

EIGHTY-SIXTH DAY

St. Paul, Minnesota, Friday, March 14, 1986

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Senator Dean E. Johnson.

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

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

The President declared a quorum present.

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on H.F. No. 2009 at 10:30 a.m.:

Messrs. Willet, Kroening, Luther, Samuelson and Nelson. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 1815 at 10:00 a.m.:

Messrs. Johnson, D.J.; Novak; Ms. Berglin, Messrs. Merriam and Peterson, C.C. The motion prevailed.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 11, 1986

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1600.

Sincerely,
Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2287.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 13, 1986

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2287: A bill for an act relating to the financing of state and local government; modifying the computation of education aids and levies for certain school districts with tax increment financing districts; imposing limitations on tax increment financing; modifying tax increment financing procedures; allocating issuance authority for obligations subject to a federal volume limitation act; eliminating the maximum interest rate for certain municipal obligations; authorizing the issuance of bonds for new purposes; authorizing establishment of a capital improvement reserve fund; modifying the procedures for issuing certain municipal bonds; modifying the investment powers of municipalities; amending Minnesota Statutes 1984, sections 115.07, subdivision 1; 115A.14, subdivision 4; 116.07, by adding a subdivision; 116D.04, subdivision 1a; 117.521, subdivision 3; 124.2131, by adding a subdivision; 124.214, by adding a subdivision; 272.01, subdivision 2; 273.72; 273.73, subdivisions 2, 8, and 10; 273.74, subdivisions 1 and 4; 273.75, subdivisions 2, 6, and 7, and by adding subdivisions; 273.76, subdivisions 4 and 7, and by adding a subdivision; 273.78; 273.86, subdivision 1; 355.11, subdivision 5; 412.301; 462C.02, subdivisions 6 and 9; 462C.06; 462C.07, subdivision 1; 466.06; 471.59, subdivision 11; 471.88, subdivisions 1, 9, and 11; 471.981, by adding subdivisions; 474.02, subdivision 3, and by adding a subdivision; 474.16, subdivision 2; 475.51, subdivision 5; 475.55, subdivisions 1, 2, and 3; 475.61, subdivision 5; and 475.66, subdivision 2; Minnesota Statutes 1985 Supplement, sections 273.74, subdivisions 2 and 3; 273.75, subdivisions 1 and 4; 273.76, subdivision 1; 353.01, subdivision 2a; 395.08; 462C.12, subdivision 2; 472B.04; 473F.02, subdivision 3; 475.52, subdivision 6; 475.56; 475.58, subdivision 1; 475.60, sub-

division 2; 475.66, subdivision 1; and 475.76, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 115; 116; 297A; 458; 471; and 475; proposing coding for new law as Minnesota Statutes, chapters 116N; 458C; 471A; and 474A; repealing Minnesota Statutes, sections 462C.09, subdivisions 1 and 4; 474.16, subdivisions 1, 2, and 5; 474.21; 474.25; and 475.55, subdivisions 4 and 5; and Minnesota Statutes 1985 Supplement, sections 462C.09, subdivisions 2a, 3, 5, and 6; 474.16, subdivisions 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15; 474.17; 474.19; 474.20; 474.23; and 474.26.

Mr. Pogemiller moved that H.F. No. 2287 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

H.F. No. 2331 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.
2331	2026				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2331 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2331 and insert the language after the enacting clause of S.F. No. 2026, the second engrossment; further, delete the title of H.F. No. 2331 and insert the title of S.F. No. 2026, the second engrossment.

And when so amended H.F. No. 2331 will be identical to S.F. No. 2026, and further recommends that H.F. No. 2331 be given its second reading and substituted for S.F. No. 2026, 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. 1793 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.
1793	1659				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1793 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1793 and insert the language after the enacting clause of S.F. No. 1659, the first engrossment; further, delete the title of H.F. No. 1793 and insert the title of S.F. No. 1659, the first engrossment.

And when so amended H.F. No. 1793 will be identical to S.F. No. 1659, and further recommends that H.F. No. 1793 be given its second reading and substituted for S.F. No. 1659, 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. 2169 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.
2169	2023				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2169 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2169 and insert the language after the enacting clause of S.F. No. 2023, the second engrossment; further, delete the title of H.F. No. 2169 and insert the title of S.F. No. 2023, the second engrossment.

And when so amended H.F. No. 2169 will be identical to S.F. No. 2023, and further recommends that H.F. No. 2169 be given its second reading and substituted for S.F. No. 2023, 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. Chmielewski from the Committee on Employment, to which were referred the following appointments as reported in the Journal for February 10, 1986:

WORKERS' COMPENSATION COURT OF APPEALS

Leslie Miller Altman

Karen Shimon

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2331, 1793 and 2169 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that H.F. No. 397 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules and Administration. The motion prevailed.

SPECIAL ORDER

H.F. No. 2331: A bill for an act relating to taxation; providing for the taxation of lawful gambling; providing for identification cards for employees of distributors of gambling equipment; providing for the registration of manufacturers of gambling equipment; providing for maximum prizes for pull-tabs; allowing local investigation fees; making unlicensed wholesaling of gambling equipment a felony; regulating off-track betting; exempting certain lawful gambling from licensing and taxation; providing for notification to town boards of license applications; providing a penalty; amending Minnesota Statutes 1984, sections 240.25, subdivision 2; 240.26, subdivisions 1 and 2; 349.12, by adding a subdivision; 349.161, by adding subdivisions; 349.19, subdivision 5; 349.211, by adding a subdivision; 349.212, by adding a subdivision; 349.213, subdivision 2; 349.214, subdivision 2, and by adding a subdivision; 349.22; 349.31, subdivision 1; and 609.761; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

SUSPENSION OF RULES

Mr. Dieterich 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. 2331 and that the rules of the Senate be so far suspended as to give H.F. No. 2331, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Dieterich moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 4, line 3, strike "and suppliers" and insert "*distributors, and manufacturers*" and strike the second "and" and insert a comma and before the semicolon, insert "*, and section 17*"

Page 4, line 22, delete "*and suppliers*" and insert "*, distributors, and manufacturers*"

Page 10, line 30, after the first "to" insert "*3 are effective the day following final enactment. Section 8 is effective the day following enactment and applies to persons appointed to the charitable gambling control board after that date. Sections 4 to 7, 9 to*"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich then moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 7, line 15, delete everything after the period

Page 7, delete line 16

Page 8, lines 10 and 11, delete the new language

Page 8, line 14, after the period, insert *"If the sale of raffle tickets by a licensed organization is permitted by a city or county, then that city or county may not prohibit the sale of raffle tickets for a raffle licensed by another city or county."*

The motion prevailed. So the amendment was adopted.

Mr. Dieterich then moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 5, line 6, delete *"impose a tax"*

Page 5, delete lines 7 to 9 and insert *"assess an investigation fee not to exceed \$200 to an organization applying for a license or renewing a license to conduct lawful gambling."*

Page 7, line 28, reinstate *"taxes"* and strike *"license"*

Page 7, line 29, strike *"fees"*

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 2, after line 30, insert:

"Sec. 5. Minnesota Statutes 1985 Supplement, section 340A.410, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized under chapter 349.

(c) Dice may be kept on licensed premises and adjoining rooms for use in private social betting not part of or incidental to organized, commercialized, or systematic gambling."

Page 10, line 30, delete *"25"* and insert *"26"*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly.

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

Mr. Pogemiller moved to amend the third Dieterich amendment to H.F. No. 2331 as follows:

Page 1, line 8, delete "\$200" and insert "\$500"

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

Mr. Dieterich moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 2, after line 30, insert:

"Sec. 5. Minnesota Statutes 1985 Supplement, section 340A.410, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the ~~use of the licensee is a club~~ and gambling ~~equipment is~~ activities are authorized under chapter 349.

(c) *Gambling may be conducted in a licensed on-sale establishment if authorized under chapter 349 when conducted in connection with a banquet or comparable event held in the establishment."*

Page 10, line 31, after the period, insert "Section 5 is effective January 1, 1987."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "prohibiting the conducting of charitable gambling in establishments that sell alcoholic beverages;"

Page 1, line 27, delete "section" and insert "sections 340A.410, subdivision 5; and"

CALL OF THE SENATE

Mr. Sieloff imposed a call of the Senate for the balance of the proceedings on H.F. No. 2331. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Dieterich amendment.

The roll was called, and there were yeas 9 and nays 42, as follows:

Those who voted in the affirmative were:

Bernhagen
Dieterich

Frederick
Jude

Knutson
Kroening

Laidig
Sieloff

Waldorf

Those who voted in the negative were:

Adkins	Gustafson	McQuaid	Peterson, D.C.	Solon
Anderson	Hughes	Mehrkens	Peterson, D.L.	Storn
Bertram	Isackson	Moe, D.M.	Peterson, R.W.	Stumpf
Chmielewski	Johnson, D.E.	Moe, R.D.	Purfeerst	Vega
Dicklich	Kamrath	Nelson	Ramstad	Wegscheid
Diessner	Kronebusch	Novak	Reichgott	Willit
Frank	Lantry	Olson	Renneke	
Frederickson	Lessard	Pehler	Samuelson	
Freeman	Luther	Peterson, C.C.	Schmitz	

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

Mr. Laidig moved to amend H.F. No. 2331, as amended pursuant to Rule 49, adopted by the Senate March 14, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 2026.)

Page 7, after line 21, insert:

"Sec. 19. Minnesota Statutes 1984, section 349.19, subdivision 6, is amended to read:

Subd. 6. [PRESERVATION OF RECORDS.] Records required to be kept by this section must be preserved for at least ~~three years~~ *two years* and may be inspected by employees of the board at any reasonable time without notice or a search warrant."

Page 10, line 30, delete "25" and insert "26"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2331 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Kronebusch	Olson	Renneke
Anderson	Frederickson	Laidig	Pehler	Schmitz
Belanger	Freeman	Lantry	Peterson, C.C.	Sieloff
Bernhagen	Gustafson	Lessard	Peterson, D.C.	Solon
Bertram	Hughes	Luther	Peterson, D.L.	Storn
Chmielewski	Isackson	McQuaid	Peterson, R.W.	Stumpf
Dicklich	Johnson, D.E.	Mehrkens	Pogemiller	Taylor
Diessner	Jude	Moe, D.M.	Purfeerst	Vega
Dieterich	Kamrath	Moe, R.D.	Ramstad	Waldorf
Frank	Knutson	Novak	Reichgott	Willit

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that H.F. No. 1847 be taken from the table, given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 1847: A bill for an act relating to unemployment compensation;

altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; setting the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.53; 43A.18, subdivision 4; 179A.10, subdivision 1; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivision 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; Minnesota Statutes 1985 Supplement, sections 14.48; 14.51; 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

H.F. No. 1847 was read the second time.

Mr. Pogemiller moved that Senate Concurrent Resolution No. 21 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 21: A Senate concurrent resolution relating to the legislature; requiring a study of a legislative public affairs broadcasting network.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that the Secretary of the Senate and the Chief Clerk of the House of Representatives shall study the feasibility of a public affairs network to broadcast the proceedings and hearings of the Senate and House of Representatives and to provide information on the legislative process. The study must be submitted by February 1, 1987, for review by the legislative coordinating commission.

Mr. Pogemiller moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Langseth moved that the following members be excused for a Conference Committee on H.F. No. 1599 at 11:30 a.m.:

Messrs. Langseth, Davis, Berg, Stumpf and DeCramer. The motion prevailed.

SPECIAL ORDER

S.F. No. 2255: A bill for an act relating to the city of Cloquet; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Novak	Renneke
Anderson	Frederick	Kronebusch	Olson	Schmitz
Belanger	Frederickson	Laidig	Pehler	Sieloff
Bernhagen	Freeman	Lantry	Peterson, D.C.	Solon
Bertram	Gustafson	Lessard	Peterson, D.L.	Storm
Chmielewski	Hughes	Mehrkins	Peterson, R.W.	Taylor
Dicklich	Isackson	Moe, D.M.	Pogemiller	Vega
Diessner	Jude	Moe, R.D.	Purfeerst	Waldorf
Dieterich	Kamrath	Nelson	Reichgott	Wegscheid

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1734: A resolution relating to education; memorializing the President and Congress of the United States to take action to officially commend those who have assisted the educational process of this country by operating the country's school buses.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Jude	Moe, D.M.	Ramstad
Anderson	Frank	Kamrath	Moe, R.D.	Reichgott
Belanger	Frederick	Knutson	Olson	Renneke
Benson	Frederickson	Kronebusch	Pehler	Solon
Berglin	Freeman	Laidig	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lantry	Peterson, D.L.	Taylor
Bertram	Hughes	Lessard	Peterson, R.W.	Waldorf
Chmielewski	Isackson	McQuaid	Pogemiller	Wegscheid
Dicklich	Johnson, D.E.	Mehrkins	Purfeerst	

So the resolution passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1744: A bill for an act relating to motor vehicles; providing for special license plates for Vietnam era veterans, national guard members, and former prisoners of war; amending Minnesota Statutes 1984, section 168.12, subdivision 2c; repealing Minnesota Statutes 1984, section 168.125, 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 37 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kamrath	Moe, R.D.	Ramstad
Anderson	Frederick	Knutson	Olson	Reichgott
Belanger	Frederickson	Kronebusch	Pehler	Renneke
Benson	Freeman	Laidig	Peterson, D.C.	Storm
Berglin	Gustafson	Lantry	Peterson, D.L.	Waldorf
Bernhagen	Hughes	McQuaid	Peterson, R.W.	
Bertram	Isackson	Mehrkins	Pogemiller	
Diessner	Jude	Moe, D.M.	Purfeerst	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1648: A bill for an act relating to firearms; permitting certain licensed dealers and manufacturers to own or possess machine guns and short-barreled shotguns for certain purposes; amending Minnesota Statutes 1984, section 609.67, subdivisions 3 and 4.

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 36 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Moe, R.D.	Storm
Anderson	Frederickson	Kronebusch	Olson	Taylor
Belanger	Freeman	Laidig	Peterson, D.L.	Waldorf
Benson	Hughes	Lantry	Peterson, R.W.	Wegscheid
Bernhagen	Isackson	Lessard	Pogemiller	
Bertram	Johnson, D.E.	McQuaid	Purfeerst	
Chmielewski	Jude	Mehrkens	Ramstad	
Dicklich	Kamrath	Moe, D.M.	Reichgott	

Ms. Berglin, Mr. Frank and Ms. Peterson, D.C. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1956: A bill for an act relating to the city of Plymouth; authorizing establishment of a capital improvement reserve fund.

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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Moe, R.D.	Reichgott
Anderson	Frank	Knutson	Olson	Sieloff
Belanger	Frederick	Kronebusch	Pehler	Storm
Benson	Freeman	Laidig	Peterson, D.C.	Taylor
Berglin	Gustafson	Lantry	Peterson, D.L.	Waldorf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Wegscheid
Bertram	Isackson	McQuaid	Pogemiller	
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	
Dicklich	Jude	Moe, D.M.	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Olson	Sieloff
Anderson	Frank	Knutson	Pehler	Storm
Belanger	Frederickson	Kronebusch	Peterson, C. C.	Taylor
Benson	Freeman	Laidig	Peterson, D. C.	Waldorf
Berglin	Gustafson	Lantry	Peterson, D. L.	Wegscheid
Bernhagen	Hughes	Lessard	Peterson, R. W.	
Bertram	Isackson	McQuaid	Pogemiller	
Chmielewski	Johnson, D. E.	Mehrkens	Purfeerst	
Dicklich	Jude	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2129: A bill for an act relating to the city of St. Paul; permitting the imposition of an additional tax on transient lodging.

Mr. Waldorf moved to amend S.F. No. 2129 as follows:

Page 1, after line 5, insert:

“Section 1. Laws 1977, chapter 402, section 2, is amended to read:

Sec. 2. [LEXINGTON AVENUE SOUTH OF LARPENTEUR.]

The city of Saint Paul may ~~not~~ take or use existing park land for the redesign, reconstruction or widening of Lexington avenue south of Larpenteur avenue *only if the redesign, reconstruction or widening:*

(a) *does not result in a traveled way on Lexington avenue between Horton avenue and Hoyt avenue greater than 32 feet, except for turning lanes, and*

(b) *is consistent with the Como Park master plan approved by the metropolitan council.*

Sec. 2. [VARIANCE NOT REQUIRED.]

Notwithstanding any other provision of law, the section of Lexington avenue that is located within Como Park in the city of Saint Paul does not require a variance from municipal state-aid engineering standards in order to be redesigned, reconstructed, or widened, and is eligible for inclusion in the money needs of the city on the same basis as other municipal state-aid streets in the city.”

Page 1, line 21, delete “This act” and insert

“Sections 1 and 2 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the St. Paul city council. Section 3”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the period, insert “providing for the redesign, reconstruction and widening of Lexington avenue south of Larpenteur avenue; amending Laws 1977, chapter 402, section 2”

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 2129 as follows:

Page 1, after line 19, insert:

“Sec. 2. [FORESTVILLE STATE PARK ROADS.]

Up to \$1,000 of the cost incurred in the biennium ending June 30, 1987, by Fillmore county in maintaining roads that provide access to Forestville state park shall be reimbursed from the state park road account created by Minnesota Statutes 1984, section 162.06, subdivision 5.”

Renumber the sections in sequence

Amend the title accordingly

Mr. Peterson, R.W. questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

S.F. No. 2129 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 42 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Jude	Peterson, D.C.	Sieloff
Anderson	Frank	Kronebusch	Peterson, D.L.	Storm
Belanger	Frederick	Laidig	Peterson, R.W.	Taylor
Benson	Frederickson	Lantry	Pogemiller	Vega
Berglin	Freeman	Lessard	Purfeerst	Waldorf
Bertram	Gustafson	McQuaid	Ramstad	Wegscheid
Chmielewski	Hughes	Mehrkens	Reichgott	
Dicklich	Isackson	Olson	Renneke	
Diessner	Johnson, D.E.	Pehler	Schmitz	

Mr. Kamrath voted in the negative.

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

SPECIAL ORDER

S.F. No. 1703: A bill for an act relating to commerce; regulating those who package soft drinks and other nonalcoholic beverages; increasing certain vending machine inspection fees; clarifying authority to inspect vending machines; clarifying rulemaking authority of commissioner of agriculture; amending Minnesota Statutes 1984, sections 28A.05; 28A.09, subdivision 1; 34.03; and 34.09; repealing Minnesota Statutes 1984, section 34.05.

Mr. Wegscheid moved to amend S.F. No. 1703 as follows:

Page 2, line 34, strike “bottled or canned soft drinks”

Page 3, after line 6, insert:

“(c) Vending machines dispensing only bottled or canned soft drinks are exempt from the state, home rule charter or statutory city, and county inspection fees, but may be inspected by the commissioner or the commissioner’s designee.”

The motion prevailed. So the amendment was adopted.

S.F. No. 1703 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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Knutson	Pehler	Sieloff
Belanger	Frederick	Kronebusch	Peterson, D.C.	Solon
Benson	Freeman	Laidig	Peterson, D.L.	Storm
Berglin	Hughes	Lantry	Peterson, R.W.	Vega
Bernhagen	Isackson	Lessard	Purfeerst	Waldorf
Bertram	Johnson, D.E.	McQuaid	Ramstad	Wegscheid
Chmielewski	Johnson, D.J.	Mehrkins	Reichgott	
Dicklich	Jude	Moe, D.M.	Renneke	
Diessner	Kamrath	Olson	Schmitz	

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

Mr. Wegscheid moved that S.F. No. 1610, No. 63 on Special Orders, be stricken and returned to its author. The motion prevailed.

Mr. Waldorf moved that S.F. No. 1990, No. 78 on Special Orders, be stricken and returned to its author. The motion prevailed.

SPECIAL ORDER

S.F. No. 2127: A bill for an act relating to the city of Cologne; exempting certain general obligation bonds and tax levies from debt and levy limitations.

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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Lessard	Peterson, D.L.	Solon
Belanger	Isackson	McQuaid	Peterson, R.W.	Storm
Benson	Johnson, D.E.	Mehrkins	Pogemiller	Vega
Berglin	Jude	Moe, R.D.	Purfeerst	Waldorf
Bertram	Kamrath	Novak	Ramstad	Wegscheid
Chmielewski	Knutson	Olson	Reichgott	
Frank	Kronebusch	Pehler	Renneke	
Frederick	Laidig	Peterson, C.C.	Schmitz	
Frederickson	Lantry	Peterson, D.C.	Sieloff	

So the bill passed and its title was agreed to.

Mr. Johnson, D.E. moved that H.F. No. 1803, No. 20 on Special Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

SPECIAL ORDER

S.F. No. 2171: A bill for an act relating to health; providing exemptions for certain air ambulance services; allowing first responders to drive life support transportation service vehicles under certain conditions; amending Minnesota Statutes 1984, sections 144.802, subdivision 5, and by adding a sub-

division; and 144.804, subdivision 3, and by adding a subdivision.

Mr. Benson moved to amend S.F. No. 2171 as follows:

Page 3, line 9, after the second "a" insert "(1)"

Page 3, line 11, after "standards" insert ", or (2) a valid class C driver's license provided a siren and flashing lights are not used and the vehicle is driven within legal speed limits."

Page 3, line 11, after "if" insert ", in either case."

The motion prevailed. So the amendment was adopted.

S.F. No. 2171 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 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Reichgott
Anderson	Frank	Laidig	Pehler	Renneke
Belanger	Frederick	Lantry	Peterson, C.C.	Schmitz
Benson	Frederickson	Lessard	Peterson, D.C.	Sieloff
Berglin	Freeman	Luther	Peterson, D.L.	Solon
Bernhagen	Hughes	McQuaid	Peterson, R.W.	Storm
Bertram	Jude	Mehrkins	Pogemiller	Taylor
Chmielewski	Kamrath	Moe, R.D.	Purfeerst	Vega
Dicklich	Knutson	Novak	Ramstad	Wegscheid

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

SPECIAL ORDER

H.F. No. 2256: A bill for an act relating to partnerships; revising the Uniform Limited Partnership Act; stating duties and powers of limited partners and partnerships; amending Minnesota Statutes 1984, sections 322A.01; 322A.02; 322A.05; 322A.11; 322A.12; 322A.14; 322A.15; 322A.18; 322A.24; 322A.26; 322A.27; 322A.31; 322A.32; 322A.39; 322A.40; 322A.41; 322A.45; 322A.47; 322A.49; 322A.52; 322A.58; 322A.63; and 322A.70.

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 43 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Pehler	Renneke
Anderson	Frank	Kronebusch	Peterson, C.C.	Schmitz
Belanger	Frederick	Laidig	Peterson, D.C.	Sieloff
Benson	Frederickson	Lantry	Peterson, D.L.	Solon
Berglin	Freeman	Lessard	Peterson, R.W.	Storm
Bernhagen	Hughes	Luther	Pogemiller	Taylor
Bertram	Isackson	McQuaid	Purfeerst	Wegscheid
Chmielewski	Jude	Moe, R.D.	Ramstad	
Dicklich	Kamrath	Olson	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2153: A bill for an act relating to agricultural finance; renaming the agricultural resource loan guaranty board; authorizing the board to participate in loans; amending Minnesota Statutes 1984, section 41A.02, subdivisions 3 and 6; Minnesota Statutes 1985 Supplement, sections 41A.01; 41A.02, subdivision 11; and 41A.05, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Minnesota Statutes 1984, section 41A.06, subdivision 2.

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 41 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Pehler	Solon
Anderson	Diessner	Kronebusch	Peterson, C.C.	Storm
Belanger	Frank	Laidig	Peterson, D.C.	Taylor
Benson	Frederick	Lantry	Peterson, D.L.	Waldorf
Berglin	Freeman	Lessard	Pogemiller	Wegscheid
Bernhagen	Hughes	Luther	Purfeerst	
Bertram	Isackson	McQuaid	Ramstad	
Chmielewski	Jude	Moe, R.D.	Reichgott	
DeCramer	Kamrath	Olson	Renneke	

Messrs. Dieterich and Peterson, R.W. voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1584: A bill for an act relating to taxation; providing that non-resident athletes and entertainers are exempt from the income tax; imposing an alternative tax on their income; amending Minnesota Statutes 1984, section 290.92, subdivision 4a; and Minnesota Statutes 1985 Supplement, section 290.17, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Mr. Peterson, C.C. moved to amend S.F. No. 1584 as follows:

Pages 1 to 5, delete section 1 and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 290.17, subdivision 2, is amended to read:

Subd. 2. [OTHER TAXPAYERS.] In the case of an individual who is not a full year resident, this subdivision applies to determine what income is assignable to Minnesota for purposes of determining the numerator of the fraction used in section 290.06, subdivision 2c. In the case of taxpayers not subject to the provisions of subdivision 1, items of gross income shall be assigned to this state or other states or countries in accordance with the following principles:

(1)(a) The entire income of all resident or domestic taxpayers from compensation for labor or personal services, or from a business consisting principally of the performance of personal or professional services, shall be assigned to this state, and the income of nonresident taxpayers from such

sources shall be assigned to this state if, and to the extent that, the labor or services are performed within it; all other income from such sources shall be treated as income from sources without this state.

(b) In the case of an individual who is a nonresident of Minnesota and who is an athlete or entertainer, income from compensation for labor or personal services performed within this state shall be determined in the following manner.

(i) The amount of income to be assigned to Minnesota for an individual who is a nonresident salaried athletic team employee *or a nonresident salaried employee of an entertainment organization* shall be determined by using a fraction in which the denominator contains the total number of days in which the individual is under a duty to perform for the employer, and the numerator is the total number of those days spent in Minnesota. In order to eliminate the need to file state or provincial income tax returns in several states or provinces, Minnesota will exclude from income any income assigned to Minnesota under the provisions of this clause for a nonresident athlete who is employed by an athletic team whose operations are not based in this state *and for a nonresident salaried entertainer who is employed by an entertainment organization whose operations are not based in this state* if the state or province in which the athletic team *or entertainment organization* is based provides a similar income exclusion. If the state or province in which the athletic team's *or the entertainment organization's* operations are based does not have an income tax on an individual's personal service income, it will be deemed that that state or province has a similar income exclusion. As used in the preceding sentence, the term "province" means a province of Canada.

(ii) The amount of income to be assigned to Minnesota for an individual who is a nonresident, and who is an athlete *or entertainer* not listed in clause (i), ~~or who is an entertainer~~, for that person's athletic or entertainment performance in Minnesota shall be determined by assigning to this state all income from performances or athletic contests in this state.

(2) Income from the operation of a farm shall be assigned to this state if the farm is located within this state and to other states only if the farm is not located in this state. Income from winnings on Minnesota pari-mutuel betting tickets shall be assigned to this state. Income and gains received from tangible property not employed in the business of the recipient of such income or gains, and from tangible property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, shall be assigned to this state if such property has a situs within it, and to other states only if it has no situs in this state. Income or gains from intangible personal property not employed in the business of the recipient of such income or gains, and from intangible personal property employed in the business of such recipient if such business consists principally of the holding of such property and the collection of the income and gains therefrom, wherever held, whether in trust, or otherwise, shall be assigned to this state if the recipient thereof is domiciled within this state or is a resident trust or estate.

(3) Income derived from carrying on a trade or business, including in the case of a business owned by natural persons the income imputable to the

owner for his services and the use of his property therein, shall be assigned to this state if the trade or business is conducted wholly within this state, and to other states if conducted wholly without this state. This provision shall not apply to business income subject to the provisions of clause (1).

(4) When a trade or business is carried on partly within and partly without this state, the entire income derived from such trade or business, including income from intangible property employed in such business and including, in the case of a business owned by natural persons, the income imputable to the owner for his services and the use of his property therein, shall be governed, except as otherwise provided in sections 290.35 and 290.36, by the provisions of section 290.19, notwithstanding any provisions of this subdivision to the contrary. This shall not apply to business income subject to the provisions of clause (1), nor shall it apply to income from the operation of a farm which is subject to the provisions of clause (2). For the purposes of this clause, a trade or business located in Minnesota is carried on partly within and partly without this state if tangible personal property is sold by such trade or business and delivered or shipped to a purchaser located outside the state of Minnesota.

If the trade or business carried on wholly or partly in Minnesota is part of a unitary business, the entire income of that unitary business shall be subject to apportionment under section 290.19 except for business income subject to the provisions of clause (1) and farm income subject to the provisions of clause (2). The term "unitary business" shall mean business activities or operations which are of mutual benefit, dependent upon, or contributory to one another, individually or as a group. Unity shall be presumed whenever there is unity of ownership, operation, and use, evidenced by centralized management or executive force, centralized purchasing, advertising, accounting, or other controlled interaction but the absence of these centralized activities will not necessarily evidence a nonunitary business. Unity of ownership will not be deemed to exist when a corporation is involved unless that corporation is a member of a group of two or more corporations more than 50 percent of the voting stock of each member of the group is directly or indirectly owned by a common owner or by common owners, either corporate or noncorporate, or by one or more of the member corporations of the group.

The entire income of a unitary business shall be subject to apportionment as provided in section 290.19. None of the income of a unitary business shall be considered as derived from any particular source and none shall be allocated to any particular place except as provided by the applicable apportionment formula.

In determining whether or not intangible property is employed in a unitary business carried on partly within and partly without this state so that income derived therefrom is subject to apportionment under section 290.19 the following rules and guidelines shall apply.

(a) Intangible property is employed in a business if the business entity owning intangible property holds it as a means of furthering the business operation of which a part is located within the territorial confines of this state.

(b) Where a business operation conducted in Minnesota, is owned by a business entity which carries on business activity outside of the state dif-

ferent in kind from that conducted within this state, and such other business is conducted entirely outside the state, it will be presumed that the two business operations are unitary in nature, interrelated, connected and interdependent unless it can be shown to the contrary.

(5) For purposes of this section, amounts received by a nonresident from the United States, its agencies or instrumentalities, the Federal Reserve Bank, the state of Minnesota or any of its political or governmental subdivisions, or a Minnesota volunteer fireman's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 408, or 409 of the Internal Revenue Code of 1954, as amended through December 31, 1984, are not considered income derived from carrying on a trade or business or from performing personal or professional services in Minnesota, and are not taxable under this chapter.

(6) All other items of gross income shall be assigned to the taxpayer's domicile."

The motion prevailed. So the amendment was adopted.

S.F. No. 1584 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 41 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Peterson, C.C.	Solon
Anderson	Frank	Laidig	Peterson, D.C.	Storm
Belanger	Frederick	Lantry	Peterson, D.L.	Taylor
Benson	Freeman	Lessard	Peterson, R.W.	Waldorf
Bernhagen	Hughes	McQuaid	Pogemiller	Wegscheid
Bertram	Isackson	Moe, R.D.	Ramstad	
Chmielewski	Jude	Novak	Reichgott	
Dicklich	Kamrath	Olson	Schmitz	
Diessner	Knutson	Pehler	Sieloff	

Ms. Berglin voted in the negative.

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

SPECIAL ORDER

H.F. No. 2195: A bill for an act relating to the city of McIntosh; authorizing the city to issue bonds in excess of its net debt limitations.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Johnson, D.E.	Novak	Schmitz
Anderson	Dieterich	Jude	Olson	Sieloff
Belanger	Frank	Kamrath	Pehler	Solon
Benson	Frederick	Knutson	Peterson, D.C.	Storm
Berglin	Frederickson	Kronebusch	Peterson, D.L.	Taylor
Bernhagen	Freeman	Laidig	Peterson, R.W.	Vega
Bertram	Gustafson	Lantry	Ramstad	Waldorf
Chmielewski	Hughes	McQuaid	Reichgott	Wegscheid
Dicklich	Isackson	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1151: A bill for an act relating to elections; adopting the court-ordered congressional redistricting plan, but changing Ottawa township in LeSueur county from the second to the first congressional district; repealing Minnesota Statutes 1984, sections 2.741 to 2.811.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Olson	Schmitz
Anderson	Frederick	Knutson	Pehler	Sieloff
Belanger	Frederickson	Kronebusch	Peterson, D.C.	Solon
Benson	Freeman	Lantry	Peterson, D.L.	Storm
Berglin	Gustafson	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	McQuaid	Purfeerst	Vega
Bertram	Isackson	Mehrkins	Ramstad	Waldorf
Chmielewski	Johnson, D.E.	Moe, R.D.	Reichgott	Wegscheid
Dicklich	Jude	Novak	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1838: A bill for an act relating to agriculture; defining certain kinds of milk; amending Minnesota Statutes 1984, section 32.391, 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Moe, R.D.	Renneke
Anderson	Diessner	Kamrath	Olson	Schmitz
Belanger	Frank	Knaak	Pehler	Sieloff
Benson	Frederick	Knutson	Peterson, C.C.	Storm
Berglin	Frederickson	Kronebusch	Peterson, D.C.	Taylor
Bernhagen	Freeman	Laidig	Peterson, R.W.	Vega
Bertram	Gustafson	Lantry	Petty	Waldorf
Chmielewski	Hughes	McQuaid	Purfeerst	Wegscheid
Dahl	Isackson	Mehrkins	Ramstad	
DeCramer	Johnson, D.E.	Moe, D.M.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2464: A bill for an act relating to the city of Bowlus; permitting the city to exceed its debt limit for a firehall.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Olson	Schmitz
Anderson	Frederick	Kronebusch	Pehler	Sieloff
Benson	Freeman	Laidig	Peterson, C.C.	Solon
Berglin	Gustafson	Lantry	Peterson, D.C.	Storm
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrrens	Purfeerst	Wegscheid
Dahl	Jude	Moe, D.M.	Ramstad	
Dicklich	Kamrath	Moe, R.D.	Reichgott	
Diessner	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dahl moved that the following members be excused for a Conference Committee on H.F. No. 1950 from 11:00 a.m. to 1:15 p.m.:

Messrs. Dahl, Luther, Knaak, Petty and Spear. The motion prevailed.

SPECIAL ORDER

H.F. No. 654: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; 609.245; and 609.582, by adding subdivisions.

CALL OF THE SENATE

Mr. Jude imposed a call of the Senate for the balance of the proceedings on H.F. No. 654. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Taylor moved to amend H.F. No. 654, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"ARTICLE I

Section 1. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1a. [MANDATORY MINIMUM SENTENCE FOR SELLING COCAINE.] Notwithstanding the provisions of subdivision 1, clause (1), to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1), with respect to selling cocaine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than one year and one day, and not more than the maximum sentence provided by subdivision 1, clause (1).

Sec. 2. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1b. [MANDATORY MINIMUM SENTENCE FOR SELLING

HEROIN.] Notwithstanding the provisions of subdivision 1, clause (1), to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1), with respect to selling heroin must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (1).

Sec. 3. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1c. [MANDATORY MINIMUM SENTENCE FOR SELLING HALLUCINOGENS OR PHENCYCLIDINE.] Notwithstanding the provisions of subdivision 1, clause (2), to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1), with respect to selling hallucinogens listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, or phencyclidine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (2).

Sec. 4. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1d. [NO EARLY RELEASE.] A defendant convicted and sentenced as required by subdivision 1a, 1b, or 1c is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by the subdivision under which he or she is sentenced, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by subdivision 1a, 1b, or 1c, notwithstanding the provisions of section 609.135.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1986, and apply to crimes committed on or after that date.

ARTICLE 2

Section 1. [297D.01] [DEFINITIONS.]

Subdivision 1. "Marijuana" means any marijuana, whether real or counterfeit, as defined in section 152.01, subdivision 9, that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Minnesota laws.

Subd. 2. "Controlled substance" means any drug or substance, whether real or counterfeit, as defined in section 152.01, subdivision 4, that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Minnesota laws. "Controlled substance" does not include marijuana.

Subd. 3. "Dealer" means a person who in violation of Minnesota law manufactures, produces, ships, transports, or imports into Minnesota or in any manner acquires or possesses more than 42-1/2 grams of marijuana, or seven or more grams of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight.

Subd. 4. "Commissioner" means the commissioner of revenue.

Sec. 2. [297D.02] [ADMINISTRATION.]

The commissioner of revenue shall administer this chapter. Payments required by this chapter must be made to the commissioner on the form provided by the commissioner. The commissioner shall collect all taxes under this chapter.

Sec. 3. [297D.03] [RULES.]

The commissioner may adopt rules necessary to enforce this chapter. The commissioner shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

Sec. 4. [297D.04] [TAX PAYMENT REQUIRED FOR POSSESSION.]

No dealer may possess any marijuana or controlled substance upon which a tax is imposed by section 8 unless the tax has been paid on the marijuana or other controlled substance as evidenced by a stamp or other official indicia.

Sec. 5. [297D.05] [NO IMMUNITY.]

Nothing in this chapter may in any manner provide immunity for a dealer from criminal prosecution pursuant to Minnesota law.

Sec. 6. [297D.06] [PHARMACEUTICALS.]

Nothing in this chapter requires persons registered under chapter 151 or otherwise lawfully in possession of marijuana or a controlled substance to pay the tax required under this chapter.

Sec. 7. [297D.07] [MEASUREMENT.]

For the purpose of calculating the tax under section 8, an ounce of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession.

Sec. 8. [297D.08] [TAX RATE.]

A tax is imposed on marijuana and controlled substances as defined in section 1 at the following rates:

- (1) on each gram of marijuana, or each portion of a gram, \$3.50; and*
- (2) on each gram of controlled substance, or portion of a gram, \$200; or*
- (3) on each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, \$2,000.*

Sec. 9. [297D.09] [FAILURE TO FILE, FILING FALSE OR FRAUDULENT RETURN; INTENT TO EVADE TAX; CRIMINAL PROVISIONS.]

Subdivision 1. [PENALTIES.] Any dealer violating this chapter is subject to a penalty of 100 percent of the tax in addition to the tax imposed by section 8. In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 2. [STATUTE OF LIMITATIONS.] *Notwithstanding section*

628.26, or any other provision of the criminal laws of this state, an indictment may be found and filed upon any criminal offense specified in this section, in the proper court within six years after the commission of this offense.

Sec. 10. [297D.10] [STAMP PRICE.]

Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the department. The purchaser shall pay 100 percent of face value for each stamp, label, or other indicia at the time of the purchase. The department shall make the stamps, labels, or other indicia in denominations in multiples of ten dollars.

Sec. 11. [297D.11] [PAYMENT DUE.]

Subdivision 1. [STAMPS AFFIXED.] When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which a tax is imposed by section 8; and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

Subd. 2. [PAYABLE ON POSSESSION.] Taxes imposed upon marijuana or controlled substances by this chapter are due and payable immediately upon acquisition or possession in this state by a dealer.

Sec. 12. [297D.12] [ALL ASSESSMENTS ARE JEOPARDY.]

Subdivision 1. [ASSESSMENT PROCEDURE.] An assessment for a dealer not possessing stamps or other official indicia showing that the tax has been paid shall be considered a jeopardy assessment or collection, as provided in section 270.70. The commissioner shall assess a tax based on personal knowledge or information available to the commissioner; mail the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax; demand its immediate payment; and, if payment is not immediately made, collect the tax by any method prescribed in chapter 270, except that the commissioner need not await the expiration of the times specified in chapter 270. Section 270.70, subdivision 4, paragraph (a), does not apply to this chapter.

Subd. 2. [INJUNCTION PROHIBITED.] No person may bring suit to enjoin the assessment or collection of any taxes, interest, or penalties imposed by this chapter.

Subd. 3. [STANDARD OF PROOF.] The tax and penalties assessed by the commissioner are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the commissioner with the court administrator, or any other certificate by the commissioner of the amount of tax and penalties determined or assessed is admissible in evidence and is prima facie evidence of the facts it contains.

Sec. 13. [297D.13] [CONFIDENTIAL NATURE OF INFORMATION.]

Neither the commissioner nor a public employee may reveal facts contained in a report or return required by this chapter, nor can any information contained in such a report or return be used against the dealer in any crimi-

nal proceeding, unless independently obtained, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making the return.

Sec. 14. [297D.14] [INVESTIGATORY POWERS.]

For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes under this chapter, the commissioner may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The commissioner may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the commissioner or any examiner or investigator, the court administrator of any court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, and memoranda. The commissioner may also issue subpoenas. Disobedience of subpoenas issued under this chapter is punishable by the district court of the district in which the subpoena is issued, or, if the subpoena is issued by the commissioner, by the district court of the district in which the party served with the subpoena is located, in the same manner as contempt of district court.

ARTICLE 3

Section 1. Minnesota Statutes 1984, section 609.50, is amended to read:

609.50 [OBSTRUCTING LEGAL PROCESS OR ARREST.]

Whoever intentionally obstructs, hinders or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense or interferes with a peace officer while the officer is engaged in the performance of his official duties, or by force or threat of force endeavors to intimidate or impede any employee of the department of revenue while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties, may be sentenced as follows:

(1) If the act was accompanied by force or violence or the threat thereof, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(2) In other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1986, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of selling cocaine, heroin, and hallu-

cinogens; imposing a tax on marijuana and controlled substances; providing for the crime of using force or threats against revenue department employees; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; and 609.50; proposing coding for new law as Minnesota Statutes, chapter 297D."

Mr. Taylor moved to amend the Taylor amendment to H.F. No. 654, as follows:

Page 1, line 33, after "C," insert "*except marijuana or tetrahydrocannabinols.*"

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

The question recurred on the Taylor amendment, as amended.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kamrath	McQuaid	Storm
Anderson	Frederick	Knaak	Mehrkens	Taylor
Belanger	Frederickson	Knutson	Olson	Wegscheid
Benson	Gustafson	Kroening	Peterson, D.L.	
Berg	Isackson	Kronebusch	Ramstad	
Bernhagen	Johnson, D.E.	Laidig	Reichgott	
Bertram	Jude	Lessard	Renneke	

Those who voted in the negative were:

Berghin	Frank	Merriam	Peterson, D.C.	Sieloff
Dahl	Freeman	Moe, D.M.	Peterson, R.W.	Solon
Davis	Hughes	Moe, R.D.	Petty	Spear
DeCramer	Johnson, D.J.	Nelson	Pogemiller	Stumpf
Dicklich	Langseth	Novak	Purfeerst	Vega
Diessner	Lantry	Pehler	Samuelson	Waldorf
Dieterich	Luther	Peterson, C.C.	Schmitz	Willert

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

Mr. Freeman moved to amend H.F. No. 654, the unofficial engrossment, as follows:

Pages 11 to 17, delete sections 10 to 15

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 47 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Pehler	Sieloff
Anderson	Frank	Knutson	Peterson, C.C.	Solon
Belanger	Frederick	Kronebusch	Peterson, D.C.	Storm
Berg	Frederickson	Laidig	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Lessard	Pogemiller	Taylor
Bertram	Gustafson	McQuaid	Purfeerst	Vega
Chmielewski	Hughes	Mehrkens	Ramstad	Waldorf
Dahl	Isackson	Moe, R.D.	Reichgott	
Davis	Johnson, D.E.	Novak	Renneke	
DeCramer	Jude	Olson	Schmitz	

Those who voted in the negative were:

Berglin
Dieterich

Knaak

Merriam

Peterson, R.W. Petty

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H.F. No. 654, the unofficial engrossment, as follows:

Pages 1 to 8, delete sections 1 to 4

Page 9, delete section 6

Pages 10 and 11, delete section 9

Page 23, delete lines 8 and 9

Page 23, line 10, delete "*are effective July 1, 1987.*"

Re number the sections in sequence

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 39 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Mehrkens	Renneke
Anderson	Frederick	Knaak	Olson	Schmitz
Belanger	Frederickson	Knutson	Peterson, C.C.	Sieloff
Benson	Gustafson	Kronebusch	Peterson, D.L.	Storm
Berg	Hughes	Laidig	Pogemiller	Stumpf
Bernhagen	Isackson	Langseth	Purfeerst	Taylor
Bertram	Johnson, D.E.	Lessard	Ramstad	Waldorf
Chmielewski	Jude	McQuaid	Reichgott	

Those who voted in the negative were:

Berglin	Dicklich	Lantry	Novak	Petty
Dahl	Dieterich	Merriam	Pehler	Solon
Davis	Frank	Moe, D.M.	Peterson, D.C.	Spear
DeCramer	Freeman	Moe, R.D.	Peterson, R.W.	Vega

The motion prevailed. So the amendment was adopted.

H.F. No. 654 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 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Vega voted in the negative.

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

SPECIAL ORDER

The question recurred on S.F. No. 1847.

S.F. No. 1847: A bill for an act relating to public finance; providing a method for determining compliance with proposed federal tax law relating to state and local government obligations; providing for additional enterprise zone credits and expansion of an enterprise zone; authorizing certain capital notes; extending the interest reduction program; providing certain powers to county housing and redevelopment authorities and joint powers agreements; amending Minnesota Statutes 1984, sections 273.1314, by adding a subdivision; 412.301; 462C.02, subdivision 6; 462C.06; 471.59, subdivision 11; 474.01, subdivisions 6 and 7b; 475.55, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 273.1314, subdivision 16a; 462.445, subdivision 13; 475.56; proposing coding for new law as Minnesota Statutes, chapter 474A; repealing Minnesota Statutes 1984, sections 462C.09, subdivision 4; 474.16, subdivisions 1, 2, and 5; 474.21; and 474.25; Minnesota Statutes 1985 Supplement, sections 462C.09, subdivisions 1, 2a, 3, 5, and 6; 474.16, subdivisions 3, and 6 to 15; 474.17; 474.19; 474.20; 474.23; and 474.26.

RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby the Benson amendment to S.F. No. 1847 was adopted on March 13, 1986, be now reconsidered. The motion did not prevail.

S.F. No. 1847 was then progressed.

SPECIAL ORDER

H.F. No. 2169: A bill for an act relating to public lands; providing for a procedure to sell state leased lands; providing for maximum lease rates; providing for an endowment fund and the disposition of proceeds of the land acquisition account; permitting Winona county to convey certain real estate to a county agricultural society; proposing coding for new law in Minnesota Statutes, chapter 92.

SUSPENSION OF RULES

Mr. Dicklich 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. 2169 and that the rules of the Senate be so far suspended as to give H. F. No. 2169, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Merriam moved to amend H.F. No. 2169 as follows:

Page 4, line 14, after "8" insert "*except as provided in section 3*"

Page 4, after line 14, insert:

"Sec. 3. [92.68] [PROCEEDS AND FUND.]

Subdivision 1. [PROCEEDS OF LAND ACQUISITION ACCOUNT.]

In order to ensure that the educational opportunities provided by Minnesota scientific and natural areas as described in section 86A.05, subdivision 5, are adequately available for present and future generations, proceeds under this act that are deposited in the land acquisition account under section 94.165 must be expended on scientific and natural areas.

Subd. 2. [ENDOWMENT FUND.] A natural areas legacy endowment fund shall be established by the commissioner of natural resources in order to accept and receive private contributions for educational opportunities provided by scientific and natural areas. The principal of the fund shall be retained in the endowment fund.

Expenditures from the investment earnings may be used by the commissioner of natural resources for the protection, management, and inventory of lands with rare and endangered species or undisturbed plant communities that qualify as state scientific and natural areas under section 86A.05, subdivision 5."

Page 4, line 15, delete "92.68" and insert "92.69"

Page 4, line 30, delete "3" and insert "4"

Page 4, line 32, delete "4" and insert "5"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2169 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Laidig	Peterson, D.C.	Solon
Belanger	Frederick	Lantry	Peterson, D.L.	Spear
Benson	Freeman	Lessard	Peterson, R.W.	Sierm
Berglin	Gustafson	McQuaid	Petty	Taylor
Bernhagen	Isackson	Mehrkens	Pogemiller	Vega
Bertram	Johnson, D.E.	Merriam	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Wegscheid
Dahl	Kamrath	Moe, R.D.	Reichgott	
Dicklich	Knaak	Olson	Renneke	
Diessner	Knutson	Pehler	Schmitz	
Dierich	Kronebusch	Peterson, C.C.	Sieloff	

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

SPECIAL ORDER

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 to amend H.F. No. 2100 as follows:

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1985 Supplement, section 177.23, subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but does not include:

(1) two or fewer specified individuals employed at any given time in agriculture on a farming unit or operation who are paid a salary;

(2) any individual employed in agriculture on a farming unit or operation who is paid a salary greater than the individual would be paid if the individual worked 48 hours at the state minimum wage plus 17 hours at 1-1/2 times the state minimum wage per week;

(3) an individual under 18 who is employed in agriculture on a farm to perform services other than corn detasseling or hand field work when one or both of that minor hand field worker's parents or physical custodians are also hand field workers;

(4) for purposes of section 177.24, an individual under 18 who is employed as a corn detasseler;

(5) any staff member employed on a seasonal basis by a nonprofit organization for work in an organized children's resident or day camp operating under a permit issued under section 144.72;

(6) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer;

(7) any individual who renders service gratuitously for a nonprofit organization;

(8) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(9) any individual employed by a political subdivision to provide police or fire protection services or employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(10) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association under section 353.01, subdivision 2b, clause (a), (b), (d), or (i);

(11) any driver employed by an employer engaged in the business of operating taxicabs;

(12) any individual engaged in babysitting as a sole practitioner;

(13) for the purpose of section 177.25, any individual employed on a seasonal basis in a carnival, circus, ~~or~~ fair, or ski facility;

(14) any individual under 18 working less than 20 hours per workweek for a municipality as part of a recreational program;

(15) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(16) any individual in a position for which the United States Department of Transportation has power to establish qualifications and maximum hours of service under United States Code, title 49, section 304;

(17) any individual employed as a seafarer. The term "seafarer" means a master of a vessel or any person subject to the authority, direction, and control of the master who is exempt from federal overtime standards under United States Code, title 29, section 213(b)(6), including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks, and stewards;

(18) any individual employed by a county in a single family residence owned by a county home school as authorized under section 260.094 if the residence is an extension facility of that county home school, and if the individual as part of his employment duties resides at the residence for the purpose of supervising children as defined by section 260.015, subdivision 2; or

(19) nuns, monks, priests, lay brothers, lay sisters, ministers, deacons, and other members of religious orders who serve pursuant to their religious obligations in schools, hospitals, and other nonprofit institutions operated by the church or religious order."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2100 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 2, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Pehler	Schmitz
Belanger	Frederick	Laidig	Peterson, D.C.	Sieloff
Benson	Freeman	Lantry	Peterson, D.L.	Solon
Bernhagen	Isackson	Lessard	Petty	Spear
Bertram	Johnson, D.E.	McQuaid	Pogemiller	Storm
Chmielewski	Kamrath	Moe, D.M.	Purfeerst	Taylor
Dicklich	Knaak	Moe, R.D.	Reichgott	Vega
Diessner	Knutson	Olson	Renneke	Waldorf

Messrs. Peterson, R.W. and Ramstad voted in the negative.

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

SPECIAL ORDER

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

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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Novak	Reichgott
Anderson	Frederick	Kronebusch	Olson	Renneke
Belanger	Frederickson	Laidig	Pehler	Schmitz
Benson	Freeman	Lantry	Peterson, D.C.	Sieloff
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Solon
Bertram	Isackson	McQuaid	Peterson, R.W.	Spear
Chmielewski	Johnson, D.E.	Mehrkens	Petty	Vega
Dahl	Jude	Merriam	Pogemiller	Waldorf
Dicklich	Kamrath	Moe, D.M.	Purfeerst	Wegscheid
Diessner	Knaak	Moe, R.D.	Ramstad	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1984: A bill for an act relating to commerce; regulating securities; regulating the assignment of certain real property loans and the administration of certain escrow accounts; providing certain exemptions; regulating real estate brokers and salespersons; modifying re-examination requirements; providing trust account requirements for licensees acting as principals; granting certain enforcement powers to the commissioner; providing certain remedies; requiring storage of abstracts of title within Minnesota; amending Minnesota Statutes 1984, sections 47.20, subdivision 9; 80A.14, subdivision 18; 80A.15, subdivision 1; 82.17, subdivision 4; 82.22, subdivisions 3, 6, and 13; 82.24, subdivision 2; 82.26; 82.27, subdivision 1; 82.33, subdivision 2; 386.375; Minnesota Statutes 1985 Supplement, section 80A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 47.

Mr. Ramstad moved to amend H.F. No. 1984, as amended pursuant to Rule 49, adopted by the Senate March 11, 1986, as follows:

(The text of the amended House File is identical to S. F. No. 1854.)

Page 18, after line 9, insert:

"Sec. 8. Minnesota Statutes 1985 Supplement, section 82.19, subdivision 3, is amended to read:

Subd. 3. No real estate broker or salesperson shall offer, pay or give, and no person shall accept, any compensation or other thing of value from any real estate broker or salesperson by way of commission-splitting, rebate, finder's fees or otherwise, in connection with any real estate or business opportunity transaction; provided this subdivision does not apply to transactions (1) between a licensed real estate broker or salesperson and the person by whom he is engaged to purchase or sell real estate or business opportunity, (2) among persons licensed as provided herein, and (3) between a licensed real estate broker or salesperson and persons from other jurisdictions similarly licensed in that jurisdiction, and (4) involving timeshare or other recreational lands where the amount offered or paid does not exceed \$150, and payment is not conditioned upon any sale but is made merely for providing the referral and the person paying the fee is bound by any representations the person receiving the fee makes. A licensed real estate broker or salesperson may assign or direct that commissions or other compensation earned in con-

nection with any real estate or business opportunity transaction be paid to a corporation of which the licensed real estate broker or salesperson is the sole owner."

Renumber the sections in sequence

Correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1984 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 39 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frederick	Knutson	Peterson, D.C.	Renneke
Anderson	Frederickson	Kronebusch	Peterson, D.L.	Solon
Belanger	Freeman	Lantry	Peterson, R.W.	Spear
Benson	Isackson	Lessard	Petty	Storm
Bernhagen	Johnson, D.E.	McQuaid	Pogemiller	Taylor
Bertram	Jude	Moe, D.M.	Purfeerst	Waldorf
Chmielewski	Kamrath	Olson	Ramstad	Wegscheid
Dahl	Knaak	Pehler	Reichgott	

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

SPECIAL ORDER

S.F. No. 1660: A bill for an act relating to real property; allowing designation, sale, and redemption of a homestead that is executed on and sold as part of other property; allowing designation, sale, and redemption of a homestead foreclosed on or part of other property; proposing coding for new law in Minnesota Statutes, chapters 550 and 582; repealing Minnesota Statutes 1984, section 582.04.

Mr. Frederickson moved to amend S.F. No. 1660 as follows:

Page 2, after line 27, insert:

"Sec. 2. [550.205] [REDEMPTION OF HOMESTEAD AFTER FORECLOSURE OR EXECUTION SALE.]

Subdivision 1. [APPLICABILITY.] This section applies to mortgagors or debtors who have had real property used in agricultural production executed on or foreclosed and have not received notices under sections 1 and 3, and is effective until the redemption period ends.

Subd. 2. [AGREEMENT.] (a) A buyer that purchases real property used in agricultural production at a foreclosure or execution sale, and a party with the right to redeem, may agree to have the homestead redeemed separately. The written agreement must be recorded and include:

(1) a legal description of the homestead; and

(2) the amount to be paid to redeem the homestead.

(b) *The homestead must comply with local zoning requirements.*

Subd. 3. [PETITION.] (a) *After a foreclosure or execution sale of real property used in agricultural production that contains a homestead, the party entitled to redeem the property may petition to have the homestead redeemed separately. The petition must be directed to the district court of the county where the foreclosure or execution sale was held and include:*

(1) *a request that the homestead be appraised and redeemed separately;*

(2) *a description designating the dwelling occupied by the mortgagor, and up to 80 acres of the property that conforms to local zoning and is compact so that it does not unreasonably affect the value of the remaining property.*

(b) *The court shall appoint an appraiser to make the appraisal and have the determination returned to the court within 30 days after the petition is filed.*

Subd. 4. [DETERMINATION OF REDEMPTION COST.] (a) *The district court shall schedule and hold a hearing within 30 days after receiving the appraiser's determination. The court shall consider whether redeeming the homestead separately would unjustly affect the party who purchased the property at the foreclosure or execution sale. The court may equitably adjust the size of the homestead. If the petitioner is entitled to redeem the homestead separately, the court shall determine the cost of redeeming the designated homestead and the remaining property. The cost of redeeming the homestead must include:*

(1) *the appraised value of the homestead;*

(2) *the interest attributable to the portion of the debt allocated to the homestead; and*

(3) *the reasonable appraisal, court, and survey costs.*

(b) *The order of the court must be made and filed within five days of the hearing.*

Subd. 5. [REDEMPTION.] *The party entitled to redeem may redeem the designated homestead, the remaining property, or the entire property including the homestead. The period of redemption is the period for the entire property including the designated homestead."*

Page 4, line 19, after the period, insert "Section 3 is repealed August 30, 1987."

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1660 as follows:

Page 2, line 11, delete everything after "to"

Page 2, line 12, delete "510.02" and insert "80 acres of the property"

Page 3, line 35, delete everything after "to"

Page 3, line 36, delete "in chapter 510.02" and insert "80 acres of the property"

The motion prevailed. So the amendment was adopted.

S.F. No. 1660 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 39 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Lantry	Peterson, D.C.	Renneke
Anderson	Isackson	Lessard	Peterson, D.L.	Solon
Belanger	Johnson, D.E.	McQuaid	Peterson, R.W.	Spear
Benson	Jude	Mehrkens	Petty	Storm
Bernhagen	Kamrath	Merriam	Pogemiller	Vega
Bertram	Knaak	Moe, R.D.	Purfeerst	Waldorf
Dieterich	Knutson	Olson	Ramstad	Wegscheid
Frederickson	Kronebusch	Pehler	Reichgott	

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

SPECIAL ORDER

H.F. No. 2051: A bill for an act relating to the city of St. Paul; permitting the establishment of special service districts in the city and providing taxing and other authority.

Mr. Sieloff moved to amend H.F. No. 2051; the unofficial engrossment, as follows:

Page 2, line 15, delete "*the intersection of*."

Page 2, line 26, delete "*and*."

Page 2, line 28, after "*provided*" insert "*and the estimated taxes to be levied*" and delete the period and insert "; *and*"

Page 2, after line 28, insert:

"(5) *a statement of the landowner's rights to object and to appeal pursuant to section 3.*"

Page 3, line 15, after "*any*" insert "*affected*" and after "*file*" insert "*written*"

Page 3, line 35, delete everything after "*copy of*"

Page 3, line 36, delete everything before the period and insert "*the findings and determination of the governing body*"

Page 5, line 11, after "*Within*" delete "*the*"

Page 5, line 12, after "*determination*" insert "*by the governing body*"

The motion prevailed. So the amendment was adopted.

H.F. No. 2051 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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Peterson, D.C.	Schmitz
Anderson	Dieterich	Laidig	Peterson, D.L.	Sieloff
Belanger	Frederickson	Lantry	Peterson, R.W.	Spear
Benson	Isackson	Lessard	Petty	Storm
Bernhagen	Johnson, D.E.	Luther	Pogemiller	Taylor
Bertram	Jude	McQuaid	Purfeerst	Vega
Chmielewski	Kamrath	Moe, R.D.	Ramstad	Waldorf
Dahl	Knaak	Olson	Reichgott	Wegscheid
Dicklich	Knutson	Pehler	Renneke	

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

SPECIAL ORDER

H.F. No. 1875: A bill for an act relating to health; creating a public corporation to provide health care services, education, and research; providing for governance of St. Paul Ramsey Medical Center and creation of a physicians and dentists subsidiary; proposing coding for new law as Minnesota Statutes, chapter 246A; repealing Minnesota Statutes 1984, section 383A.41, as amended.

Mrs. Lantry moved that the amendment made to H.F. No. 1875 by the Committee on Rules and Administration in the report adopted March 13, 1986, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mrs. Lantry then moved to amend H.F. No. 1875 as follows:

Page 9, line 21, after "employees" insert "*presently members of the public employees retirement association*"

Page 9, line 25, after "shall" insert "*not*"

Page 9, line 27, after "353" insert "*, prior to June 30, 1987*" and delete "*Each*"

Page 9, delete lines 28 to 36

The motion prevailed. So the amendment was adopted.

Mrs. Lantry then moved to amend H.F. No. 1875 as follows:

Page 14, line 23, delete everything after "*are*"

Page 14, line 24, delete everything before "*permitted*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1875 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 42 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kronebusch	Pehler	Sieloff
Belanger	Freeman	Laidig	Peterson, D.C.	Solon
Benson	Gustafson	Lantry	Peterson, D.L.	Spear
Bernhagen	Isackson	Luther	Peterson, R.W.	Storm
Bertram	Johnson, D.E.	McQuaid	Petty	Vega
Chmielewski	Jude	Moe, R.D.	Pogemiller	Wegscheid
Dahl	Kamrath	Nelson	Purfeerst	
Diessner	Knaak	Novak	Ramstad	
Dieterich	Knutson	Olson	Schmitz	

Messrs. Anderson and Waldorf voted in the negative.

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

SPECIAL ORDER

H.F. No. 1772: A bill for an act relating to courts; increasing fees to be collected; clarifying existing fee statutes; increasing the penalty assessment imposed on persons convicted of crimes; clarifying the purposes for which it may be used; amending Minnesota Statutes 1984, section 176.451, subdivision 3; 487.31, subdivisions 1 and 4; 487.33; 514.70; 525.031; and 525.033; Minnesota Statutes 1985 Supplement, sections 357.021, subdivision 2; and 609.101.

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 46 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Lantry	Peterson, D.L.	Solon
Anderson	Gustafson	Luther	Peterson, R.W.	Spear
Belanger	Isackson	McQuaid	Petty	Storm
Berglin	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Bernhagen	Jude	Merriam	Purfeerst	Waldorf
Bertram	Kamrath	Moe, R.D.	Ramstad	Wegscheid
Dahl	Knaak	Novak	Reichgott	
Diessner	Knutson	Olson	Renneke	
Dieterich	Kronebusch	Pehler	Schmitz	
Frederickson	Laidig	Peterson, D.C.	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1773: A bill for an act relating to consumer protection; regulating the distribution of tobacco products; providing remedies; clarifying a definition; amending Minnesota Statutes 1984, section 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Kronebusch	Pehler	Sieloff
Anderson	Frederickson	Laidig	Peterson, C.C.	Solon
Belanger	Freeman	Lantry	Peterson, D.C.	Spear
Benson	Gustafson	Lessard	Peterson, D.L.	Storm
Berglin	Isackson	Luther	Petty	Vega
Bernhagen	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Bertram	Jude	Mehrkens	Purfeerst	Wegscheid
Dahl	Kamrath	Merriam	Ramstad	
Dicklich	Knaak	Novak	Renneke	
Diessner	Knutson	Olson	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1604: A bill for an act relating to agriculture; declaring crop

ownership; prescribing a procedure for planting crop owners to recover crop values; providing liens on crops and property; prescribing satisfaction and enforcement of liens; proposing coding for new law in Minnesota Statutes, chapter 557; repealing Minnesota Statutes 1984, sections 561.11; 561.12; 561.13; 561.14; 561.15; and 561.16.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knutson	Olson	Schmitz
Anderson	Frederick	Kronebusch	Peterson, C. C.	Sieloff
Belanger	Frederickson	Laidig	Peterson, D. C.	Spear
Benson	Freeman	Lantry	Peterson, D. L.	Storm
Berglin	Gustafson	Lessard	Peterson, R. W.	Vega
Bernhagen	Isackson	Luther	Petty	Waldorf
Bertram	Johnson, D. E.	McQuaid	Pogemiller	Wegscheid
Dahl	Jude	Mehrkens	Purfeerst	
Dicklich	Kamrath	Merriam	Ramstad	
Diessner	Knaak	Novak	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2116: A bill for an act relating to elections; providing for removal of certain elected county officials; proposing coding for new law in Minnesota Statutes, chapter 351; repealing Minnesota Statutes 1984, sections 351.03; 351.04; 351.08 to 351.11.

Mr. Luther moved to amend S.F. No. 2116 as follows:

Page 2, line 15, after "official" insert "*except that a petition may not be submitted during the 180 days immediately preceding a general election for the office which is held by the county official named in the petition*".

The motion prevailed. So the amendment was adopted.

Mr. Benson moved to amend S.F. No. 2116 as follows:

Page 1, line 24, delete "COUNTY" and insert "MUNICIPAL" and delete "county" and insert "municipal".

Page 1, delete line 26 and insert "*a county, city, or town office or is appointed to an elective county, city, or town office.*".

Page 2, delete lines 1 to 4 and insert:

"Subd. 6. [FILING OFFICER.] *"Filing officer" means the filing officer for the specific office from which the elected municipal official's removal is sought.*

Subd. 7. [MUNICIPALITY.] *"Municipality" means a county, city, or town.*"

Page 2, line 5, delete "COUNTY" and insert "MUNICIPAL"

Page 2, lines 6, 14, 19, and 36, delete "county" and insert "municipal"

Page 2, lines 10, 25, 26, 29, 31, and 33, delete "county auditor" and insert "filing officer"

Page 2, delete lines 22 and 23

Page 2, line 24, delete "named county commissioner" and insert "municipality"

Page 2, line 26, delete "COUNTY AUDITOR'S" and insert "FILING OFFICER'S"

Page 2, line 35, delete "COUNTY AUDITOR" and insert "FILING OFFICER"

Page 2, line 35, after "the" delete "county"

Page 2, line 36, delete "auditor" and insert "filing officer"

Page 3, line 1, delete "county board of commissioners" and insert "governing body of the municipality"

Page 3, lines 2, 4, 8, and 24, delete "county" and insert "municipal"

Page 3, line 3, delete "county auditor" and insert "filing officer"

Page 4, lines 19 and 33, delete "county" and insert "municipal"

Page 4, line 21, delete "county" and insert "municipality"

Page 4, line 22, delete the first "county" and insert "municipal" and delete the second "county" and insert "municipality"

Page 4, line 35, delete "county"

Page 4, line 36, delete "auditor" and insert "filing officer"

Page 5, line 1, delete "county auditor" and insert "filing officer"

Page 5, lines 4, 11, and 21, delete "county" and insert "municipal"

Amend the title as follows:

Page 1, line 3, delete "county" and insert "municipal"

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

Mr. Benson then moved to amend S.F. No. 2116 as follows:

Page 1, after line 8, insert:

"Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution, adding a section to article VIII, is proposed to the people. If the amendment is adopted, the new section will read:

Sec. 6. [RECALL.] An elective officer may be recalled by the eligible voters of the state, in the case of statewide offices, or of the electoral district from which the person was elected. Recall shall be initiated by a petition signed by eligible voters equal in number to at least 25 percent of the vote cast in the last election for the office from which the person is to be recalled. No person shall be recalled before he has completed one year of service in the office from which he is to be recalled. A special election shall be held for the office of a person against whom a petition has been filed, and that person

shall be a candidate in the special election unless he chooses to resign.

After one petition for recall and special election, no further recall petition shall be filed against the same person during the term for which he was elected.

Sec. 2. [QUESTION.]

The proposed amendment shall be submitted at the 1986 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to allow for the recall of elective officers by petition and special election?"

Yes _____
No _____

Page 5, line 31, delete *"This act is"* and insert *"Sections 1 to 13 are"*

Page 5, line 32, delete *"applies"* and insert *"apply"* and delete *"its"*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert *"proposing an amendment to the Minnesota Constitution; adding a section to article VIII; providing for the recall of elected officials;"*

Mr. Luther questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

CALL OF THE SENATE

Mr. Benson imposed a call of the Senate for the proceedings on this amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

Mr. Luther moved that those not voting be excused from voting. The motion did not prevail.

Mr. Petty moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Jude	Laidig	Ramstad
Benson	Frederick	Kamrath	McQuaid	Renneke
Berg	Frederickson	Knaak	Mehrkens	Sieloff
Bernhagen	Gustafson	Knutson	Olson	Storm
Bertram	Isackson	Kronebusch	Peterson, D.L.	Taylor

Those who voted in the negative were:

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

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

S.F. No. 2116 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 55 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski and Renneke voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 1621 be withdrawn from the Committee on Rules and Administration, the committee report adopted, the bill be given a second reading and placed on General Orders. The motion prevailed.

S.F. No. 1621: A bill for an act relating to public indebtedness; permitting the investment of debt service funds in face amount certificates; amending Minnesota Statutes 1985 Supplement, section 475.66, subdivision 3.

S.F. No. 1621 was read the second time.

Without objection, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1725: A bill for an act relating to the city of East Grand Forks; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

Senate File No. 1725 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. Moe, R.D. moved that the Senate do not concur in the amendments by the House to S.F. No. 1725, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate.

to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1782:

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.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Anderson, R.; Becklin and Jennings, L. have been appointed as such committee on the part of the House.

House File No. 1782 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Peterson, C.C. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1782, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1860:

H.F. No. 1860: A bill for an act relating to metropolitan government; permitting the metropolitan mosquito control commission to issue certificates of indebtedness; amending Minnesota Statutes 1984, section 473.711, by adding a subdivision.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Forsythe, Stanius and Tomlinson have been appointed as such committee on the part of the House.

House File No. 1860 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Diessner moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1860, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the

part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1919:

H.F. No. 1919: A bill for an act relating to education; imposing a limit on participation; eliminating state tuition reimbursement for courses taken for post-secondary credit; making other modifications to the post-secondary enrollment options program; providing options for swimming classes in junior high schools; amending Minnesota Statutes 1984, sections 123.35, by adding a subdivision; 124A.034, subdivisions 1 and 2; 363.03, subdivision 5; Minnesota Statutes 1985 Supplement, section 123.3514, subdivisions 3, 4, 5, 6, 8, and 10, and by adding subdivisions; and Laws 1985, First Special Session chapter 12, article 5, section 7; proposing coding for new law in Minnesota Statutes, chapter 126.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Levi, Erickson and Haukoos have been appointed as such committee on the part of the House.

House File No. 1919 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Nelson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1919, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1824:

H.F. No. 1824: A bill for an act relating to statutes; adopting as amended a gender neutral revision of Minnesota Statutes; providing for no substantive change; granting certain editorial authority to the revisor of statutes; amending Minnesota Statutes 1984, sections 3C.10, subdivision 1; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 645.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Bishop, Piper and Backlund have been appointed as such committee on the part of the House.

House File No. 1824 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Ms. Reichgott moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1824, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2014:

H.F. No. 2014: A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Backlund, Osthoff and Shaver have been appointed as such committee on the part of the House.

House File No. 2014 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Moe, R.D., for Mr. Hughes, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2014, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S.F. No. 1913: A bill for an act relating to metropolitan government; defining metropolitan agency; providing for appointments, administration, reports, and duties of metropolitan agencies; recodifying certain provisions; establishing the metropolitan taxicab commission; empowering it to set taxicab rates and to license taxicabs and taxicab drivers; amending Minnesota Statutes 1984, sections 368.01, subdivision 12; 412.221, subdivision 20; 473.121, subdivisions 6 and 11, and by adding a subdivision; 473.123, sub-

divisions 2a, 3, and 3a; 473.141, subdivisions 1, 2, 3, and 4a; 473.146, subdivisions 1, 2, and 3; 473.149, subdivision 3; 473.161; 473.163, subdivisions 1 and 2; 473.171, subdivisions 1 and 2; 473.173, subdivisions 3 and 4; 473.194; 473.195, subdivision 4; 473.199; 473.201, subdivision 2; 473.245; 473.249, subdivision 1; 473.303, subdivisions 2, 4a, and 6; 473.373, subdivision 1; 473.377, subdivision 1; 473.409; 473.516, subdivision 2; 473.523, subdivisions 1 and 2; 473.535; 473.553, subdivision 4; 473.811, subdivision 7; 473.823, subdivision 3; 473.852, subdivision 8; Minnesota Statutes 1985 Supplement, sections 473.167, subdivision 3; 473.373, subdivision 4; 473.38, subdivision 2; and 473.39, subdivisions 1 and 1a; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1984, sections 473.01 to 473.11; 473.121, subdivisions 7 and 9; 473.128; 473.163, subdivisions 3 and 4; 473.193; 473.203; 473.215 to 473.219; 473.373, subdivision 3; 473.377, subdivisions 2 and 3; 473.38, subdivision 1; 473.502; 473.523, subdivision 3; and 473.802.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 450: A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 10A.25, subdivision 10, and by adding a subdivision; 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Reports the same back with the recommendation that the report from the Committee on Finance, shown in the Journal for March 12, 1986, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2231: A bill for an act relating to employment; regulating systems of sharing or pooling gratuities; defining service charges; amending Minnesota Statutes 1984, section 177.23, subdivision 9; Minnesota Statutes 1985 Supplement, section 177.24, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Employment, shown in the Journal for March 12, 1986, be amended to read:

"the bill be amended and when so amended the bill be re-referred to the Committee on Employment". Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 1913 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 450 was read the second time.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Willet, Davis, Samuelson, Pehler and Mrs. Adkins introduced—

S.F. No. 2319: A bill for an act relating to taxation; altering the income tax exclusion for pension income; amending Minnesota Statutes 1985 Supplement, section 290.08, subdivision 26.

Referred to the Committee on Taxes and Tax Laws.

Mses. Peterson, D.C.; Berglin; Mrs. Lantry, Messrs. Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 2320: A bill for an act relating to human services; establishing a board of social work examiners; licensing and regulating social workers; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 214.01, subdivision 2; and 595.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 148A.

Referred to the Committee on Health and Human Services.

Mr. Jude, Mses. Olson, Reichgott, Mrs. Adkins and Mr. Wegscheid introduced—

S.F. No. 2321: A bill for an act relating to education; naming state scholarships the Christa McAuliffe Minnesota State Scholarships; amending Minnesota Statutes 1985 Supplement, section 136A.09.

Referred to the Committee on Education.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDER**

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.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 5 and the Conference Committee Report thereon were reported to the Senate.

CALL OF THE SENATE

Mr. Diessner imposed a call of the Senate for the balance of the proceedings on S.F. No. 5. The Sergeant at Arms was instructed to bring in the absent members.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 5

A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

March 12, 1986

The Honorable Jerome M. Hughes
President of the Senate

The Honorable David M. Jennings
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 5, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 5 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a

driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;*
- (2) the effect of mixing alcohol with drugs;*
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and*
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.*

Sec. 2. Minnesota Statutes 1984, section 171.13, is amended by adding a subdivision to read:

Subd. 1b. [DRIVER'S MANUAL.] The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance.

Sec. 3. Minnesota Statutes 1985 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$150 fee before his or her drivers license is reinstated; *to be credited as follows:*

(1) 50 percent of this fee shall be credited to the trunk highway fund and 50;

(2) 25 percent shall be credited to a separate account to be known as the county probation reimbursement account. Money in this account is appropriated to the commissioner of corrections for the costs that counties assume under Laws 1959, chapter 698, of providing probation and parole services to wards of the commissioner of corrections. This money is provided in addition to any money which the counties currently receive under section 260.311, subdivision 5; and

(3) 25 percent shall be credited to a separate account to be known as the alcohol impaired driver education account. Money in the account is appro-

priated to the commissioner of education for grants to develop alcohol impaired driver education programs in elementary, secondary, and post-secondary schools. The state board of education shall establish guidelines for the distribution of the grants. The commissioner of education shall report to the legislature by January 15, 1988, on the expenditure of grant funds under this clause.

Sec. 4. Minnesota Statutes 1985 Supplement, section 340A.301, subdivision 2, is amended to read:

Subd. 2. [PERSONS ELIGIBLE.] Licenses under this section may be issued only to a person who:

- (1) is a citizen of the United States or a resident alien;
- (2) is of good moral character and repute;
- (3) is ~~19~~ 21 years of age or older;
- (4) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and
- (5) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages.

Sec. 5. Minnesota Statutes 1985 Supplement, section 340A.402, is amended to read:

340A.402 [PERSONS ELIGIBLE.]

No retail license may be issued to:

- (1) a person not a citizen of the United States or a resident alien;
- (2) a person under ~~19~~ 21 years of age;
- (3) a person who within five years of the license application has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of intoxicating or nonintoxicating malt liquors;
- (4) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or
- (5) a person not of good moral character and repute.

Sec. 6. Minnesota Statutes 1985 Supplement, section 340A.503, is amended to read:

340A.503 [PERSONS UNDER 19 21; ILLEGAL ACTS.]

Subdivision 1. [CONSUMPTION.] It is unlawful for any:

(1) retail intoxicating liquor or nonintoxicating liquor licensee or bottle club permit holder under section 340A.414, to permit any person under the age of 19 21 years to consume alcoholic beverages on the licensed premises; or

(2) person under the age of 19 21 years to consume any alcoholic beverages unless in the household of the person's parent or guardian and with the consent of the parent or guardian.

Subd. 2. [PURCHASING.] It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 19 21 years of age, except that a parent or guardian of a person under the age of 19 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;

(2) under the age of 19 21 years to purchase or attempt to purchase any alcoholic beverage; or

(3) to induce a person under the age of 19 21 years to purchase or procure any alcoholic beverage.

Subd. 3. [POSSESSION.] It is unlawful for a person under the age of 19 21 years to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the parent or guardian.

Subd. 4. [ENTERING LICENSED PREMISES.] (a) It is unlawful for a person under the age of 19 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having served or delivered any alcoholic beverage.

(b) Notwithstanding section 340A.509, no ordinance enacted by a statutory or home rule charter city may prohibit a person 18, 19, or 20 years old from entering an establishment licensed under this chapter to:

(1) perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by section 340A.412, subdivision 10;

(2) consume meals; and

(3) attend social functions that are held in a portion of the establishment where liquor is not sold.

Subd. 5. [MISREPRESENTATION OF AGE.] It is unlawful for a person under the age of 19 21 years to misrepresent his or her age for the purpose of purchasing alcoholic beverages.

Subd. 6. [PROOF OF AGE.] Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid drivers license or Minnesota identification card, or in the case of a foreign national by a valid passport.

Subd. 7. [RECORD OF VIOLATION.] If a person who is 18, 19, or 20 years old is convicted of a violation under this section, none of the records of the court, including legal records, shall be open to public inspection or their contents disclosed except by order of the court.

Sec. 7. Minnesota Statutes 1985 Supplement, section 340A.507, is amended by adding a subdivision to read:

Subd. 4. [CAMPUS CONTESTS RESTRICTED.] No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities that are held on the campuses or other property of a post-secondary institution of learning, and involve the consumption or sale of alcoholic beverages. This subdivision does not affect on-campus, licensed retailers of alcoholic beverages.

Sec. 8. [CERTAIN PERSONS EXCEPTED.]

A person who was born on or before September 1, 1967, may continue to purchase and consume alcoholic beverages and shall be treated for purposes of Minnesota Statutes, chapter 340A, as a person who is 21 years old.

Sec. 9. [EFFECTIVE DATE.]

Sections 1, 2, and 4 to 8 are effective September 1, 1986. Section 3 is effective July 1, 1987."

Delete the title and insert:

"A bill for an act relating to liquor; increasing the age for licensing, consumption, furnishing, purchasing, or possessing liquor or entering a licensed establishment; requiring information on alcohol and driving; providing that 25 percent of drivers license reinstatement fee is credited to the alcohol impaired driver education account; providing that records of liquor-related convictions of 18, 19, and 20-year-olds are confidential; providing that local governments may not presume intent to consume liquor; providing that persons under 21 may enter liquor establishments for certain purposes; prohibiting certain on-campus events sponsored by manufacturers, wholesalers, and retailers of alcoholic beverages; providing that persons born on or before September 1, 1967, are treated as 21-year-olds for purposes of the liquor laws; appropriating money; amending Minnesota Statutes 1984, sections 171.06, subdivision 3; and 171.13, by adding a subdivision; and Minnesota Statutes 1985 Supplement, sections 171.29, subdivision 2; 340A.301, subdivision 2; 340A.402; 340A.503; and 340A.507, by adding a subdivision."

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

Senate Conferees: (Signed) A.W. "Bill" Diessner, Clarence M. Purfeerst, Dean E. Johnson

House Conferees: (Signed) Gary L. Schafer, Gil Gutknecht, Randy C. Kelly

Mr. Diessner moved that the foregoing recommendations and Conference Committee Report on S.F. No. 5 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Merriam moved that the recommendations and Conference Committee Report on S.F. No. 5 be rejected, the Conference Committee discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House.

The question was taken on the adoption of the motion.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Berglin	Gustafson	Moe, D.M.	Peterson, R.W.	Spear
Bertram	Jude	Nelson	Petty	Taylor
Davis	Kamrath	Novak	Pogemiller	Wegscheid
Dieterich	Kroening	Pehler	Samuelson	
Frederickson	Lessard	Peterson, C.C.	Schmitz	
Freeman	Merriam	Peterson, D.C.	Solon	

Those who voted in the negative were:

Adkins	Diessner	Kronebusch	Moe, R.D.	Sieloff
Anderson	Frank	Laidig	Olson	Storm
Belanger	Frederick	Langseth	Peterson, D.L.	Vega
Benson	Isackson	Lantry	Purfeerst	Waldorf
Bernhagen	Johnson, D.E.	Luther	Ramstad	Willet
Chmielewski	Knaak	McQuaid	Reichgott	
Dahl	Knutson	Mehrkens	Renneke	

The motion did not prevail.

The question recurred on the motion of Mr. Diessner. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 5 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 42 and nays 21, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Kroening	Moe, R.D.	Solon
Anderson	Frederick	Kronebusch	Olson	Storm
Belanger	Frederickson	Laidig	Pehler	Stumpf
Benson	Gustafson	Langseth	Peterson, D.L.	Vega
Bernhagen	Isackson	Lantry	Purfeerst	Waldorf
Chmielewski	Johnson, D.E.	Luther	Ramstad	Willet
Dahl	Jude	McQuaid	Reichgott	
DeCramer	Knaak	Mehrkens	Renneke	
Diessner	Knutson	Moe, D.M.	Sieloff	

Those who voted in the negative were:

Berglin	Freeman	Novak	Pogemiller	Wegscheid
Bertram	Johnson, D.J.	Peterson, C.C.	Samuelson	
Davis	Kamrath	Peterson, D.C.	Schmitz	
Dicklich	Merriam	Peterson, R.W.	Spear	
Dieterich	Nelson	Petty	Taylor	

So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1823, 1914, 1966 and 1975.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1619: A bill for an act relating to civil actions; providing a cause of action for sexual exploitation; proposing coding for new law as Minnesota Statutes, chapter 148A.

Senate File No. 1619 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. Moe, R.D. moved that S.F. No. 1619 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2280: A bill for an act relating to taxation; imposing levy limits on certain towns and cities; altering provisions governing distribution of certain taconite tax proceeds; reducing the taconite railroad gross earnings tax rate; reducing occupation and royalty tax rates; providing for the deduction of

taconite production taxes and transportation costs; appropriating money; amending Minnesota Statutes 1984, sections 275.125, subdivision 9; 275.50, subdivision 2; 275.51, subdivision 3f; 298.225, by adding a subdivision; and 298.24, subdivision 1; Minnesota Statutes 1985 Supplement, sections 294.22; 298.01, subdivision 1; 298.03; 298.225, subdivision 1; 298.28, subdivision 1; and 299.01, subdivision 1.

Senate File No. 2280 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. Moe, R.D. moved that S.F. No. 2280 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1793: A bill for an act relating to local government; permitting an agreement to finance library construction in McGregor.

There has been appointed as such committee on the part of the House:

Ogren, Boo and Becklin.

Senate File No. 1793 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1950: A bill for an act relating to taxation; limiting application of the open space property tax law to facilities that do not discriminate on the basis of sex; amending Minnesota Statutes 1984, section 273.112, subdivisions 3 and 4, and by adding a subdivision.

There has been appointed as such committee on the part of the House:

Bishop, Blatz and Scheid.

Senate File No. 1950 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2123:

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2123: A bill for an act relating to the city of Bloomington; authorizing the city to impose certain taxes; increasing the distribution levy from the metropolitan revenue distribution for the city for a specific time period; permitting the city to establish a special taxing district; authorizing the port authority of the city to pledge certain tax revenues to pay certain bonds and permitting it to develop leased land; authorizing development in accordance with the Generic EIS and Generic Indirect Source Permit; amending Minnesota Statutes 1984, section 473F.08, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1968, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 397: A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged; appropriating money.

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

Page 1, after line 25, insert:

“Sec. 3. [PROPOSED AMENDMENT.]

The following amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article XIII, section 5, will read as follows:

Sec. 5. The legislature shall not authorize any lottery or the sale of lottery tickets, *except that the legislature may authorize a lottery operated by the state in which tickets are sold and prizes are awarded to persons selected by lot. The proceeds from the sales of lottery tickets shall be appropriated pursuant to article XI, section 1.*

Sec. 4. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 1986 general election. The question submitted shall be:

“Shall the Minnesota Constitution be amended to permit the legislature to authorize the state to operate a lottery?”

Yes_____

No _____ " "

Page 2, line 3, delete "*question*" and insert "*questions*"

Amend the title as follows:

Page 1, line 2, delete "an amendment" and insert "amendments"

Page 1, line 3, delete ", adding a section to provide" and insert "; and article XIII, section 5; providing"

Page 1, line 5, delete "appropriating money" and insert "permitting the legislature to authorize the state to operate a lottery"

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

SECOND READING OF HOUSE BILLS

H.F. No. 397 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Laidig introduced—

Senate Resolution No. 127: A Senate resolution congratulating the girls cross-country and slalom ski teams from Stillwater High School for winning the 1986 State High School Cross-Country Skiing and Slalom Skiing Championships.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. moved that S.F. No. 2280 be taken from the table. The motion prevailed.

S.F. No. 2280: A bill for an act relating to taxation; imposing levy limits on certain towns and cities; altering provisions governing distribution of certain taconite tax proceeds; reducing the taconite railroad gross earnings tax rate; reducing occupation and royalty tax rates; providing for the deduction of taconite production taxes and transportation costs; appropriating money; amending Minnesota Statutes 1984, sections 275.125, subdivision 9; 275.50, subdivision 2; 275.51, subdivision 3f; 298.225, by adding a subdivision; and 298.24, subdivision 1; Minnesota Statutes 1985 Supplement, sections 294.22; 298.01, subdivision 1; 298.03; 298.225, subdivision 1; 298.28, subdivision 1; and 299.01, subdivision 1.

Mr. Johnson, D.J. moved that the Senate do not concur in the amendments by the House to S.F. No. 2280, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1725: Messrs. Moe, R.D.; Pogemiller and Johnson, D.J.

H.F. No. 1782: Messrs. Peterson, C.C.; Merriam and Bernhagen.

H.F. No. 1860: Messrs. Diessner, Wegscheid and Knaak.

H.F. No. 1919: Mr. Nelson, Mses. Olson and Peterson, D.C.

H.F. No. 1824: Ms. Reichgott, Mrs. Lantry and Mr. Pogemiller.

H.F. No. 2014: Messrs. Hughes; Johnson, D.E. and Ms. Peterson, D.C.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

SPECIAL ORDER

S.F. No. 2060: A bill for an act relating to game and fish; establishing a special elk season; prescribing application for licenses, and application and license fees; providing for the removal and relocation of elk; appropriating money to reimburse nongame wildlife fund for elk removal and relocation; dedicating license and application fees for elk depredation; amending Minnesota Statutes 1985 Supplement, section 98.46, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 100; repealing Laws 1985, chapter 272, section 2.

Mr. Merriam moved to amend S.F. No. 2060 as follows:

Page 4, delete sections 5 and 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on S.F. No. 2060. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 31, as follows:

Those who voted in the affirmative were:

Dieterich	Laidig	Merriam	Pehler	Steloff
Hughes	Lantry	Moe, D.M.	Peterson, D.C.	Waldorf
Johnson, D.E.	Lessard	Nelson	Peterson, R.W.	
Jude	McQuaid	Novak	Ramstad	
Knutson	Mehrkens	Olson	Reichgott	

Those who voted in the negative were:

Adkins	Bertram	Gustafson	Peterson, D.L.	Taylor
Anderson	Chmielewski	Isackson	Purfeerst	Vega
Belanger	DeCramer	Kamrath	Renneke	Wegscheid
Benson	Dicklich	Kronebusch	Schmitz	
Berg	Frederick	Langseth	Solon	
Berglin	Frederickson	Moe, R.D.	Storm	
Bernhagen	Freeman	Peterson, C.C.	Stumpf	

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

Mr. Frederickson moved to amend S.F. No. 2060 as follows:

Page 4, line 7, after "the" insert "live"

Page 4, line 9, delete "*them*" and insert "*the live elk*"

Page 4, after line 9, insert:

"The commissioner may not contract with Central Byproducts Rendering, Gordons Rendering, Van Hoven Rendering, Hormel or Farmstead Foods to remove the elk."

Amend the title as follows:

Page 1, line 5, after "*of*" insert "*live*"

Mr. Frederickson requested division of the amendment as follows:

First portion:

Page 4, line 7, after "*the*" insert "*live*"

Page 4, line 9, delete "*them*" and insert "*the live elk*"

Second portion:

Page 4, after line 9, insert:

"The commissioner may not contract with Central Byproducts Rendering, Gordons Rendering, Van Hoven Rendering, Hormel or Farmstead Foods to remove the elk."

Amend the title as follows:

Page 1, line 5, after "*of*" insert "*live*"

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

Mr. Frederickson withdrew the second portion of his amendment.

Mr. Peterson, C.C. moved to amend S.F. No. 2060 as follows:

Page 4, line 7, delete "*some of*"

The motion prevailed. So the amendment was adopted.

S.F. No. 2060 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 46 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Knutson	Pehler	Sieloff
Anderson	Frederick	Kronebusch	Peterson, C.C.	Storm
Belanger	Frederickson	Laidig	Peterson, D.C.	Stumpf
Benson	Freeman	Lantry	Peterson, D.L.	Taylor
Berg	Gustafson	Lessard	Peterson, R.W.	Waldorf
Bernhagen	Hughes	McQuaid	Purfeerst	Wegscheid
Bertram	Isackson	Merriam	Ramstad	
DeCramer	Johnson, D.E.	Moe, R.D.	Reichgott	
Dicklich	Jude	Novak	Renneke	
Diessner	Kamrath	Olson	Schmitz	

Ms. Berglin and Mr. Dieterich voted in the negative.

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

SPECIAL ORDER

H.F. No. 1844: A bill for an act relating to crimes; creating certain crimes against an unborn child; prohibiting acts which cause the death of or injury to an unborn child; imposing penalties; amending Minnesota Statutes 1984, sections 609.035; 609.18; and 609.21, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 609.

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 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Moe, D.M.	Peterson, D.C.	Petty	Spear
Dieterich	Nelson			

So the bill passed and its title was agreed to.

SPECIAL ORDER

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, 4 and 5, and by adding a subdivision; 518.551, subdivision 5; 518.57; 518.611, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518.

Ms. Berglin moved to amend S.F. No. 1732 as follows:

Page 7, line 19, after the first "*obligation*," insert "*if all arrearages are paid*,"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 1732 as follows:

Page 9, line 20, delete the new language and strike "party's"

Page 9, line 21, strike "spouse, if any" and insert "*party*"

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

Mr. Sieloff moved to amend S.F. No. 1732 as follows:

Pages 3 to 6, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1984, section 518.55, is amended by adding a subdivision to read:

Subd. 4. [LIMITATION ON TOTAL AWARD.] Notwithstanding any contrary provision of section 518.551 or 518.552, unless the parties otherwise agree, total awards of support, maintenance, attorney fees, or any combination of them, whether in the same or different proceedings, may not exceed 50 percent of an obligor's net income as defined in section 518.551, subdivision 5.

Sec. 6. 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 provided in this subdivision.

The court shall multiply the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$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 2500	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of ~~\$6001~~

\$2500 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of ~~\$6000~~ \$2500.

Net Income defined as:

Total monthly
income less

*Standard
Deductions apply-
use of tax tables
recommended

- *(1) Federal Income Tax
- *(2) State Income Tax
- (3) Social Security Deductions
- (4) ~~Mandatory~~ Pension Deductions
- (5) Union Dues
- (6) Cost of ~~Dependent~~ Group Health/Hospitalization Insurance Coverage
- (7) Cost of ~~or~~ Allowance for Individual Health/Hospitalization Coverage or an ~~Equivalent~~ Amount for Actual Medical Expenses.
- (8) A Child Support or Maintenance Order that is Currently Being Paid.

"Net income" does not include the income of the obligor's spouse.

~~(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 parties~~ including real and personal property;

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

(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 obligor's debts as provided in paragraph (c).

~~(b)~~ (c) In establishing or amending a support obligation, the court ~~may~~ shall 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, was incurred in good faith in connection with a property settlement made as a consequence of the dissolution proceeding, was incurred in good faith prior to entry of the order and decree, or if default on the debt will result in a forfeiture or loss. 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 *indebted* party ~~requesting a departure~~ produces a sworn schedule of the debts, ~~with supporting documentation, showing goods or services purchased, the recipient of them the purposes for which each debt was incurred,~~ 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).~~

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~~ *circumstances* 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 ~~48~~ 36 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 ~~48 month~~ 36-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) ~~(d)~~ Previous support orders and maintenance orders may be considered if the obligor is paying them.

(e) *A party's earning capacity may be considered if the party's actual income does not accurately reflect the party's current earning capacity.*

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

(e) *The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure below 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.*

Page 7, after line 13, insert:

"Sec. 8. Minnesota Statutes 1985 Supplement, section 518.611, subdivision 6, is amended to read:

Subd. 6. [PRIORITY.] An order for withholding under this section or execution or garnishment upon a judgment for child support arrearages or preadjudicated expenses shall have priority over an attachment, execution, garnishment, or wage assignment and shall not be subject to the statutory limitations on amounts levied against the income of the obligor. Amounts withheld from an employee's income must not exceed the maximum permitted under the Consumer Credit Protection Act, United States Code, title 15,

section 1673(b)(2). *In addition, unless the parties otherwise agree, amounts withheld from an employee's income may not exceed 30 percent of the obligor's net income, as defined in section 518.551, subdivision 5, or 50 percent of the obligor's net income if the obligor is more than six months in arrears. If there is more than one withholding order on a single employee, the employer shall put them into effect in the order received up to the maximum allowed in the Consumer Credit Protection Act under this subdivision.*

Page 9, after line 36, insert:

"Sec. 12. Minnesota Statutes 1985 Supplement, section 518.645, is amended to read:

518.645 [FORM OF ORDER.]

Unless otherwise ordered by the court, an order for withholding of support or maintenance payments issued under this chapter shall be substantially in the following form:

IT IS ORDERED THAT:

1. The sum of _____ per _____, representing child support and/or spousal maintenance, ordered by the Court, shall be withheld from the (Husband/Wife Respondent/Petitioner)'s income on _____ by (his/her) present employer or other payor of funds, _____, and any future employer or other payor of funds, and shall be remitted to: _____, monthly or more frequently, in accordance with the provisions of Minnesota Statutes, Chapter 518. The file number above and the Obligor's name shall be included with each remittance.

2. An additional amount equal to 20 percent of the amount required to be withheld by paragraph 1 shall be withheld from the income of the Obligor by the employer or payor until the entire arrearage in paragraph 3(b) is paid.

3. The parties are notified that CHILD SUPPORT AND/OR MAINTENANCE WILL BE WITHHELD FROM INCOME ONLY AFTER ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

(a) _____ or the Obligee determines that the Obligor is at least thirty days in arrears in the payment of child support and/or spousal maintenance;

(b) _____ or the Obligee serves written notice of income withholding on the Obligor showing the determination that child support and/or maintenance payments are thirty days in arrears;

(c) Within fifteen days after service of the notice of income withholding, the Obligor fails to move the Court to deny withholding on the grounds that an arrearage of at least 30 days does not exist as of the date of the notice of income withholding or on other grounds limited to mistakes of fact and, ex parte, to stay service of withholding on the employer or other payor of funds until the motion to deny withholding is heard. Within 45 days from the date of the notice of income withholding, the court shall hold the hearing on the motion to deny withholding and notify the parties of its decision; and

(d) Not sooner than 15 days after service of written notice of income withholding on the Obligor, _____ or the Obligee serves a copy of the notice of income withholding and a copy of the Court's withholding order on the

employer or other payor of funds, who will then be obligated to withhold payments from income and forward the amount withheld to _____.

4. The parties and the employer or other payor of funds are further notified that **NO EMPLOYER MAY DISCHARGE, SUSPEND, OR OTHERWISE PENALIZE OR DISCIPLINE AN EMPLOYEE BECAUSE THE EMPLOYER MUST WITHHOLD SUPPORT OR MAINTENANCE MONEY.** Minnesota Statutes, section 518.611.

5. The payments shall begin to be withheld no later than the first pay period that occurs after 14 days following the date of mailing of the notice to the employer or other payor of funds in paragraph 3(d) and from that date the employer or other payor of funds is liable for amounts required to be withheld.

6. This order for withholding takes priority over any attachment, execution, garnishment, or wage assignment levied against the income of the Obligor. Amounts withheld are not subject to other statutory limitations on amounts levied against the income of the Obligor but must not exceed the maximum permitted under the federal Consumer Credit Protection Act, United States Code, title 15, section 1673(b)(2). *In addition, unless the parties otherwise agree, amounts withheld must not exceed 30 percent of the Obligor's net income, as defined in Minnesota Statutes, section 518.551, subdivision 5, or 50 percent of the Obligor's net income if the Obligor is more than six months in arrears.* If there is more than one withholding order on a single Obligor, the employer or other payor of funds shall put them into effect in the order received, up to the maximum allowed under ~~the Consumer Credit Protection Act~~ *this paragraph.*

7. When the Obligor's employment is terminated or the periodic payment ends, the employer or other payor of funds is required to notify _____ within 30 days of the termination date. The notice must include the Obligor's home address of record and, if known, the name and address of the Obligor's new employer or other payor of funds.

8. If the Obligee serves the employer or other payor of funds under paragraph 3(d), the Obligee shall also serve the determination and order on _____, together with an application and fee to use collection services.

9. Service of this Order shall be _____

Page 10, lines 2 and 4, delete "6" and insert "8" and delete "9" and insert "11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "limiting the total amount of maintenance and child support that an obligor may be liable for; limiting the percentage of income subject to income withholding;"

Page 1, line 6, after the semicolon, insert "518.55, by adding a subdivision;"

Page 1, line 9, delete "section" and insert "sections 518.611, subdivision 6;" and before "proposing" insert "and 518.645;"

Mr. Peterson, R.W. moved to amend the Sieloff amendment to S.F. No. 1732 as follows:

Page 3, line 19, before "was" insert "or"

Page 3, line 20, delete everything after "decree"

Page 3, line 21, delete everything before the period

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

The question recurred on the Sieloff amendment, as amended.

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

Mr. Storm moved to amend S.F. No. 1732 as follows:

Page 8, line 10, delete everything after the comma

Page 8, line 11, delete "available" and insert "or a private mediation service"

Page 8, after line 13, insert:

"Subd. 4. [MEDIATOR QUALIFICATIONS.] A mediator who performs mediation in contested child custody matters shall meet the following minimum qualifications:

(a) knowledge of the court system and the procedures used in contested child custody matters;

(b) knowledge of other resources in the community to which the parties to contested child custody matters can be referred for assistance;

(c) knowledge of child development, clinical issues relating to children, the effects of marriage dissolution on children, and child custody research; and

(d) a minimum of 40 hours of certified mediation training."

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved to amend S.F. No. 1732 as follows:

Page 9, line 19, strike everything after the first "the"

Page 9, line 20, delete the new language and strike the old language

Page 9, line 21, strike "spouse, if any" and insert "criteria in Minnesota Statutes, section 518.17, subdivision 4"

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

Mr. Pogemiller moved to amend the Sieloff amendment to S.F. No. 1732, adopted by the Senate March 14, 1986, as follows:

Page 1, line 7, delete the second comma and insert "or"

Page 1, line 8, delete everything before the second comma

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

Mr. Petty moved to amend S.F. No. 1732 as follows:

Pages 3 to 6, delete section 5 and insert:

"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 the obligor's net income by the percentage indicated by the following guidelines as follows:

(1) When the combined net income per month of the obligor and the obligee is less than or equal to \$2,000 per month, the court shall set child support by multiplying the obligor's net income per month by the percentage indicated by the guidelines below. These guidelines assume that the obligee is contributing an equal percentage of the obligee's own net income to the support of the children.

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$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 2000	25%	30%	35%	39%	43%	47%	50%

(2) When the net income per month of the obligor is not less than \$1,000 per month and the combined net income per month of the obligor and the obligee is greater than \$2,000 per month, the court shall set child support by multiplying their combined net incomes by the percentage indicated by the guidelines below. The obligor's child support obligation shall be in an amount equal to the proportion that the obligor's net income bears to their combined net income. These guidelines assume that the obligee is contrib-

using the obligee's proportionate amount to the support of the children.

Combined Net Income Per Month of Obligor and Obligee	Number of Children						
	1	2	3	4	5	6	7 or more
\$2001 - 2100	24.7%	29.8%	34.8%	38.8%	42.8%	46.8%	49.8%
\$2101 - 2200	24.4%	29.5%	34.5%	38.5%	42.5%	46.5%	49.5%
\$2201 - 2300	24.0%	29.3%	34.3%	38.3%	42.3%	46.3%	49.3%
\$2301 - 2400	23.7%	29.0%	34.0%	38.0%	42.0%	46.0%	49.0%
\$2401 - 2500	23.4%	28.8%	33.8%	37.8%	41.8%	45.8%	47.8%
\$2501 - 2600	23.0%	28.6%	33.6%	37.6%	41.6%	45.6%	47.6%
\$2601 - 2700	22.7%	28.3%	33.3%	37.3%	41.3%	45.3%	47.3%
\$2701 - 2800	22.4%	28.1%	33.1%	37.1%	41.1%	45.1%	47.1%
\$2801 - 2900	22.0%	27.9%	32.9%	36.9%	40.9%	44.9%	46.9%
\$2901 - 3000	21.7%	27.6%	32.6%	36.6%	40.6%	44.6%	46.6%
\$3001 - 3100	21.4%	27.4%	32.4%	36.4%	40.4%	44.4%	46.4%
\$3101 - 3200	21.0%	27.1%	32.1%	36.1%	40.1%	44.1%	46.1%
\$3201 - 3300	20.7%	26.9%	31.9%	35.9%	39.9%	43.9%	45.9%
\$3301 - 3400	20.4%	26.7%	31.7%	35.7%	39.7%	43.7%	45.7%
\$3401 - 3500	20.0%	26.4%	31.4%	35.4%	39.4%	43.4%	45.4%
\$3501 - 3600	19.7%	26.2%	31.2%	35.3%	39.2%	43.2%	45.2%
\$3601 - 3700	19.4%	26.0%	31.0%	35.0%	39.0%	43.0%	45.0%
\$3701 - 3800	19.0%	25.7%	30.7%	34.7%	38.7%	42.7%	44.7%
\$3801 - 3900	18.7%	25.5%	30.5%	34.5%	38.5%	42.5%	44.5%
\$3901 - 4000	18.4%	25.2%	30.2%	34.2%	38.2%	42.2%	44.2%
\$4001 - 6000	18.0%	25.0%	30.0%	34.0%	38.0%	42.0%	44.0%

Guidelines for support for an obligor and obligee with a combined monthly income of \$6001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a combined monthly income of \$6000.

(3) When the net income per month of the obligor is less than \$1,000 per month and the combined net income per month of the obligor and the obligee is greater than \$2,000 per month, the court shall set child support pursuant to either clause (1) or (2) above, whichever is less.

(4) Net Income in clauses (1), (2), and (3) above is defined as:

Total monthly
income less

*Standard
Deductions apply-
use of tax tables
recommended

- *(1) Federal Income Tax
- *(2) State Income Tax
- (3) Social Security Deductions
- (4) Mandatory 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) *A Child Support or
Maintenance Order that is
Currently Being Paid.*

Net income does not include the income of the obligor's or the obligee's new spouse, if any.

(5) As additional support, the court shall order the obligor to pay to the obligee an amount equal to the proportion of the cost of child care incurred by the custodial parent for the generation of income that the noncustodial parent's net income bears to the total net income of the parents.

~~(a)~~ (b) The child support payment guidelines take into consideration the following criteria:

(1) all earnings, income, and resources of the obligor including real and personal property;

(2) the basic living needs of the obligor;

(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.

~~(b)~~ (c) In establishing 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 or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income;

(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.

Any schedule prepared under paragraph (b), 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 order child support in accordance with the guidelines 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) (d) Previous support orders and maintenance orders may be considered if the obligor is paying them.

(d) (e) 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.

(f) (f) 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 from 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.*

CALL OF THE SENATE

Mr. Petty imposed a call of the Senate for the balance of the proceedings on S.F. No. 1732. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the amendment.

Mr. Sieloff moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 19 and nays 31, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Moe, R.D.	Peterson, D.C.	Reichgott
Dahl	Hughes	Novak	Peterson, R.W.	Spear
Dicklich	Merriam	Pehler	Petty	Waldorf
Dieterich	Moe, D.M.	Peterson, C.C.	Pogemiller	

Those who voted in the negative were:

Adkins	Frederickson	Knaak	Olson	Taylor
Anderson	Freeman	Knutson	Peterson, D.L.	Vega
Belanger	Gustafson	Kronebusch	Ramstad	Wegscheid
Bernhagen	Isackson	Laidig	Renneke	
Bertram	Johnson, D.E.	Lessard	Sieloff	
Chmielewski	Jude	McQuaid	Solon	
Diessner	Kamrath	Mehrkins	Storm	

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

Mr. Peterson, D.L. moved to amend the Sieloff amendment to S.F. No. 1732, adopted by the Senate March 14, 1986, as follows:

Page 2, line 32, delete the period

Page 2, after line 32, insert:

“(9) Reasonable and Ordinary
Expenses in the Conduct
of a Trade or Business.”

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

Ms. Berglin moved to amend the Sieloff amendment to S.F. No. 1732, adopted by the Senate March 14, 1986, as follows:

Page 2 of the amendment, line 8, delete "2500" and insert "4000"

Page 2, lines 10 and 12, delete "\$2500" and insert "\$4000"

Page 2, line 19, reinstate the stricken "Mandatory"

Page 2, lines 22 and 23, reinstate the stricken language and delete the new language

Page 3, line 4, reinstate the stricken language and delete the new language

Page 3, lines 17 to 21, delete the new language

Page 3, lines 30 to 33, reinstate the stricken language and delete the new language

Page 4, lines 7 and 12, reinstate the stricken language and delete the new language

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

Mr. Sieloff moved that those not voting be excused from voting. The motion did not prevail.

The roll was called, and there were yeas 42 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Olson	Renneke
Anderson	Freeman	Lantry	Pehler	Samuelson
Belanger	Gustafson	Luther	Peterson, C.C.	Sieloff
Berglin	Hughes	Mehrkens	Peterson, D.C.	Spear
Dahl	Isackson	Merriam	Peterson, R.W.	Vega
Dicklich	Jude	Moe, D.M.	Petty	Wegscheid
Diessner	Kamrath	Moe, R.D.	Pogemiller	
Dieterich	Knaak	Nelson	Ramstad	
Frank	Kronebusch	Novak	Reichgott	

Those who voted in the negative were:

Benson	Chmielewski	Lessard	Solon	Waldorf
Bernhagen	Johnson, D.E.	McQuaid	Storm	
Bertram	Knutson	Peterson, D.L.	Taylor	

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

S.F. No. 1732 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 4, as follows:

Those who voted in the affirmative were:

Adkins	Freeman	Kronebusch	Novak	Samuelson
Anderson	Gustafson	Laidig	Olson	Sieloff
Belanger	Hughes	Lantry	Pehler	Solon
Benson	Isackson	Lessard	Peterson, C.C.	Storm
Bernhagen	Johnson, D.E.	Luther	Peterson, D.L.	Taylor
Bertram	Johnson, D.J.	McQuaid	Peterson, R.W.	Vega
Dahl	Jude	Mehrkens	Petty	Waldorf
Dicklich	Kamrath	Merriam	Pogemiller	Wegscheid
Diessner	Knaak	Moe, D.M.	Ramstad	
Frank	Knutson	Moe, R.D.	Reichgott	
Frederickson	Kroening	Nelson	Renneke	

Ms. Berglin, Mr. Dieterich, Ms. Peterson, D.C. and Mr. Spear voted in the negative.

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

Without objection, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 31: A bill for an act relating to motorboat safety; requiring liability insurance on watercraft; strengthening prohibitions and penalties regarding operation of motorboat while under the influence of alcohol or a controlled substance; providing a penalty; amending Minnesota Statutes 1984, sections 361.02, subdivision 9; 361.03, by adding subdivisions; and 361.12; proposing coding for new law in Minnesota Statutes, chapter 361.

There has been appointed as such committee on the part of the House:

Blatz, Frerichs and Kelly.

Senate File No. 31 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1986

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2294:

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.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Jaros, Boo and Erickson have been appointed as such committee on the part of the House.

House File No. 2294 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2294, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2331:

H.F. No. 2331: A bill for an act relating to taxation; providing for the taxation of lawful gambling; providing for identification cards for employees of distributors of gambling equipment; providing for the registration of manufacturers of gambling equipment; providing for maximum prizes for pull-tabs; allowing local investigation fees; making unlicensed wholesaling of gambling equipment a felony; regulating off-track betting; exempting certain lawful gambling from licensing and taxation; providing for notification to town boards of license applications; providing a penalty; amending Minnesota Statutes 1984, sections 240.25, subdivision 2; 240.26, subdivisions 1 and 2; 349.12, by adding a subdivision; 349.161, by adding subdivisions; 349.19, subdivision 5; 349.211, by adding a subdivision; 349.212, by adding a subdivision; 349.213, subdivision 2; 349.214, subdivision 2, and by adding a subdivision; 349.22; 349.31, subdivision 1; and 609.761; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Shaver, Quinn and Gutknecht have been appointed as such committee on the part of the House.

House File No. 2331 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Dieterich moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2331, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 654:

H.F. No. 654: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; 609.245; and 609.582, by adding

subdivisions.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Marsh, Blatz and Kelly have been appointed as such committee on the part of the House.

House File No. 654 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Jude moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 654, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1875:

H.F. No. 1875: A bill for an act relating to health; creating a public corporation to provide health care services, education, and research; providing for governance of St. Paul Ramsey Medical Center and creation of a physicians and dentists subsidiary; proposing coding for new law as Minnesota Statutes, chapter 246A; repealing Minnesota Statutes 1984, section 383A.41, as amended.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Kelly, Knickerbocker and O'Connor have been appointed as such committee on the part of the House.

House File No. 1875 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mrs. Lantry moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1875, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2169:

H.F. No. 2169: A bill for an act relating to public lands; providing for a procedure to sell state leased lands; providing for maximum lease rates; providing for an endowment fund and the disposition of proceeds of the land acquisition account; permitting Winona county to convey certain real estate

to a county agricultural society; proposing coding for new law in Minnesota Statutes, chapter 92.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Minne, Thiede and Olsen, S. have been appointed as such committee on the part of the House.

House File No. 2169 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

Mr. Dicklich moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2169, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2154 and 2210.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1986

FIRST READING OF HOUSE BILLS

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

H.F. No. 2154: A bill for an act relating to taxation; sales and use; exempting materials consumed in certain manufacturing construction in distressed counties; amending Minnesota Statutes 1985 Supplement, sections 297A.15, subdivision 5; and 297A.257, by adding a subdivision.

Mr. Solon moved that H.F. No. 2154 be laid on the table. The motion prevailed.

H.F. No. 2210: A bill for an act relating to public disasters; providing for certain unemployment compensation liability; providing for certain valuation in the city of Litchfield; amending Minnesota Statutes 1984, section 268.06, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2040, now on General Orders.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2280: Messrs. Johnson, D.J.; Dicklich and Frederick.

H.F. No. 2294: Messrs. Solon, Dicklich and Gustafson.

H.F. No. 2331: Messrs. Dieterich, Novak and Peterson, D.L.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Dahl moved that the following members be excused for a Conference Committee on H.F. No. 1950 from 8:00 to 10:00 p.m.:

Messrs. Dahl, Knaak, Luther, Petty and Spear. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pogemiller moved that H.F. No. 2287 be taken from the table and referred to the Committee on Rules and Administration for comparison with S.F. No. 1847, now on General Orders. The motion prevailed.

MEMBERS EXCUSED

Mrs. Brataas was excused from the Session of today. Ms. Reichgott was excused from the Session of today from 10:00 to 11:30 a.m. Mr. Frank was excused from the Session of today from 4:00 to 6:00 p.m. Mr. Laidig was excused from the Session of today from 4:25 to 4:50 p.m. Mr. Hughes was excused from the Session of today from 4:00 to 6:20 p.m. Mrs. Kronebusch was excused from the Session of today from 8:30 to 8:55 p.m. Mr. Frederick was excused from the Session of today at 11:50 p.m. Mr. Purfeerst was excused from the Session of today at 11:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Saturday, March 15, 1986. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate