrkens	Storm
Belanger	Gustafson	Knutson	Olson	Taylor
Benson	Isackson	Kronebusch	Peterson, D.L.	
Berg	Johnson, D.E.	Laidig	Ramstad	
Brataas	Jude	Lessard	Renneke	
Frederick	Kamrath	McQuaid	Sicliff	

Those who voted in the negative were:

Adkins	Dicklich	Luther	Peterson, R.W.	Stumpf
Berglin	Dieterich	Merriam	Petty	Wegscheid
Bertram	Frank	Moe, R.D.	Pogemiller	Willet
Chmielewski	Freeman	Novak	Purfeerst	
Dahl	Kroening	Pehler	Samuelson	
Davis	Langseth	Peterson, C.C.	Schmitz	
DeCramer	Lantry	Peterson, D.C.	Spear	

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

Mr. Frederick moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 9, line 34, delete "(4,500,000)" and insert "(6,409,800)" and delete "(6,013,400)" and insert "(8,063,600)"

Page 10, line 48, delete "(2,001,600)" and insert "(91,800)" and delete "(1,802,600)" and insert "(247,600)"

Page 10, line 50, delete "(2,061,900)" and insert "(152,100)" and delete "(2,781,500)" and insert "(731,300)"

Correct the section totals and the summary by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knaak	Olson	Taylor
Belanger	Gustafson	Knutson	Peterson, D.L.	Wegscheid
Benson	Isackson	Kronebusch	Ramstad	
Berg	Johnson, D.E.	Laidig	Renneke	
Brataas	Jude	McQuaid	Sicliff	
Frederick	Kamrath	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	DeCramer	Lantry	Peterson, C.C.	Schmitz
Berglin	Dicklich	Lessard	Peterson, D.C.	Spear
Bertram	Frank	Luther	Peterson, R.W.	Stumpf
Chmielewski	Freeman	Merriam	Petty	Waldorf
Dahl	Kroening	Moe, R.D.	Pogemiller	Willet
Davis	Langseth	Pehler	Samuelson	

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

Mr. Storm moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 15, after line 20, insert:

“Sec. 4. [3.181] [ECONOMIC IMPACT STATEMENT.]

Subdivision 1. [ESTIMATE OF ECONOMIC IMPACT.] Before passing a law, each house of the legislature shall consider the economic impact the law will have on the public and on agencies of government assigned to implement or enforce it.

Subd. 2. [CONTENT OF STATEMENT.] For purposes of this section, an economic impact statement includes:

(1) an estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork;

(2) an estimate of the cost or the economic benefit to persons directly affected by the proposed action;

(3) an estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and

(4) a detailed statement of the data and method used in making each of the estimates listed.

Subd. 3. [VALIDITY OF LAWS.] Failure to provide an adequate statement of economic impact is grounds for holding a law invalid. However, beginning on the effective date of this section, no law shall be declared invalid for want of an adequate statement of economic impact unless the issue is raised in an administrative or judicial proceeding within one year of the effective date of the law to which the statement applies.”

Page 17, after line 18, insert:

“Sec. 7. Minnesota Statutes 1985 Supplement, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule and a fiscal note if required by section 3.982. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge and must also include, when appropriate:

(1) a description of the classes of people who will probably be affected by the proposed rule, including classes that will bear the costs of the proposed

rule and classes that will benefit from the proposed rule;

(2) a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of people;

(3) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(4) a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;

(5) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(6) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(7) a quantification of the data to the extent practicable; and

(8) both the short-term and long-term consequences of the rules, if adopted.

If the agency has made a good faith effort to comply with the requirements of this section, the rule may not be invalidated solely on the ground that the contents of the statement of need and reasonableness are insufficient or inaccurate as long as the agency supplements the rulemaking record with additional or corrected information.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Kroening moved to amend the Storm amendment to H.F. No. 2009 as follows:

Page 1, line 8, delete "each house of the legislature" and insert "the house of representatives"

The question was taken on the adoption of the Kroening amendment to the Storm amendment.

The roll was called, and there were yeas 38 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Lantry	Peterson, D.C.	Sieloff
Belanger	Diessner	Lessard	Peterson, R.W.	Spear
Berg	Frank	Luther	Petty	Stumpf
Berglin	Freeman	Merriam	Pogemiller	Waldorf
Bertram	Gustafson	Moe, R.D.	Purfeerst	Wegscheid
Brataas	Jude	Novak	Reichgott	Willet
Dahl	Kroening	Pehler	Samuelson	
Davis	Langseth	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Anderson	Frederickson	Knutson	Mehrkens	Renneke
Benson	Isackson	Kronebusch	Olson	Storm
Chmielewski	Johnson, D.E.	Laidig	Peterson, D.L.	Taylor
Dicklich	Kamrath	McQuaid	Ramstad	

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

The question recurred on the adoption of the Storm amendment, as amended.

The roll was called, and there were yeas 29 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Knutson	Peterson, D.L.	Storm
Belanger	Frederickson	Kronebusch	Purfeerst	Stumpf
Berg	Gustafson	Laidig	Ramstad	Taylor
Bertram	Isackson	McQuaid	Renneke	Wegscheid
Brataas	Johnson, D.E.	Olson	Samuelson	Willet
DeCramer	Kamrath	Pehler	Sieloff	

Those who voted in the negative were:

Adkins	Freeman	Luther	Peterson, R.W.	Spear
Berglin	Jude	Merriam	Petty	Waldorf
Chmielewski	Kroening	Moe, R.D.	Pogemiller	
Dahl	Langseth	Novak	Reichgott	
Davis	Lantry	Peterson, C.C.	Schmitz	
Diessner	Lessard	Peterson, D.C.	Solon	

The motion prevailed. So the Storm amendment, as amended, was adopted.

Mr. Gustafson moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 11, line 3, delete "shall" and insert "may"

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Willet moved that the vote whereby the Storm amendment, as amended, to H.F. No. 2009 was adopted on March 7, 1986, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 29 and nays 28, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lessard	Peterson, D.C.	Samuelson
Berglin	Freeman	Luther	Peterson, R.W.	Schmitz
Chmielewski	Jude	Merriam	Petty	Spear
Dahl	Kroening	Moe, D.M.	Pogemiller	Waldorf
Davis	Langseth	Moe, R.D.	Purfeerst	Willet
Dicklich	Lantry	Novak	Reichgott	

Those who voted in the negative were:

Anderson	Diessner	Kamrath	Olson	Sieloff
Belanger	Frank	Knutson	Pehler	Storm
Benson	Frederickson	Kronebusch	Peterson, C.C.	Taylor
Berg	Gustafson	Laidig	Peterson, D.L.	Wegscheid
Bertram	Isackson	McQuaid	Ramstad	
DeCramer	Johnson, D.E.	Mehrkins	Renneke	

The motion prevailed. So the vote was reconsidered.

The question recurred on the Storm amendment, as amended.

The roll was called, and there were yeas 26 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kronebusch	Peterson, C.C.	Taylor
Belanger	Gustafson	Laidig	Peterson, D.L.	Wegscheid
Berg	Isackson	McQuaid	Ramstad	
Bertram	Kamrath	Mehrkens	Renneke	
Brataas	Knaak	Olson	Sieloff	
Frank	Knutson	Pehler	Storm	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, R.W.	Stumpf
Berglin	Dieterich	Lessard	Petty	Waldorf
Chmielewski	Freeman	Luther	Pogemiller	Willet
Dahl	Johnson, D.J.	Merriam	Reichgott	
Davis	Jude	Moe, R.D.	Samuelson	
DeCramer	Kroening	Novak	Schmitz	
Dicklich	Langseth	Peterson, D.C.	Spear	

The motion did not prevail. So the Storm amendment, as amended, was not adopted.

Mr. Taylor moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 10, after line 30, insert:

“The funds for the Biotechnology Commission in the Office of Science and Technology must not be reduced the first year and may be reduced no more than 3.5 percent the second year.”

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

Mr. Laidig moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 9, delete lines 10 to 17

Page 9, line 34, delete “(4,500,000)” and insert “(5,554,000)” and delete “(6,013,400)” and insert “(7,859,400)”

Correct the section totals and the summary by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kamrath	McQuaid	Sieloff
Benson	Gustafson	Knaak	Merriam	Storm
Brataas	Isackson	Kronebusch	Ramstad	
Frederick	Johnson, D.E.	Laidig	Renneke	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, R. W.	Stumpf
Bertram	Frank	Lessard	Petty	Waldorf
Chmielewski	Freeman	Luther	Pogemiller	Wegscheid
Dahl	Johnson, D. J.	Moe, R. D.	Reichgott	Willet
Davis	Jude	Pehler	Samuelson	
DeCramer	Kroening	Peterson, C. C.	Schmitz	
Dicklich	Langseth	Peterson, D. C.	Spear	

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

Mr. Ramstad moved to amend H.F. No. 2009, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 2305.)

Page 4, delete lines 44 to 49

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Peterson, D. L.	Taylor
Belanger	Isackson	Kronebusch	Ramstad	
Benson	Johnson, D. E.	Laidig	Renneke	
Brataas	Kamrath	Mehrkins	Sieloff	
Frederick	Knaak	Olson	Storm	

Those who voted in the negative were:

Adkins	Diessner	Langseth	Novak	Purfeerst
Berglin	Dieterich	Lantry	Pehler	Samuelson
Bertram	Frank	Lessard	Peterson, C. C.	Spear
Chmielewski	Freeman	Luther	Peterson, D. C.	Stumpf
Dahl	Johnson, D. J.	Merriam	Peterson, R. W.	Waldorf
Davis	Jude	Moe, R. D.	Petty	Willet
DeCramer	Kroening	Nelson	Pogemiller	

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

H.F. No. 2009 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 40 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Pehler	Samuelson
Berglin	Dieterich	Lantry	Peterson, C. C.	Schmitz
Bertram	Frank	Lessard	Peterson, D. C.	Solon
Chmielewski	Freeman	Luther	Peterson, R. W.	Spear
Dahl	Johnson, D. J.	Merriam	Petty	Stumpf
Davis	Jude	Moe, R. D.	Pogemiller	Waldorf
DeCramer	Kroening	Nelson	Purfeerst	Wegscheid
Dicklich	Kronebusch	Novak	Reichgott	Willet

Those who voted in the negative were:

Anderson	Frederickson	Knaak	Olson	Storm
Belanger	Gustafson	Knutson	Peterson, D. L.	Taylor
Benson	Isackson	Laidig	Ramstad	
Berg	Johnson, D. E.	McQuaid	Renneke	
Brataas	Kamrath	Mehrkins	Sieloff	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that S.F. No. 2305, on General Orders, be stricken and laid on the table. The motion prevailed.

RECONSIDERATION

Mr. Chmielewski moved that the vote whereby H.F. No. 671 failed to pass the Senate on March 6, 1986, be now reconsidered.

CALL OF THE SENATE

Mr. Petty imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to Rule 22, Mr. Moe, R.D. moved to be excused from voting on all questions pertaining to H.F. No. 671. The motion prevailed.

The question recurred on the adoption of the motion of Mr. Chmielewski.

The roll was called, and there were yeas 41 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Gustafson	McQuaid	Peterson, D.L.	Solon
Brataas	Johnson, D.E.	Mehrkens	Petty	Spear
Chmielewski	Johnson, D.J.	Merriam	Pogemiller	Storm
Dicklich	Jude	Moe, D. M.	Purfeerst	Taylor
Diessner	Kamrath	Nelson	Ramstad	Wegscheid
Dieterich	Knutson	Novak	Reichgott	
Frank	Lantry	Olson	Samuelson	
Frederick	Lessard	Pehler	Schmitz	
Freeman	Luther	Peterson, C.C.	Sieloff	

Those who voted in the negative were:

Adkins	Bertram	Isackson	Langseth	Willet
Belanger	Dahl	Knaak	Peterson, D.C.	
Benson	Davis	Kroening	Peterson, R.W.	
Berg	DeCramer	Kronebusch	Renneke	
Berglin	Frederickson	Laidig	Stumpf	

The motion prevailed. So the vote was reconsidered.

Mr. Petty moved that H.F. 671 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Davis moved that H.F. No. 1599 be taken from the table. The motion prevailed.

H.F. No. 1599: A bill for an act relating to state monuments; authorizing development of a plan for a memorial to Native Americans; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

SUSPENSION OF RULES

Mr. Davis moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1599 and that the rules of the Senate be so far suspended as to give H.F. No. 1599 its second and third reading and place it on its final passage. The

motion prevailed.

H.F. No. 1599 was read the second time.

Mr. Davis moved to amend H.F. No. 1599 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1599, and insert the language after the enacting clause, and the title, of S.F. No. 1672, the third engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 88 and 89, delete section 3 of article 11 and insert:

“Sec. 3. Minnesota Statutes 1985 Supplement, section 336.9-307, is amended to read:

336.9-307 [PROTECTION OF BUYERS OF GOODS.]

(1) A buyer in ordinary course of business (subsection (9) of section 336.1-201) *other than a person buying farm products from a person engaged in farming operations* takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence; ~~except that a buyer in the ordinary course of business who purchases farm products from a person engaged in farming operations is subject to section 223A.01.~~

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45-day period.

Sec. 4. [CENTRAL FILING SYSTEM FOR FARM PRODUCTS.]

The secretary of state shall establish and implement a central filing system for farm products as provided under federal law.

Sec. 5. [CONFLICTING LAWS.]

If other laws are enacted during the 1986 regular session that conflict with the provisions of this article, the provisions of this article shall prevail, unless the provisions of this article are expressly superseded.”

Page 89, line 14, delete “Sections 1 to 4 are” and insert “This article is”

Renumber the sections of article 11 in sequence

CALL OF THE SENATE

Mr. Davis imposed a call of the Senate for the balance of the proceedings

on H.F. No. 1599. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Frederickson amendment.

The roll was called, and there were yeas 20 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Knaak	McQuaid	Petty
Benson	Isackson	Knutson	Mehrkens	Ramstad
Dieterich	Johnson, D.E.	Kronebusch	Olson	Storm
Frederick	Kamrath	Laidig	Peterson, R.W.	Taylor

Those who voted in the negative were:

Adkins	DeCramer	Langseth	Peterson, D.C.	Spear
Anderson	Dicklich	Lantry	Peterson, D.L.	Stumpf
Berg	Diessner	Lessard	Pogemiller	Wegscheid
Berglin	Frank	Luther	Purfeerst	Willet
Bertram	Gustafson	Merriam	Reichgott	
Chmielewski	Hughes	Novak	Renneke	
Dahl	Jude	Pehler	Schmitz	
Davis	Kroening	Peterson, C.C.	Solon	

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

Mr. Merriam moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 57 to 59, delete section 5 of article 9 and insert:

“Sec. 5. [582.30] [DEFICIENCY JUDGMENTS.]

Subdivision 1. [DEFICIENCY ALLOWED.] (a) Except as provided in this section, a person holding a mortgage may obtain a personal judgment against the mortgagor if the amount a person holding a mortgage receives from a foreclosure sale is less than:

(1) the amount remaining unpaid on the mortgage under chapter 580; or

(2) the amount of the judgment entered under chapter 581.

(b) Except as provided in subdivision 3, the judgment may not be for more than the difference between the amount received from the foreclosure sale less expenses and costs and:

(1) the total amount that attaches to the sale proceeds under section 580.09; or

(2) for a foreclosure by action, the amount of the judgment entered under section 581.03.

Subd. 2. [GENERAL PROHIBITION FOR PROPERTY WITH A SIX-MONTH REDEMPTION PERIOD.] A deficiency judgment is not allowed if a mortgage is foreclosed by advertisement under chapter 580 and has a redemption period of six months under section 580.23, subdivision 1.

Subd. 3. [AMOUNT OF DEFICIENCY JUDGMENT ON AGRICULTURAL PROPERTY IF MORTGAGEE IS PURCHASER.] For property used in agricultural production, if a deficiency judgment is allowed and the

mortgagee purchases the property, the amount of the deficiency judgment is limited to the difference of the fair market value of the property as determined by the court, and the amount remaining unpaid on a mortgage foreclosed under chapter 580 or the amount of the judgment entered on a mortgage foreclosed under chapter 581.

Subd. 4. [STATUTE OF LIMITATIONS ON EXECUTING JUDGMENT.] A deficiency judgment under this section or personal judgment obtained under section 6 may be enforced by execution but the judgment may not be executed after three years from the date judgment was entered.

Sec. 6. [582.31] [ONE ACTION ALLOWED TO ENFORCE AGRICULTURAL MORTGAGE.]

(a) For a mortgage on property used in agricultural production entered into after the effective date of this act, the mortgagee may only proceed to:

(1) obtain a personal judgment for the debt owed on the note secured by the mortgage and execute on the judgment; or

(2) foreclose the mortgage and obtain a deficiency judgment, if allowed.

(b) An action under paragraph (a), either clause (1) or (2), bars an action under the other clause.

Sec. 7. [582.32] [ATTACHMENT OF JUDGMENT TO AGRICULTURAL PROPERTY AFTER JUDGMENT IS ENTERED.]

A deficiency judgment or personal judgment obtained to enforce a mortgage debt on property used in agricultural production or a judgment obtained to enforce debts related to agricultural purposes, does not attach to real property used in agricultural production that is acquired by the mortgagor or debtor after the judgment is entered."

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

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

Mr. Berg moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 87 to 89, delete article 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 53 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Olson	Samuelson
Anderson	Diessner	Knutson	Pehler	Schmitz
Belanger	Dieterich	Kroening	Peterson, C. C.	Sieloff
Benson	Frank	Kronebusch	Peterson, D. C.	Spear
Berg	Frederick	Laidig	Peterson, D. L.	Storm
Berglin	Frederickson	Langseth	Peterson, R. W.	Stumpf
Bertram	Freeman	Lantry	Petty	Taylor
Chmielewski	Gustafson	Luther	Pogemiller	Wegscheid
Dahl	Johnson, D. E.	McQuaid	Purfeerst	Willet
Davis	Jude	Merriam	Ramstad	
DeCramer	Kamrath	Moe, R. D.	Renneke	

Messrs. Isackson, Lessard and Mehrkens voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 50, line 24, delete "*and proceeds of the farm products*"

Page 50, line 25, delete "*by*" and insert "*within*" and delete everything after "*receives*"

Page 50, line 26, delete "*services acquired with*"

Page 50, line 27, delete "*Priority among*"

Page 50, line 36, after the period, insert "*A debtor is enabled to produce or raise farm products when the new value is used: to pay operating expenses, including normal personal and family expenses, incurred in or while producing or raising the collateral; or to acquire goods or services used in producing or raising the collateral.*"

Page 56, line 28, delete everything after "*effective*" and insert "*the day following final enactment.*"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 44 and 45, delete sections 1 to 3 of article 7

Page 49, delete section 10 of article 7

Page 49, line 32, delete everything after "*1986*" and insert a period

Page 49, delete lines 33 and 34

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 44 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	McQuaid	Purfeerst
Anderson	Dicklich	Knaak	Mehrrens	Ramstad
Belanger	Diessner	Knutson	Moe, R. D.	Reichgott
Benson	Frank	Kroening	Novak	Renneke
Berg	Frederickson	Kronebusch	Olson	Sieloff
Bertram	Gustafson	Laidig	Pehler	Storm
Chmielewski	Isackson	Langseth	Peterson, C.C.	Stumpf
Dahl	Johnson, D.E.	Lessard	Peterson, D.L.	Taylor
Davis	Jude	Luther	Pogemiller	

Those who voted in the negative were:

Berglin	Lantry	Peterson, D.C.	Petty	Wegscheid
Dieterich	Merriam	Peterson, R.W.	Spear	Willet

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 101, after line 36, insert:

"ARTICLE 17

Section 1. Minnesota Statutes 1984, section 480.24, is amended by adding a subdivision to read:

Subd. 5. [NONPROFIT REGIONAL ALTERNATIVE DISPUTE RESOLUTION CORPORATION.] "Nonprofit regional alternative dispute resolution corporation" means a nonprofit corporation which trains and makes available to the public individuals who provide fact-finding, conciliation, mediation, or nonbinding or binding arbitration services.

Sec. 2. Minnesota Statutes 1984, section 480.242, subdivision 2, is amended to read:

Subd. 2. [REVIEW OF APPLICATIONS; SELECTION OF RECIPIENTS.] At times and in accordance with any procedures as the supreme court adopts in the form of court rules, applications for the expenditure of funds collected pursuant to section 480.241 shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the supreme court, shall distribute the funds received pursuant to section 480.241, subdivision 2 to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. Subject to the provisions of subdivision 4, the funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each

program, as determined by the supreme court on the basis of the 1980 national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil matters to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, or (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations. Grants may be made pursuant to this clause only until June 30, 1987. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

Sec. 3. Minnesota Statutes 1984, section 572.33, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] When used in Laws 1984, chapter 646, sections 4 to 7 sections 572.31 to 572.40 and section 6 the terms defined in this section have the meanings given them.

Sec. 4. Minnesota Statutes 1984, section 572.33, is amended by adding a subdivision to read:

Subd. 5. [NONPROFIT REGIONAL ALTERNATIVE DISPUTE RESOLUTION CORPORATION.] *'Nonprofit regional alternative dispute resolution corporation'* has the meaning given in section 1.

Sec. 5. Minnesota Statutes 1984, section 572.35, is amended to read:

572.35 [EFFECT OF MEDIATED SETTLEMENT AGREEMENT.]

Subdivision 1. [GENERAL.] The effect of a mediated settlement agreement shall be determined under principles of law applicable to contract. A mediated settlement agreement is not binding unless it contains a provision stating that it is binding and a provision stating substantially that the parties were advised in writing that (a) the mediator has no duty to protect their interests or provide them with information about their legal rights; (b) signing a mediated settlement agreement may adversely affect their legal rights; and (c) they should consult an attorney before signing a mediated settlement agreement if they are uncertain of their rights.

Subd. 2. [DEBTOR AND CREDITOR MEDIATION.] *In addition to the requirements of subdivision 1, a mediated settlement agreement between a debtor and creditor is not binding until 72 hours after it is signed by the debtor and creditor, during which time either party may withdraw consent to the binding character of the agreement.*

Sec. 6. [572.41] [DEBTOR AND CREDITOR MEDIATION.]

Subdivision 1. [GENERAL.] *The debtor and creditor in any transaction may request the other party to the transaction to enter mediation concerning possible adjustment, refinancing, or payment under this section and sections 572.31 to 572.40.*

Subd. 2. [MEDIATORS.] *An individual who meets the qualifications established under subdivision 5 and who is willing to mediate in matters*

involving debtors and creditors may register with a nonprofit regional alternative dispute resolution corporation or, in a county where one does not exist, with the court administrator. The court administrator shall develop a list of mediators available in the county. It is desirable but not necessary that mediators under this section have knowledge of debtor and creditor law and relevant areas of finance. A mediator must not mediate a matter involving a debtor or creditor with whom the mediator has or has had a credit relationship.

Subd. 3. [REQUEST FOR MEDIATOR.] A debtor and creditor who agree to mediate may submit a written request for referral to a mediator to the court administrator in the county where either party resides or has a place of business. The court administrator shall assign a mediator from the list developed under subdivision 2. The court administrator may charge a fee for the referral not to exceed the conciliation court fee in that county.

Subd. 4. [COMPENSATION.] Prior to commencing mediation the debtor and creditor shall agree with each other and the mediator on the amount and allocation between them of any fee for the mediator's services.

Subd. 5. [RULES.] The state court administrator shall adopt rules to implement this section and may use portions of existing rules on certification of alternative dispute resolution programs that satisfy the purposes of this section. The rules must include qualifications of mediators under this section and grounds for challenging and removing mediators.

Sec. 7. [EFFECTIVE DATE.]

This article is effective the day following final enactment."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 29, after line 21, insert:

"Sec. 12.

Notwithstanding Laws 1985, chapter 4, section 6, as amended by Laws 1985, chapter 114, section 2, a farm operating loan due and payable by March 15, 1986, is eligible for the state interest payment if the loan was submitted by December 31, 1985."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Berg then moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 95, after line 36, insert:

"Section 1. Minnesota Statutes 1984, section 169.80, subdivision 1, is amended to read:

Subdivision 1. [LIMITATIONS.] It is a misdemeanor for a person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, and the maximum size and weight of vehicles as prescribed in sections 169.80 to 169.88 shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in the group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as provided by law. For purposes of sections 169.80 to 169.88, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when the vehicle is used exclusively to transport implements of husbandry; and the term "temporarily moved upon a highway" shall mean a movement not to exceed 50 miles.

In addition to any other special permits authorized, an annual permit may be issued authorizing movements on interstate highways and movements exceeding 50 miles on non-interstate highways of oversize vehicles and loads when the vehicles or combination of vehicles are used exclusively to transport implements of husbandry. Annual permits are issued in accordance with the applicable provisions of section 169.86, except that the transporting vehicle or combination of vehicles may be moved at the discretion of the permittee without prior route approval from the permit issuing office of the department of transportation if:

(a) The overall width of the transporting vehicle, including load, does not exceed 42 1/4 feet;

(b) The transporting vehicle otherwise complies with equipment requirements and length, height and weight limitations prescribed by this chapter;

(c) The movement is made after the hour of sunrise and not later than 30

minutes after sunset;

(d) The movement is not made when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sundays after twelve o'clock noon, and holidays;

(e) The transporting vehicle shall display at the front and rear end of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds ten feet, six inches; and

(f) The movement, if made on a trunk highway, is made on a trunk highway with a surfaced roadway width of not less than 24 feet.

The fee for an annual permit is \$24."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 59 to 87, delete article 10

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Olson	Sieloff
Anderson	Frederick	Kronebusch	Peterson, D.C.	Spear
Belanger	Freeman	Laidig	Peterson, R.W.	Storm
Benson	Gustafson	Lessard	Petty	Taylor
Berg	Isackson	McQuaid	Ramstad	Wegscheid
Brataas	Jude	Mehrkens	Reichgott	
Diessner	Kamrath	Moe, D. M.	Renneke	

Those who voted in the negative were:

Berglin	DeCramer	Johnson, D.J.	Moe, R. D.	Samuelson
Bertram	Dicklich	Knaak	Novak	Schmitz
Chmielewski	Frank	Langseth	Pehler	Stumpf
Dahl	Frederickson	Luther	Peterson, C.C.	Willet
Davis	Johnson, D.E.	Merriam	Purfeerst	

The motion prevailed. So the amendment was adopted.

Mr. Davis moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 16, line 26, delete "act" and insert "article"

Page 17, line 12, delete "Sections 1 to 26 are" and insert "This article

is”

Page 35, line 19, delete “Sections 1 to 5 are” and insert “This article is”

Page 40, line 29, delete “act” and insert “article”

Page 49, line 32, delete “act” and insert “article”

Page 56, lines 22 and 28, delete “act” and insert “article”

Page 59, line 13, delete “act” and insert “article”

Page 74, line 32, delete “act” and insert “article”

Page 78, line 22, delete “act” and insert “article”

Page 87, line 31, delete “act” and insert “article”

Page 92, line 30, delete “act” and insert “article”

Page 95, line 31, delete “act” and insert “article”

Amend the title as follows:

Page 1, line 36, delete “580.09” and insert “581.09”

Page 1, line 38, delete “subdivision 2” and insert “subdivisions 2 and 5”

Page 1, line 40, after “334.021;” insert “336.9-307;”

Page 1, line 45, delete “236A,”

Page 2, line 1, delete “chapter 32C” and insert “chapters 32C and 236A”

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Pages 49 to 55, delete sections 1 to 4 of article 8

Page 56, delete sections 6 and 7 of article 8

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knaak	McQuaid	Renneke
Belanger	Gustafson	Knutson	Mehrkens	Storm
Bertram	Isackson	Kronebusch	Olson	Taylor
Brataas	Johnson, D.E.	Laidig	Peterson, R.W.	
Frederick	Kamrath	Lessard	Ramstad	

Those who voted in the negative were:

Adkins	Dieterich	Luther	Petty	Sieloff
Berg	Frank	Merriam	Pogemiller	Spear
Berglin	Freeman	Moe, R. D.	Purfeerst	Stumpf
Dahl	Jude	Peterson, C.C.	Reichgott	Willet
Davis	Kröening	Peterson, D.C.	Samuelson	
DeCramer	Langseth	Peterson, D.L.	Schmitz	

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

Mr. Isackson moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 56, after line 36, insert:

"Sec. 2. Minnesota Statutes 1984, section 510.02, is amended to read:

510.02 [AREA, HOW LIMITED.]

The homestead may include any quantity of land not exceeding 80 160 acres, and not included in the laid out or platted portion of any city. If it be within the laid out or platted portion of such place its area shall not exceed one-half of an acre."

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Freeman moved to amend H.F. No. 1599, as amended by the Senate March 7, 1986, as follows:

(The text of the amended House File is identical to S.F. No. 1672.)

Page 101, lines 23 and 24, reinstate the stricken language

Page 101, line 25, reinstate the stricken "laid out city or town or" and after the stricken "80" insert "all" and reinstate the stricken "contiguous acres in rural areas"

Page 101, lines 25 and 26, delete the new language

The motion prevailed. So the amendment was adopted.

H.F. No. 1599 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 52 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kroening	Pehler	Sietloff
Anderson	Frank	Kronebusch	Peterson, C.C.	Solon
Belanger	Frederick	Laidig	Peterson, D.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.L.	Storm
Berglin	Freeman	Lessard	Petty	Stumpf
Bertram	Isackson	Luther	Pogemiller	Taylor
Chmielewski	Johnson, D.E.	Mehrrens	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Reichgott	Willet
Davis	Jude	Moe, D. M.	Renneke	
DeCramer	Knaak	Moe, R. D.	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

Those who voted in the negative were:

Brataas	Kamrath	Olson	Peterson, R.W.	Ramstad
Gustafson	McQuaid			

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Davis moved that S.F. No. 1672, No. 163 on General Orders, be stricken and laid on the table. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2267, 2351 and 2427.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 7, 1986

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2267: A bill for an act relating to administrative procedures; providing increased legislative oversight of administrative rulemaking; defining a rule; providing for exceptions to the rulemaking provisions of the administrative procedure act; amending Minnesota Statutes 1984, section 14.39; Minnesota Statutes 1985 Supplement, sections 14.02, subdivision 4; 14.40; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations.

H.F. No. 2351: A bill for an act relating to state real estate; permitting the sale of the old Shakopee correctional facility to the local government units.

Referred to the Committee on Finance.

H.F. No. 2427: A bill for an act relating to state lands; authorizing exchange of state property with Minnesota transportation museum property.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2173, now on General Orders.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Purfeerst moved that S.F. No. 1913, No. 148 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

MEMBERS EXCUSED

Mr. Bernhagen was excused from the Session of today. Ms. Reichgott was excused from the Session of today from 2:00 to 2:30 and from 3:00 to 3:30 p.m. Mr. Lessard was excused from the Session of today from 2:15 to 2:45 p.m. Mr. Hughes was excused from the Session of today from 3:45 to 5:00

p.m. and from 5:00 to 7:00 p.m. Mr. Waldorf was excused from the Session of today at 4:30 p.m. Mrs. Lantry was excused from the Session of today at 6:00 p.m. Mr. Pehler was excused from the Session of today from 6:05 to 6:35 p.m. Mr. Diessner was excused from the Session of today at 6:15 p.m. Mr. Mehrkens was excused from the Session of today at 6:40 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:30 a.m., Monday, March 10, 1986. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate