

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 9, 1990

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Donald Storm.

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

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

Adkins	Davis	Knaak	Metzen	Reichgott
Anderson	Decker	Knutson	Moe, D.M.	Renneke
Beckman	DeCramer	Kroening	Moe, R.D.	Samuelson
Belanger	Dicklich	Laidig	Morse	Schmitz
Benson	Diessner	Langseth	Novak	Solon
Berg	Flynn	Lantry	Olson	Spear
Berglin	Frank	Larson	Pariseau	Storm
Bernhagen	Frederick	Lessard	Pehler	Stumpf
Bertram	Frederickson, D.J.	Luther	Peterson, R.W.	Vickerman
Brandl	Frederickson, D.R.	Marty	Piepho	Waldorf
Brataas	Freeman	McGowan	Piper	
Chmielewski	Hughes	McQuaid	Pogemiller	
Cohen	Johnson, D.E.	Mehrkens	Purfeerst	
Dahl	Johnson, D.J.	Merriam	Ramstad	

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. Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2478 at 11:00 a.m.:

Messrs. Belanger, Novak, Pogemiller, Stumpf and Johnson, D.J. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 1854 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1854	1757				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1854 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1854 and insert the language after the enacting clause of S.F. No. 1757, the first engrossment; further, delete the title of H.F. No. 1854 and insert the title of S.F. No. 1757, the first engrossment.

And when so amended H.F. No. 1854 will be identical to S.F. No. 1757, and further recommends that H.F. No. 1854 be given its second reading and substituted for S.F. No. 1757, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 1854 was read the second time.

MOTIONS AND RESOLUTIONS

Messrs. Bertram and Diessner introduced—

Senate Resolution No. 180: A Senate resolution commemorating Minnesota State Trooper Charles B. Aldean, Woodbury, Minnesota, for his dedicated and heroic service to our country during his tour of duty in Vietnam.

Referred to the Committee on Rules and Administration.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. 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, makes the following report:

Any bill on the General Orders Calendar may be designated by the Chair of the Committee on Rules and Administration as Special Orders for immediate consideration.

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. 1996: A bill for an act relating to waste management; making several technical changes to the waste management act; establishing a time period for local decision-making on siting of solid waste facilities; establishing time periods for state and metropolitan council approval of county solid waste management plans; clarifying jurisdiction of county plans; clarifying order of funding priority for grants for solid waste management projects; adjusting procedures for the creation of solid waste management districts; increasing the authority of the districts; authorizing counties to set civil penalties by ordinance for violation of designation ordinances; authorizing additional county fees on in-county disposal of out-of-county solid waste; adding procedures and requirements for cities to meet when they organize solid waste collection; requiring a supplementary incinerator ash report; delaying the date for incinerator ash to be considered special waste; establishing a fee on certain paper stock in newspapers; providing waste management training and certification programs; authorizing counties to charge property owners, lessees, and occupants for solid waste management services; authorizing metropolitan counties to charge reasonable rates for solid waste facilities; restricting the authority of certain local governments to prevent establishment, operation, or expansion of solid waste disposal facilities; providing buffer areas around landfill operations; extending the solid waste ash project report; authorizing sanitary districts to use the greater Minnesota landfill cleanup fee; specifying use of the greater Minnesota landfill fee; providing a landfill compliance and financial assurance study; authorizing Winona county to give political subdivisions the authority to accept responsibility for managing their solid waste; amending provisions for forgiving a grant to Winona county; directing a resource recovery facility study to be conducted; reducing time for metropolitan review of local government solid waste facility siting decisions; repealing the requirement that government agencies use degradable polyethylene bags; changing references; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3a; 115A.03, subdivision 23; 115A.06, subdivisions 2, 5, 5a, 6, 8, 10, 11, 12, and 13; 115A.07, subdivisions 1 and 2; 115A.075; 115A.10; 115A.11, subdivision 1a; 115A.158, subdivision 2; 115A.191, subdivisions 1 and 2; 115A.192, subdivisions 1 and 2; 115A.193; 115A.194, subdivision 2; 115A.411, subdivision 1; 115A.46, subdivision 1, and by adding a subdivision; 115A.49; 115A.53; 115A.54, subdivision 3; 115A.64, subdivisions 2, 4, and 6; 115A.66, subdivision 3; 115A.67; 115A.86, by adding a subdivision; 115A.914; 115A.94, subdivisions 3 and 4; 115A.97, subdivisions 4 and 5; 325E.045, subdivision 1; 400.08, subdivisions 1 and

3; 473.811, subdivision 3, and by adding a subdivision; 473.823, subdivision 5, and by adding a subdivision; 473.833, by adding a subdivision; 473.845, subdivision 4; 473.846; Minnesota Statutes 1989 Supplement, sections 115A.14, subdivision 4; 115A.195; 115A.54, subdivision 2a; 115A.84, subdivision 2; 115A.86, subdivision 5; 115A.919; 115B.04, subdivision 4; 116.41, subdivision 2; 116C.69, subdivision 3; Minnesota Statutes Second 1989 Supplement, sections 115A.072, subdivisions 1 and 4; 115A.55, subdivision 3; 115A.551, subdivisions 4 and 7; 115A.558; 115A.961, subdivisions 2 and 4; Laws 1987, First Special Session chapter 5, section 1; Laws 1988, chapter 685, section 42; Laws 1989, chapter 325, sections 72, subdivision 2; and 79; and chapter 335, article 1, sections 23, subdivision 4, and 269; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections 115A.09, subdivision 5; 115A.90, subdivision 2; 325E.045, subdivisions 3 and 4; Minnesota Statutes 1989 Supplement, sections 115A.922; 115A.923, subdivisions 2 to 5; 115A.924; 115A.925; 115A.927; 115A.928; and Laws 1987, chapter 348, section 51, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Finance, shown in the Journal for April 5, 1990, be adopted; that committee recommendation being:

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

SECOND READING OF SENATE BILLS

S.F. No. 1996 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2060 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2060: A bill for an act relating to drivers' licenses; defining gross vehicle weight and commercial motor vehicle; allowing holder of class CC driver's license with school bus endorsement to operate a small school bus; changing effective dates of requirements for commercial driver's license; setting fees; appropriating money; amending Minnesota Statutes 1988, sections 169.01, subdivision 46; 171.01, subdivision 16; and 171.321, subdivision 1; Minnesota Statutes 1989 Supplement, sections 169.01, subdivision 75; 171.01, subdivision 22; 171.02, subdivision 2; and 171.06, subdivision 2; Laws 1989, chapter 307, sections 43 and 44.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.E.	McQuaid	Piper
Anderson	Decker	Knaak	Merriam	Ramstad
Beckman	DeCramer	Knutson	Metzen	Reichgott
Benson	Dicklich	Kroening	Moe, D.M.	Renneke
Berg	Diessner	Laidig	Moe, R.D.	Samuelson
Berglin	Flynn	Langseth	Morse	Spear
Bernhagen	Frank	Lantry	Olson	Storm
Bertram	Frederick	Larson	Pariseau	Stumpf
Brand	Frederickson, D.J.	Lessard	Pehler	Vickerman
Brataas	Frederickson, D.R.	Luther	Peterson, R.W.	Waldorf
Cohen	Hughes	McGowan	Piepho	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2390 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2390: A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; improving data practices; requiring the commissioner of health to encourage display of posters informing pregnant women of the dangers of alcohol use; excluding persons with a history of child abuse or criminal sexual behavior from certain protections for criminal offenders; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalties for malicious child punishment resulting in great bodily harm and assaulting a child protection worker; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; amending Minnesota Statutes 1988, sections 147.09; 259.40, subdivisions 1 and 4; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, 4, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 179A.03, subdivision 7; 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; 144; and 245.

Ms. Reichgott moved to amend H.F. No. 2390, as amended pursuant to Rule 49, adopted by the Senate April 6, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2188.)

Page 2, delete lines 20 to 22 and insert:

"Subd. 4. [STAFFING.] The commission shall utilize existing legislative staff in carrying out its duties."

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend H.F. No. 2390, as amended pursuant to Rule 49, adopted by the Senate April 6, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2188.)

Page 2, line 13, delete "and"

Page 2, line 16, before the period, insert "; and"

(6) develop ways to encourage the use of job sharing by employers"

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend H.F. No. 2390, as amended pursuant to Rule 49, adopted by the Senate April 6, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2188.)

Page 9, after line 7, insert:

“Sec. 7. Minnesota Statutes 1988, section 260.015, subdivision 17, is amended to read:

Subd. 17. “Shelter care facility” means a physically unrestricting facility, such as but not limited to, a hospital, a group home or, a licensed facility for foster care, *or the home of a noncustodial parent or other relative of the child*, used for the temporary care of a child pending court action.”

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. 2390 was then progressed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1896 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1896: A bill for an act relating to health; providing exemptions from the infectious waste control act; requiring hospitals to accept certain infectious waste; modifying standards for ambulance drivers; requiring adoption of rules setting new standards for recertification of and upgrading to emergency care course certificates; increasing reimbursement for volunteers; authorizing an emergency medical services advisory committee; regulating the provision of special transportation services; requiring studies; encouraging rural medical school applicants; requiring a study of medical assistance reimbursement for physicians; creating a rural hospital planning and transition grant program; creating a rural hospital subsidy fund; allowing counties authority to exceed levy limits; appropriating money; amending Minnesota Statutes 1989 Supplement, sections 116.76, subdivision 9; 116.78, by adding subdivisions; 144.804, subdivisions 1 and 7; 144.809; 144.8091; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 136A; 144; and 174.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Decker	Knaak	Merriam	Reichgott
Anderson	DeCramer	Knutson	Metzen	Renneke
Beckman	Dicklich	Kroening	Moe, D.M.	Samuelson
Belanger	Diessner	Laidig	Moe, R.D.	Schmitz
Benson	Flynn	Langseth	Morse	Spear
Berg	Frank	Lantry	Olson	Storm
Berglin	Frederick	Larson	Pariseau	Stumpf
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Vickerman
Bertram	Frederickson, D.R.	Luther	Peterson, R.W.	Waldorf
Brandl	Freeman	Marty	Piepho	
Chmielewski	Hughes	McGowan	Piper	
Cohen	Johnson, D.E.	McQuaid	Purfeerst	
Davis	Johnson, D.J.	Mehrrens	Ramstad	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2081 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2081: A bill for an act relating to state government; regulating certain employment practices; permitting the transfer of vacation and sick leave for certain gubernatorial appointees; permitting employees on permanent layoff to test into new state positions; authorizing the donation of the value accrued vacation leave to other state employees under certain circumstances; making technical changes in the public employees insurance program; eliminating the authority of the board of medical examiners and the board of dentistry to set the salaries of their executive directors; designating certain positions in the unclassified service; eliminating obsolete language; appropriating money; amending Minnesota Statutes 1988, sections 15A.081, subdivision 7b, and by adding a subdivision; 15A.083, subdivisions 5 and 7; 43A.04, subdivisions 1 and 3, and by adding a subdivision; 43A.10, subdivisions 7 and 8; 43A.12, subdivision 5; 43A.13, subdivisions 2, 3, 4, 5, 6, and 7; 43A.15, subdivision 10; 43A.17, subdivisions 1 and 8; 43.18, subdivisions 4 and 5; 43A.191, subdivisions 2 and 3; 43A.23, subdivision 1; 43A.27, subdivision 4; 43A.316, subdivisions 2, 3, 5, 7, and 8; 43A.37, subdivision 1; 176.421, by adding a subdivision; 176B.02; 237.51, subdivision 5; 473.405, subdivision 12; Minnesota Statutes 1989 Supplement, section 43A.08, subdivision 1; 43A.316, subdivisions 9 and 10; 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 1988, section 43A.081, subdivisions 1, 2, and 5.

Mr. DeCramer moved to amend H.F. No. 2081, the unofficial engrossment, as follows:

Page 24, after line 33, insert:

“Sec. 38. Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The court administrator of district court if dissatisfied with the action of the county board in setting the amount of the court administrator's salary or the amount of the budget for the office of court administrator of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the

responsibilities and duties of said office; ~~and the court administrator's experience, qualifications, and performance.~~ The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the court administrator of the district court. The court either in term or vacation and upon ten days notice to the chair of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the responsibilities and duties of the office of the court administrator, ~~and the court administrator's experience, qualifications, and performance,~~ it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith. This subdivision is not in effect from July 1, 1989, to July 1, 1991, with respect to the amount of the budget of the office of court administrator of district court."

Page 25, lines 9 and 10, reinstate the stricken language

Page 25, line 11, reinstate the stricken language and before the reinstated period, insert "*, except an appeal shall not include the salary of the court administrator*"

Page 28, line 4, delete everything after "5" and insert a period

Page 28, delete line 5

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 18 and nays 44, as follows:

Those who voted in the affirmative were:

Brataas	Davis	Freeman	McQuaid	Reichgott
Chmielewski	DeCramer	Knaak	Metzen	Waldorf
Cohen	Diessner	Knutson	Piepho	
Dahl	Frederick	Lessard	Ramstad	

Those who voted in the negative were:

Adkins	Brandl	Johnson, D.J.	Moe, D.M.	Purfeerst
Anderson	Decker	Kroening	Moe, R. D.	Renneke
Beckman	Dicklich	Laidig	Morse	Samuelson
Belanger	Flynn	Langseth	Olson	Schmitz
Benson	Frank	Lantry	Pariseau	Spear
Berg	Frederickson, D.J.	Larson	Pehler	Storm
Berglin	Frederickson, D.R.	Marty	Peterson, R. W.	Stumpf
Bernhagen	Hughes	Mehrkens	Piper	Vickerman
Bertram	Johnson, D.E.	Merriam	Pogemitter	

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

H.F. No. 2081 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Metzen	Reichgott
Anderson	Decker	Kroening	Moe, D.M.	Renneke
Beckman	DeCramer	Laidig	Moe, R.D.	Samuelson
Belanger	Dicklich	Langseth	Morse	Schmitz
Benson	Diessner	Lantry	Olson	Spear
Berg	Flynn	Larson	Pariseau	Storm
Berglin	Frank	Lessard	Pehler	Stumpf
Bernhagen	Frederick	Luther	Peterson, R.W.	Vickerman
Bertram	Frederickson, D.R.	Marty	Piepho	Waldorf
Brandl	Freeman	McGowan	Piper	
Brataas	Hughes	McQuaid	Pogemiller	
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	
Cohen	Johnson, D.J.	Merriam	Ramstad	

Messrs. Davis and Knutson voted in the negative.

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1925 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1925: A bill for an act relating to the environment; changing certain requirements for municipal wastewater treatment grants; increasing bonding authority; amending Minnesota Statutes 1988, sections 116.18, subdivision 3c; 446A.07, subdivision 2; 446A.12, subdivision 1; and Minnesota Statutes 1989 Supplement, section 116.16, subdivisions 2 and 5.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Merriam	Ramstad
Anderson	Davis	Knutson	Metzen	Reichgott
Beckman	Decker	Kroening	Moe, R.D.	Renneke
Belanger	Diessner	Laidig	Morse	Samuelson
Benson	Flynn	Langseth	Novak	Schmitz
Berg	Frank	Lantry	Olson	Spear
Berglin	Frederick	Larson	Pariseau	Storm
Bernhagen	Frederickson, D.J.	Lessard	Pehler	Stumpf
Bertram	Frederickson, D.R.	Luther	Peterson, R.W.	Vickerman
Brandl	Freeman	Marty	Piepho	Waldorf
Brataas	Hughes	McGowan	Piper	
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	
Cohen	Johnson, D.J.	Mehrkens	Purfeerst	

So the bill passed and its title was agreed to.

The question recurred on H.F. No. 2390.

SPECIAL ORDER

H.F. No. 2390: A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; improving data practices; requiring the commissioner of health to encourage display of posters informing pregnant women of the dangers of

alcohol use; excluding persons with a history of child abuse or criminal sexual behavior from certain protections for criminal offenders; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalties for malicious child punishment resulting in great bodily harm and assaulting a child protection worker; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; amending Minnesota Statutes 1988, sections 147.09; 259.40, subdivisions 1 and 4; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, 4, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 179A.03, subdivision 7; 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; 144; and 245.

Mr. Storm moved to amend H.F. No. 2390, as amended pursuant to Rule 49, adopted by the Senate April 6, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2188.)

Page 4, after line 20, insert:

"Sec. 4. Minnesota Statutes 1989 Supplement, section 179A.03, subdivision 7, is amended to read:

Subd. 7. [ESSENTIAL EMPLOYEE.] "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.855, guards at correctional facilities, *child protection workers*, *assistant county attorneys*, confidential employees, supervisory employees, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Spear questioned whether the amendment was germane. The President ruled that the amendment was not germane.

Mr. Lessard moved to amend H.F. No. 2390, as amended pursuant to Rule 49, adopted by the Senate April 6, 1990, as follows:

(The text of the amended House File is identical to S.F. No. 2188.)

Page 15, after line 27, insert:

"Sec. 11. Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1989 payable in 1990 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and income maintenance programs, other than those identified in section 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, "income maintenance programs" include income maintenance programs in section 273.1398, subdivision 1, paragraph (i), to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated

receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) to compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719, article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of the nonspecial levies to total levies for taxes payable in the year the abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year.

In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the amount levied in 1989 under this paragraph;

(s) for taxes levied in 1989, payable in 1990 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids to a county under sections 273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3, for aids payable in 1990;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs; ~~and~~

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3); *and*

(w) for a county, pay the increased costs of providing services required under this act.

If the amount levied in 1989 is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991."

Page 28, line 22, after the period, insert "*Section 11 is effective for taxes levied in 1990, payable in 1991, and thereafter.*"

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 39 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Frederickson, D.J.	Langseth	Olson
Anderson	Dahl	Frederickson, D.R.	Lantry	Pariseau
Beckman	Davis	Hughes	Larson	Peterson, R. W.
Belanger	Decker	Johnson, D.E.	Lessard	Piepho
Berg	DeCramer	Knaak	McGowan	Ramstad
Berglin	Flynn	Knutson	McQuaid	Renneke
Bernhagen	Frank	Kroening	Mehrkens	Storm
Bertram	Frederick	Laidig	Moe, D.M.	

Those who voted in the negative were:

Brandl	Johnson, D.J.	Novak	Reichgott	Stumpf
Cohen	Luther	Pehler	Samuelson	Vickerman
Dicklich	Metzen	Piper	Schmitz	
Diessner	Morse	Purfeerst	Spear	

The motion prevailed. So the amendment was adopted.

H.F. No. 2390 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.J.	McQuaid	Pogemiller
Anderson	Decker	Knaak	Mehrkens	Ramstad
Beckman	DeCramer	Knutson	Metzen	Reichgott
Belanger	Dicklich	Kroening	Moe, D.M.	Renneke
Berg	Diessner	Laidig	Morse	Samuelson
Berglin	Flynn	Langseth	Novak	Schmitz
Bernhagen	Frank	Lantry	Olson	Spear
Bertram	Frederick	Larson	Pariseau	Storm
Brandl	Frederickson, D.J.	Lessard	Pehler	Stumpf
Chmielewski	Frederickson, D.R.	Luther	Peterson, R. W.	Vickerman
Cohen	Hughes	Marty	Piepho	
Dahl	Johnson, D.E.	McGowan	Piper	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1894 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1894: A bill for an act relating to environment and natural resources; amending provisions relating to water management organizations; providing legislative commission oversight of the metropolitan water management act; authorizing management and financing of drainage systems under certain laws; clarifying water management purposes; authorizing counties to remove watershed district managers for just cause; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan

failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; requiring a draining system report; appropriating money; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, by adding a subdivision; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 112 and 473.

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 2, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	McGowan	Reichgott
Anderson	Davis	Knutson	McQuaid	Schmitz
Beckman	DeCramer	Laidig	Morse	Solon
Berg	Diessner	Langseth	Novak	Spear
Bernhagen	Flynn	Lantry	Olson	Storm
Bertram	Frank	Larson	Pariseau	Vickerman
Brandl	Frederickson, D.J.	Lessard	Peterson, R. W.	
Chmielewski	Frederickson, D.R.	Luther	Piepho	
Cohen	Hughes	Marty	Ramstad	

Messrs. Decker and Renneke voted in the negative.

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Freeman moved that the following members be excused for a Conference Committee on H.F. No. 2651 at 2:15 p.m.:

Messrs. Benson; Merriam; Moe, R.D.; Waldorf and Freeman. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Peterson, R. W. moved that the following members be excused for a Conference Committee on H.F. No. 2200 at 3:00 p.m.:

Messrs. Brandl, Dicklich, Pehler, Ms. Reichgott and Mr. Peterson, R. W. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that S.F. No. 2045, No. 53 on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1855 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1855: A bill for an act relating to family law; modifying dissolution statistical report requirements; regulating child custody and visitation in dissolution and other proceedings; modifying standards for joint legal custody; providing for the award of temporary attorney fees; providing standards for visitation and custody rights when a parent has been convicted of certain crimes; providing funding for legal representation in family law matters; amending Minnesota Statutes 1988, sections 144.224; 257.025; 257.541, subdivision 2; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1 and 7; 518.14; 518.156; 518.167, subdivision 2; 518.175, by adding a subdivision; 518.551, subdivision 5; and 518.619; Minnesota Statutes 1989 Supplement, sections 518.17, subdivision 2; 518.175, subdivisions 1 and 5; and 518.64, subdivision 2; proposing coding for new law in chapter 518.

Ms. Reichgott moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 15, line 34, after "*parties*" insert "*who are represented by an attorney*"

Page 15, line 35, after "*tax*" insert "*or that parties who are not represented by an attorney have been notified that income tax laws regarding the capital gain tax may apply to the sale of the residence. This includes, but is not limited to, the*"

Page 16, line 3, delete "*This section*"

Page 16, delete lines 4 and 5 and insert "*All judgment and decrees involving a principal residence must include a notice to the parties that income tax laws regarding the capital gain tax may apply to the sale of the residence and that the parties may wish to consult with an attorney concerning the applicable laws.*"

Page 18, after line 12, insert:

"Sec. 21. [EFFECTIVE DATE.]

Section 18 is effective August 1, 1990, and applies to actions commenced on or after that date."

The motion prevailed. So the amendment was adopted.

Ms. Reichgott then moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Pages 8 and 9, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 1988, section 518.14, is amended to read:
518.14 [COSTS AND DISBURSEMENTS AND ATTORNEY FEES.]

~~In a proceeding brought either for dissolution or legal separation under this chapter, the court, from time to time, after considering the financial resources of both parties, may require one party to pay a reasonable amount necessary to enable the other spouse to carry on or to contest the proceeding, and to pay attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement or after entry of judgment. In a proceeding under this chapter, the court shall award temporary or permanent attorney fees in a reasonable amount if necessary to enable a party to carry on or contest the proceeding in good faith. The~~

award may be made at the commencement of the proceeding, during the pendency of the proceeding, after entry of any order or judgment, or upon appeal. In making the award, the court shall consider amounts reasonably necessary for costs and disbursements including, but not limited to, filing fees, costs of depositions and other discovery, witness fees, transcript costs, experts' costs and fees, appraisals and attorney fees. The court shall consider the financial resources and reasonable needs of both parties and the conduct of the parties with respect to the proceedings in determining whether either party must contribute to the other party's costs and disbursements and attorney fees. The court may adjudge costs and disbursements against either party. The court may authorize the collection of money awarded by execution, or out of property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought in the attorney's own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion. The award shall also survive the proceeding and may be enforced in the same manner as last above provided."

CALL OF THE SENATE

Mr. Spear imposed a call of the Senate for the balance of the proceedings on H.F. No. 1855. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the second Reichgott amendment.

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

The roll was called, and there were yeas 31 and nays 30, as follows:

Those who voted in the affirmative were:

Beckman	DeCramer	Kroening	Morse	Spear
Benson	Dicklich	Lantry	Pepler	Vickerman
Berglin	Flynn	Luther	Peterson, R. W.	Waldorf
Brandt	Frank	Marty	Piper	
Brataas	Frederickson, D.J.	McQuaid	Pogemiller	
Cohen	Freeman	Merriam	Ramstad	
Dahl	Hughes	Moe, D.M.	Reichgott	

Those who voted in the negative were:

Adkins	Davis	Knaak	McGowan	Purfeerst
Anderson	Decker	Knutson	Mehrkens	Renneke
Berg	Diessner	Laidig	Metzen	Samuelson
Bernhagen	Frederick	Langseth	Olson	Schmitz
Bertram	Frederickson, D.R.	Larson	Pariseau	Storm
Chmielewski	Johnson, D.E.	Lessard	Piepho	Stumpf

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Vickerman moved that the vote whereby the second Reichgott amendment to H.F. No. 1855 was adopted on April 9, 1990, be now reconsidered. The motion prevailed.

The question was taken on the adoption of the second Reichgott amendment.

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

Those who voted in the affirmative were:

Benson	Dicklich	Kroening	Moe, R.D.	Pogemiller
Berglin	Flynn	Lantry	Morse	Ramstad
Brandl	Frank	Luther	Novak	Reichgott
Brataas	Frederickson, D.J.	Marty	Olson	Spear
Cohen	Freeman	McQuaid	Pehler	Waldorf
Dahl	Hughes	Merriam	Peterson, R.W.	
DeCramer	Johnson, D.J.	Moe, D.M.	Piper	

Those who voted in the negative were:

Adkins	Chmielewski	Knaak	Mehrkens	Schmitz
Anderson	Davis	Knutson	Metzen	Solon
Beckman	Decker	Laidig	Pariseau	Storm
Belanger	Diessner	Langseth	Piepho	Stumpf
Berg	Frederick	Larson	Purfeerst	Vickerman
Bernhagen	Frederickson, D.R.	Lessard	Renneke	
Bertram	Johnson, D.E.	McGowan	Samuelson	

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

Mr. Lessard moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 15, after line 29, insert:

“Sec. 18. Minnesota Statutes 1988, 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.”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert “limiting the percentage of an obligor's income that may be awarded for support, maintenance, and attorney fees;”

Page 1, line 22, after the second semicolon, insert “518.55, by adding a subdivision;”

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

Mr. Lessard then moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 15, after line 29, insert:

“Sec. 18. Minnesota Statutes 1988, 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 as provided in this subdivision.

The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the interest of justice. In other cases the court shall order child support in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom.

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 - 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security Deductions
- (iv) Reasonable Pension Deductions

*Standard Deductions apply-use of tax tables recommended

- (v) Union Dues
- (vi) Cost of Dependent Insurance Coverage
- (vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses

(viii) A Child Support or Maintenance Order that is Currently Being Paid.

“Net income” does not include:

- (1) the income of the obligor’s spouse-; or
- (2) *earnings, salary, overtime, bonus, commission, vacation, or profit sharing distributions if they:*
 - (i) *are attributable to services performed in excess of a 40-hour work week; or*

(ii) are earned by the obligor from employment with an employer other than the employer for which the obligor is considered to be a full-time employee. The obligor shall have the burden of proof to demonstrate that any portion of the obligor’s income is excluded under this clause.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

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

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

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

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents’ debts as provided in paragraph (c).

(c) In establishing or modifying 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 court determines that the debt was reasonably incurred for necessary support of the child or parent 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; and

(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.

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

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.

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

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

Renumber the sections in sequence and correct the internal references
Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "excluding certain earnings and payments from the obligor's net income for child support;"

Page 1, line 22, after the second semicolon, insert "518.551, subdivision 5;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 42, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson, D.R.	Lessard	Renneke	Schmitz
Bertram	Knaak	Piepho	Samuelson	Vickerman
Chmielewski				

Those who voted in the negative were:

Anderson	Davis	Johnson, D.E.	McQuaid	Piper
Beckman	Decker	Knutson	Mehrkens	Ramstad
Benson	DeCramer	Laidig	Merriam	Reichgott
Berg	Diessner	Langseth	Metzen	Spear
Berglin	Flynn	Lantry	Moe, D.M.	Storm
Bernhagen	Frank	Larson	Moe, R.D.	Waldorf
Brataas	Frederickson, D.J.	Luther	Morse	
Cohen	Freeman	Marty	Olson	
Dahl	Hughes	McGowan	Pariseau	

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

Mr. Knaak moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 10, after line 30, insert:

"Sec. 13. Minnesota Statutes 1989 Supplement, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

(1) the wishes of the child's parent or parents as to custody;

(2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background; and
- (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents.

The court may not use one factor to the exclusion of all others. *The primary caretaker factor may not be used as a presumption in determining the best interests of the child.* The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 15, after line 29, insert:

"Sec. 18. Minnesota Statutes 1988, 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 as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the interest of justice. In other cases the court shall *determine and order child support in a specific dollar amount* in accordance with the guidelines and the other factors set

forth in paragraph (b) and any departure therefrom.

The court shall multiply derive a specific dollar amount by multiplying 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 - 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security Deductions
- (iv) Reasonable Pension Deductions

*Standard Deductions apply-use of tax tables recommended

- (v) Union Dues
- (vi) Cost of Dependent Insurance Coverage
- (vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses
- (viii) A Child Support or Maintenance Order that is Currently Being Paid.

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

(b) In addition to the child support guidelines, the court shall take into

consideration the following factors in setting or modifying child support:

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

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

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

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

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

(c) In establishing or modifying 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 court determines that the debt was reasonably incurred for necessary support of the child or parent 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; and

(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.

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

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.

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

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

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after "child" insert "support,"

Page 1, line 22, after the second semicolon, insert "518.551, subdivision 5;"

The motion prevailed. So the amendment was adopted.

Mr. Knaak moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 15, after line 29, insert:

"Sec. 18. Minnesota Statutes 1988, 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 as provided in this subdivision. The court ~~may~~ shall order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. *Both parents are presumed to be obligors to the extent of their ability.* The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the interest of justice. In other cases the court shall order child support in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom.

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 - 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly
income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security
Deductions
- (iv) Reasonable
Pension Deductions

*Standard
Deductions apply-
use of tax tables
recommended

- (v) Union Dues
- (vi) Cost of Dependent
Insurance Coverage
- (vii) Cost of Individual or Group
Health/Hospitalization
Coverage or an
Amount for Actual
Medical Expenses
- (viii) A Child Support or
Maintenance Order that is
Currently Being Paid.

“Net income” does not include the income of the obligor’s spouse.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

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

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

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

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents’ debts as provided in paragraph (c).

(c) In establishing or modifying 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 court determines that the debt was reasonably incurred for necessary support of the child or parent 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; and

(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.

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

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.

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

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knaak then moved to amend H.F. No. 1855, the unofficial engrossment, as follows:

Page 18, after line 5, insert:

"Sec. 20. Minnesota Statutes 1989 Supplement, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost of living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court shall take into consideration the needs of the children and shall not consider the financial circumstances of each party's spouse, if any. *On a motion for modification of support, the court shall take into consideration the needs of any child of the support obligor born or adopted after entry of the decree of dissolution of the parties' marriage.* A modification of support or maintenance may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under

section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 21 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Decker	Knaak	Mehrkens	Vickerman
Benson	Diessner	Laidig	Piepho	
Bernhagen	Frederick	Larson	Ramstad	
Bertram	Frederickson, D.R.	Lessard	Renneke	
Dahl	Johnson, D.E.	McGowan	Samuelson	

Those who voted in the negative were:

Adkins	Davis	Kroening	Metzen	Reichgott
Beckman	DeCramer	Langseth	Moe, D.M.	Solon
Berg	Flynn	Lantry	Moe, R.D.	Spear
Berglin	Frank	Luther	Morse	Storm
Brandl	Frederickson, D.J.	Marty	Olson	
Brataas	Hughes	McQuaid	Pariseau	
Chmielewski	Knutson	Merriam	Piper	

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

H.F. No. 1855 was then progressed.

Without objection, remaining on the Order of Business of Motions and Resolutions, 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 that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2018: A bill for an act relating to lawful gambling; defining lawful purposes for expenditures of gambling profits; establishing licensing qualifications for organizations and manufacturers; requiring organizations to report monthly on expenditures and contributions of gambling profits; authorizing the gambling control board to require recipients of contributions of gambling profits to register with the board; authorizing summary suspension of gambling licenses for failure to file tax returns; authorizing a limited number of video pull-tab devices and establishing standards and requirements for them; requiring inspection and testing of gambling equipment; requiring permits for gambling premises; requiring gambling managers to be licensed; requiring that employees of organizations conducting

lawful gambling be registered with the board; requiring local gambling taxes and prescribing uses for revenue therefrom; appropriating money; amending Minnesota Statutes 1988, sections 349.12, subdivisions 10, 18, and by adding subdivisions; 349.16, as amended; 349.17, as amended; 349.18, as amended; 349.19, as amended; 349.211, by adding a subdivision; 349.212, subdivision 5; 349.2121, subdivisions 1 and 4a; 349.2123; 349.2125, subdivision 4; 349.2127, subdivisions 1, 3, and by adding subdivisions; 349.30, subdivision 2; 349.31; 349.32; 349.34; 349.35, subdivision 1; 349.36; 349.38; 349.39; 349.50, subdivision 8; 349.52, by adding a subdivision; 349.59, subdivision 1; 349.55; 609.75, subdivision 4; Minnesota Statutes 1989 Supplement, sections 299L.03, by adding a subdivision; 349.12, subdivisions 12 and 15; 349.151, subdivision 4, and by adding a subdivision; 349.152, subdivision 2, and by adding subdivisions; 349.161, as amended; 349.162; 349.163, as amended; 349.164; 349.2121, subdivision 2; 349.2122; 349.213; Minnesota Statutes Second 1989 Supplement, sections 349.12, subdivisions 11 and 19; 349.15; 349.212, subdivisions 1, 2, and 4; 349.2125, subdivisions 1 and 3; 349.2127, subdivisions 2, 4, and 5; 349.22, subdivision 1; 349.501, subdivision 1; 349.502, subdivision 1; 609.76, subdivision 1; Laws 1989, First Special Session chapter 1, article 13, section 27; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1988, sections 349.14; 349.214, subdivisions 1, 1a, 3, and 4; Minnesota Statutes 1989 Supplement, sections 349.151, subdivision 4a; 349.20; 349.21; 349.22, subdivision 3; Minnesota Statutes Second 1989 Supplement, section 349.214, subdivision 2.

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

Quinn, Long, Kostohryz, Himle and Janezich.

Senate File No. 2018 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1990

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. 488: A bill for an act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.995; 471.996; 471.9975; and 471.9981, subdivisions 2 to 5.

Senate File No. 488 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1990

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 488, 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 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. 1150: A bill for an act relating to creditors remedies; regulating executions and garnishments; amending Minnesota Statutes 1988, section 550.142; proposing coding for new law in Minnesota Statutes, chapters 550 and 557; proposing coding for new law as Minnesota Statutes, chapter 551; repealing Minnesota Statutes 1988, sections 550.041; 550.05; 550.14; 550.141; 571.41; 571.42; 571.43; 571.44; 571.45; 571.46; 571.471; 571.495; 571.50; 571.51; 571.52; 571.53; 571.54; 571.55; 571.56; 571.57; 571.58; 571.59; 571.60; 571.61; 571.62; 571.63; 571.64; 571.65; 571.66; 571.67; 571.68; and 571.69.

Senate File No. 1150 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 9, 1990

Mr. Luther moved that the Senate do not concur in the amendments by the House to S.F. No. 1150, 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. 2666:

H.F. No. 2666: A bill for an act relating to elections; limiting campaign expenditures by congressional candidates who choose to receive a public subsidy for their campaigns; limiting certain contribution receipts by congressional candidates; clarifying and modifying certain exceptions to multicandidate political party expenditure limitations; modifying lobbyist reporting requirements; expanding certain reports by certain political committees and political funds; discontinuing the state ethical practices board's responsibility for developing and furnishing certain forms; providing an income tax credit for contributions to state candidates and political parties; limiting contributions and solicitations during a regular legislative session; providing a public subsidy for legislative candidates in special elections; requiring candidates to match funds received from the state elections campaign fund; requiring deer licenses to include an application for absentee ballots; requiring county auditors to provide a sample ballot for classroom use; specifying a time period for preparing a candidate's affidavit; providing

penalties; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 7 and 10b; 10A.02, subdivision 1; 10A.04, subdivisions 2, 4, and 4a; 10A.05; 10A.20, subdivision 3; 10A.24; 10A.25, subdivision 10, and by adding a subdivision; 10A.255, by adding a subdivision; 10A.27, subdivisions 1 and 4; 10A.275; 10A.28, subdivision 1; 10A.30, subdivision 2; 10A.33; 97A.485, by adding a subdivision; 204B.09, subdivision 1; 204D.03, subdivision 1; 290.06, by adding a subdivision; and 383B.055, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 10A; and 204D; repealing Minnesota Statutes 1988, sections 10A.27, subdivision 5; 10A.32, subdivisions 1, 2, 3, and 4; and 211B.11, subdivision 2; Minnesota Statutes 1989 Supplement, section 10A.32, subdivision 3a.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Scheid, Vanasek, Solberg, Osthoff and Bishop have been appointed as such committee on the part of the House.

House File No. 2666 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 April 9, 1990

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2666, and that a Conference Committee of 5 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. Benson raised a point of order pursuant to Joint Rule 2.03 on adoption of Committee Reports. The President ruled that the point of order was not well taken.

REPORTS OF COMMITTEES

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2004: A bill for an act relating to courts; delaying the effective date of the law requiring counties to pay filing fees in district court actions; exempting certain public authorities from paying filing fees in district court actions in certain circumstances; amending Minnesota Statutes Second 1989 Supplement, section 357.021, subdivision 1a; Laws 1989, chapter 335, article 3, section 58, as amended.

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

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 2134: A bill for an act relating to elections; changing the vote margin for an automatic recount at the state primary or general election; amending Minnesota Statutes 1988, section 204C.35, subdivision 1.

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1750: A bill for an act relating to agriculture; making legislative findings; extending the farmer-lender mediation act; appropriating money; amending Minnesota Statutes 1988, section 583.21; Laws 1986, chapter 398, article 1, section 18, as amended.

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

Page 2, line 9, delete "*is appropriated*" and insert "*appropriated by Laws 1989, chapter 350, article 20, section 30,*"

Page 2, line 10, delete "1991" and insert "1990"

Page 2, line 11, before the period, insert "*does not cancel June 30, 1990, and is available until June 30, 1991*"

Page 2, after line 11, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective July 1, 1990."

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2246: A bill for an act relating to public employment; expanding coverage of the public employees insurance plan; establishing classes of premiums; amending Minnesota Statutes 1988, section 43A.316, subdivision 8.

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

Page 1, line 21, before "*disability*" insert "*public pension*"

Page 2, line 12, after "*participants*" insert "*under this paragraph*"

Page 2, line 13, after "*participants*" insert "*under this paragraph*" and delete "*eligible*" and insert "*receiving*"

Page 2, line 14, delete "*for*"

Page 2, line 22, strike "*employer*" and insert "*commissioner*"

Page 3, line 2, strike everything after "*the*" and insert "*commissioner*"

Page 3, after line 6, insert:

"(f) A participant who discontinues coverage may not re-enroll."

Page 3, after line 9, insert:

"Sec. 2. [356.87] [HEALTH INSURANCE WITHHOLDING.]

The director of a public pension fund listed in section 356.20, subdivision 2, shall, upon authorization of a person entitled to receive benefits, withhold premium amounts from the pension benefits and pay the amounts to the public employees insurance plan.

Sec. 3. [NEWLY ELIGIBLE EMPLOYEES; NOTICE.]

A former employee who first becomes eligible to participate in the public employees insurance plan as a result of section 1 must notify the commissioner within 60 days of the effective date of section 1 of intent to participate in the plan. The commissioner, in cooperation with appropriate public pension plans, shall, at least 30 days before the effective date of section 1, notify all persons who become eligible to participate in the plan as a result of section 1 of their option to participate."

Page 3, delete line 11 and insert:

"Sections 1 and 2 are effective January 1, 1992."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 356"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2160: A bill for an act relating to education; providing for the environmental education act; creating the office of environmental education; proposing coding for new law as Minnesota Statutes, chapter 126A; repealing Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035.

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

Page 1, line 14, delete "*Minnesota*" and insert "*this state*"

Page 2, delete line 4 and insert:

"Subdivision 1. [DIRECTOR.] The director of environmental education is appointed by the commissioner of the state"

Page 2, line 5, delete "*office shall*" and insert "*director may*"

Page 2, line 9, delete "*shall*" and insert "*may*"

Page 2, line 13, delete "*b*" and insert "*Subd. 2. [BOARD MEMBERS.]*"

Page 2, lines 13, 32, 34, and 36, delete "*office*" and insert "*director*"

Page 3, lines 2 and 9, delete "*office of environmental*" and insert "*director*"

Page 3, lines 3 and 10, delete "*education shall*" and insert "*may*"

Page 3, line 5, delete "*office shall*" and insert "*director may*"

Page 3, lines 12 and 17, delete "*office*" and insert "*director*"

Page 3, line 18, delete "*of environmental education shall*" and insert "*may*"

Page 3, line 23, delete "*office of*" and insert "*director*"

Page 3, line 24, delete "*environmental education*"

Page 3, line 28, delete “*office of environmental education*” and insert “*director*”

Page 3, delete lines 31 to 36

Page 4, delete lines 1 to 3

Page 4, line 6, delete “*office shall*” and insert “*director may*”

Page 4, lines 10, 15, 26, 32, and 34, delete “*office*” and insert “*director*”

Page 4, delete line 21 and insert:

“*Subdivision 1. [ESTABLISHMENT.] The director may establish*”

Page 4, line 29, delete “(b)” and insert “*Subd. 2. [DUTIES.]*”

Page 4, lines 30 and 31, delete “*of environmental education*”

Page 5, lines 18 and 19, delete “*office of environmental education*” and insert “*director*”

Page 5, line 25, delete “*office*” and insert “*director*”

Page 7, line 5, delete “*office of environmental education*” and insert “*director*”

Page 7, delete lines 32 to 36 and insert:

“(b) *The director of environmental education is a continuation of the Minnesota environmental education board with respect to the responsibilities in Minnesota Statutes, chapter 116E, that have been continued and given to the office of environmental education by this act. This continuation must be treated as a transfer of responsibilities under Minnesota Statutes, section 15.039.*”

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2004, 1750, 2246 and 2160 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2134 was read the second time.

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.

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. 1150: Messrs. Luther, Spear and Knaak.

H.F. No. 2666: Messrs. Luther, Dahl, Cohen, Marty and Pogemiller.

S.F. No. 488: Ms. Berglin, Messrs. Freeman and Marty.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that the name of Mr. Spear be added as a co-author to S.F. No. 2138. The motion prevailed.

Mr. Chmielewski moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 2490. The motion prevailed.

Mrs. Pariseau moved that S.F. No. 1907, No. 5 on Special Orders, be stricken and returned to its author. The motion prevailed.

MEMBERS EXCUSED

Mr. Gustafson was excused from the Session of today. Mr. Cohen was excused from the Session of today at 5:25 p.m. Messrs. Chmielewski, Purfeerst and Samuelson were excused from the Session of today from 11:00 a.m. to 1:00 p.m. Ms. Reichgott was excused from the Session of today from 11:00 a.m. to 12:00 noon. Mr. Spear was excused from the Session of today from 11:00 a.m. to 12:30 p.m. Mr. Dahl was excused from the Session of today from 11:00 a.m. to 1:45 p.m. Mr. Novak was excused from the Session of today from 11:20 a.m. to 2:00 p.m. Mr. Lessard was excused from the Session of today from 1:15 to 1:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 11, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate