

**FIFTY-FIFTH DAY**

St. Paul, Minnesota, Monday, May 8, 1995

The Senate met at 9:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Gary J. Benedict.

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:

Anderson	Frederickson	Laidig	Novak	Sams
Beckman	Hanson	Langseth	Oliver	Samuelson
Belanger	Hottinger	Larson	Olson	Scheevel
Berg	Janezich	Lesewski	Ourada	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Limner	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	Merriam	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Metzen	Price	Vickerman
Cohen	Kleis	Moe, R.D.	Ranum	Wiener
Day	Knutson	Mondale	Reichgott Junge	
Dille	Kramer	Morse	Riveness	
Finn	Krentz	Murphy	Robertson	
Flynn	Kroening	Neuville	Runbeck	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

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

**S.F. No. 1112:** A bill for an act relating to local government; authorizing Sherburne county to convey certain county ditches to the city of Elk River under certain conditions.

Senate File No. 1112 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1995

Mr. Ourada moved that S.F. No. 1112 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. 1404:** A bill for an act relating to insurance; regulating reinsurance intermediaries; providing for the investment of funds held by reinsurance intermediaries; amending Minnesota Statutes 1994, sections 60A.715; and 60A.73, subdivision 4.

Senate File No. 1404 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1995

### CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 1404 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1404 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Flynn	Kramer	Moe, R.D.	Robertson
Beckman	Frederickson	Krentz	Morse	Runbeck
Belanger	Hanson	Kroening	Murphy	Sams
Berg	Hottinger	Laidig	Neuville	Samuelson
Berglin	Janezich	Langseth	Novak	Scheevel
Betzold	Johnson, D.E.	Larson	Oliver	Solon
Chandler	Johnson, D.J.	Lesewski	Ourada	Spear
Chmielewski	Johnson, J.B.	Lessard	Pariseau	Stevens
Cohen	Johnston	Limmer	Pogemiller	Stumpf
Day	Kiscaden	Marty	Price	Terwilliger
Dille	Kleis	Merriam	Ranum	Vickerman
Finn	Knutson	Metzen	Reichgott Junge	Wiener

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

### MESSAGES FROM THE HOUSE - CONTINUED

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. 440:** A bill for an act relating to insurance; regulating coverages, notice provisions, enforcement provisions, and licensees; the comprehensive health association; increasing the lifetime benefit limit; making technical changes; providing for certain breast cancer coverage; prohibiting certain rate differentials within the same town or city; amending Minnesota Statutes 1994, sections 60A.06, subdivision 3; 60A.085; 60A.111, subdivision 2; 60A.124; 60A.23, subdivision 8; 60A.26; 60A.951, subdivisions 2 and 5; 60A.954, subdivision 1; 60K.03, subdivision 7; 60K.14, subdivision 1; 61A.03, subdivision 1; 61A.071; 61A.092, subdivisions 3 and 6; 61B.28, subdivisions 8 and 9; 62A.042; 62A.135; 62A.136; 62A.14; 62A.141; 62A.31, subdivisions 1h and 1i; 62A.46, subdivision 2, and by adding a subdivision; 62A.48, subdivisions 1 and 2; 62A.50, subdivision 3; 62C.14, subdivisions 5 and 14; 62E.02, subdivision 7; 62E.12;

62F.02, subdivision 2; 62I.09, subdivision 2; 62L.02, subdivision 16; 62L.03, subdivision 5; 65A.01, by adding a subdivision; 65B.06, subdivision 3; 65B.08, subdivision 1; 65B.09, subdivision 1; 65B.10, subdivision 3; 65B.61, subdivision 1; 72A.20, subdivisions 13, 23, and by adding a subdivision; 72B.05; 79.251, subdivision 5, and by adding a subdivision; 79.34, subdivision 2; 79.35; 79A.01, by adding a subdivision; 79A.02, subdivision 4; 79A.03, by adding a subdivision; 176.181, subdivision 2; 299F.053, subdivision 2; and 515A.3-112; proposing coding for new law in Minnesota Statutes, chapters 60A; and 62A; repealing Minnesota Statutes 1994, sections 61A.072, subdivision 3; and 65B.07, subdivision 5.

Senate File No. 440 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1995

Mr. Hottinger moved that the Senate do not concur in the amendments by the House to S.F. No. 440, 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 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. 1110:** A bill for an act relating to human services; appropriating money for the department of human services and health, for the veterans nursing homes board, for the health-related boards, for the council on disability, for the ombudsman for mental health and mental retardation, and for the ombudsman for families; modifying day training and habilitation services; creating the consumer support program; modifying child care programs; defining and including essential persons in determining AFDC eligibility; modifying the Minnesota Supplemental Aid program by making it consistent with the federal SSI program; modifying group residential housing; limiting the admission of certain high-functioning persons to nursing facilities; modifying hospital inflation and requiring inflation adjustments to reflect prior overpayments; modifying medical assistance disproportionate share payments; establishing hospital peer groups; establishing long-term hospital rates; modifying treatment of certain trusts; modifying treatment of assets and income for institutionalized persons; reducing the pharmacy dispensing fee; establishing pharmacy copayments in medical assistance and general assistance medical care; establishing a service allowance for certain persons denied admission to a nursing facility; increasing reimbursement rates for certain home care services provided in Anoka county; modifying certain intergovernmental transfers; clarifying the county nursing home payment adjustment; requiring a discount in general assistance medical care prepaid contracts; eliminating payment for gender reassignment services under general assistance medical care; providing a two percent rate increase for certain providers; authorizing certain demonstration projects; modifying certain parental fees; modifying medical assistance eligibility criteria for certain disabled children; modifying requirements for personal care assistants and personal care assistant organizations; modifying coverage for personal care services and reducing maximum hours of service; expanding certain services under medical assistance managed care for disabled children; authorizing certain studies; authorizing exceptions to the nursing home moratorium and modifying reimbursements for legislatively-approved exceptions; modifying requirements for hospital-attached nursing facility status; modifying nursing facility reimbursement and inflationary adjustments; establishing a contractual alternative payment system for nursing facilities; modifying reimbursement for intermediate care facilities for persons with mental retardation or related conditions; establishing transition mental health services; modifying chemical dependency treatment programs; providing Faribault and Cambridge regional human services center downsizing agreements; decreasing certain license and permit fees; modifying the licensing and inspecting of hotel, restaurant, and other food and lodging establishments; amending Minnesota Statutes 1994, sections 62A.045; 62A.046; 62A.048; 62A.27; 144.0721, by adding subdivisions; 144.122; 144.226, subdivision 1; 144A.071, subdivision 4a; 144A.33, subdivision 3; 144A.43, subdivision 3; 144A.47; 147.01, subdivision 6; 157.03; 198.003, subdivisions 3 and 4; 245.4882, subdivision 5; 245.4886, by adding a subdivision; 246.18, subdivision 4, and by adding a subdivision; 246.23, subdivision 2;

252.27, subdivision 2a; 252.292, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 254A.17, subdivision 3; 254B.05, subdivision 4; 256.025, subdivisions 1 and 2; 256.026; 256.73, subdivision 3a; 256.736, subdivisions 3 and 13; 256.74, subdivision 1; 256.9365; 256.9657, subdivision 3; 256.9685, subdivision 1b, and by adding subdivisions; 256.969, subdivisions 1, 9, 24, and by adding subdivisions; 256B.055, subdivision 12; 256B.056, by adding a subdivision; 256B.0575; 256B.0625, subdivisions 8, 8a, 13, 19a, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, and 5; 256B.0641, subdivision 1; 256B.0911, subdivisions 4 and 7; 256B.0913, by adding subdivisions; 256B.0915, subdivision 2, and by adding a subdivision; 256B.092, subdivision 4; 256B.15, subdivisions 1a, 2, and by adding a subdivision; 256B.19, subdivisions 1c and 1d; 256B.431, subdivisions 2b, 2j, 17, 23, and by adding subdivisions; 256B.49, subdivision 1, and by adding subdivisions; 256B.501, subdivisions 3, 3c, and by adding a subdivision; 256B.69, subdivisions 4, 5, 6, 9, and by adding subdivisions; 256D.03, subdivisions 3b, 4, and by adding a subdivision; 256D.051, subdivision 6; 256D.36, subdivision 1; 256D.385; 256D.405, subdivision 3; 256D.425, subdivision 1, and by adding a subdivision; 256D.435, subdivisions 1, 3, 4, 5, 6, and by adding a subdivision; 256D.44, subdivisions 1, 2, 3, 4, 5, and 6; 256D.45, subdivision 1; 256D.48, subdivision 1; 256H.03, subdivision 4; 256H.05, subdivision 6; 256I.04, subdivision 3; 256I.05, subdivision 1a; 393.07, subdivision 10; 501B.89, subdivision 1, and by adding a subdivision; and Laws 1993, First Special Session chapter 1, article 8, section 51, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 157; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 144D; repealing Minnesota Statutes 1994, sections 38.161; 38.162; 144.0723, subdivision 5; 157.01; 157.02; 157.031; 157.04; 157.045; 157.05; 157.08; 157.12; 157.13; 157.14; 252.47; 256.851; 256B.501, subdivisions 3d, 3e, and 3f; 256D.35, subdivisions 14 and 19; 256D.36, subdivision 1a; 256D.37; 256D.425, subdivision 3; 256D.435, subdivisions 2, 7, 8, 9, and 10; 256D.44, subdivision 7; 256E.06, subdivisions 12 and 13; 256I.04, subdivision 1b; and Minnesota Rules, part 9500.1452, subpart 2, item B.

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

Greenfield, Wejcman, Huntley, Onnen and Vickerman.

Senate File No. 1110 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1995

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1207:

**H.F. No. 1207:** A bill for an act relating to traffic regulations; increasing maximum length of certain combinations of vehicles from 65 to 70 feet; amending Minnesota Statutes 1994, section 169.81, subdivision 3.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Winter, Schumacher and Daggett have been appointed as such committee on the part of the House.

House File No. 1207 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 May 5, 1995

Mr. Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1207, 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 File, herewith transmitted: H.F. No. 1377.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1995

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1377:** A bill for an act relating to agriculture; clarifying certain procedures for agricultural chemical response reimbursement; amending Minnesota Statutes 1994, sections 18E.02, by adding a subdivision; and 18E.04, subdivisions 2 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1270, now on the Calendar.

### 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 referred**

**H.F. No. 431** 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.
431	277				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 431 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 431 and insert the language after the enacting clause of S.F. No. 277, the first engrossment; further, delete the title of H.F. No. 431 and insert the title of S.F. No. 277, the first engrossment.

And when so amended H.F. No. 431 will be identical to S.F. No. 277, and further recommends that H.F. No. 431 be given its second reading and substituted for S.F. No. 277, 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. 1479** 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.
				1479	1314

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1479 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1479 and insert the language after the enacting clause of S.F. No. 1314, the third engrossment; further, delete the title of H.F. No. 1479 and insert the title of S.F. No. 1314, the third engrossment.

And when so amended H.F. No. 1479 will be identical to S.F. No. 1314, and further recommends that H.F. No. 1479 be given its second reading and substituted for S.F. No. 1314, 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. Nos. 431 and 1479 were read the second time.

## **MOTIONS AND RESOLUTIONS**

**Mr. Bertram introduced--**

**Senate Resolution No. 65:** A Senate resolution declaring Saturday, May 27th, 1995, as "Otto Schaefer Day" in Melrose, Minnesota.

Referred to the Committee on Rules and Administration.

## **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Morse moved that the following members be excused for a Conference Committee on S.F. No. 106 at 9:30 a.m.

Messrs. Morse, Laidig, Lessard, Finn and Ms. Olson. The motion prevailed.

## **MOTIONS AND RESOLUTIONS - CONTINUED**

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

**Ms. Reichgott Junge, Messrs. Spear and Merriam introduced--**

**S.F. No. 1690:** A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; permitting the legislature to call itself into special session.

Referred to the Committee on Rules and Administration.

## **MOTIONS AND RESOLUTIONS - CONTINUED**

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

## CALENDAR

**S.F. No. 1319:** A bill for an act relating to taxation; property tax; extending the availability of valuation exclusions for certain improvements made to property in 1992; amending Laws 1993, chapter 375, article 5, section 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Novak	Samuelson
Beckman	Hanson	Langseth	Oliver	Scheevel
Belanger	Hottinger	Larson	Olson	Solon
Berg	Janezich	Lesewski	Ourada	Spear
Berglin	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Limmer	Piper	Stumpf
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	Merriam	Price	Vickerman
Cohen	Kleis	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Kramer	Morse	Robertson	
Finn	Krentz	Murphy	Runbeck	
Flynn	Kroening	Neuville	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 479:** A bill for an act relating to parks and recreation; additions to and deletions from state parks; establishing a new state park and deleting two state waysides; amending Minnesota Statutes 1994, section 84.054, by adding a subdivision; repealing Minnesota Statutes 1994, section 85.013, subdivisions 13 and 20.

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:

Anderson	Frederickson	Kroening	Neuville	Sams
Beckman	Hanson	Laidig	Novak	Samuelson
Belanger	Hottinger	Langseth	Oliver	Scheevel
Berg	Janezich	Larson	Olson	Solon
Berglin	Johnson, D.E.	Lesewski	Ourada	Spear
Betzold	Johnson, D.J.	Lessard	Pariseau	Stevens
Chandler	Johnson, J.B.	Limmer	Piper	Stumpf
Chmielewski	Johnston	Marty	Pogemiller	Terwilliger
Cohen	Kiscaden	Merriam	Price	Vickerman
Day	Kleis	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	
Finn	Kramer	Morse	Robertson	
Flynn	Krentz	Murphy	Runbeck	

So the bill passed and its title was agreed to.

**S.F. No. 371:** A bill for an act relating to transportation; abolishing certain restrictions relating to highway construction; amending Minnesota Statutes 1994, sections 161.1231, subdivision 1; and 473.391; repealing Minnesota Statutes 1994, sections 161.123; and 161.124.

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:

Anderson	Frederickson	Laidig	Novak	Samuelson
Beckman	Hanson	Langseth	Oliver	Scheevel
Belanger	Hottinger	Larson	Olson	Solon
Berg	Johnson, D.E.	Lesewski	Ourada	Spear
Berglin	Johnson, D.J.	Lessard	Pariseau	Stevens
Betzold	Johnson, J.B.	Limmer	Piper	Stumpf
Chandler	Johnston	Marty	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Merriam	Price	Vickerman
Cohen	Kleis	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Kramer	Morse	Robertson	
Finn	Krentz	Murphy	Runbeck	
Flynn	Kroening	Neuville	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 1238:** A bill for an act relating to waters; planning, development, review, reporting, and coordination of surface and groundwater management in the metropolitan area; amending Minnesota Statutes 1994, sections 103B.205, by adding a subdivision; 103B.211, subdivision 1; 103B.231, subdivisions 3, 4, 6, 7, 8, 9, 11, and by adding a subdivision; 103B.235, subdivision 3; 103B.241, subdivision 1; 103B.245, subdivisions 1 and 4; 103B.251, subdivisions 3 and 7; 103B.255, subdivisions 6, 7, 8, 9, 10, and 12; 103B.311, subdivisions 4 and 6; 103B.3369, subdivisions 5 and 6; 103B.355; and 103B.611, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 103B; repealing Minnesota Statutes 1994, sections 103B.227, subdivision 6; 103B.231, subdivisions 5 and 12; and 103B.3365.

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:

Anderson	Frederickson	Kroening	Neuville	Sams
Beckman	Hanson	Laidig	Novak	Samuelson
Belanger	Hottinger	Langseth	Oliver	Scheevel
Berg	Janezich	Larson	Olson	Solon
Berglin	Johnson, D.E.	Lesewski	Ourada	Spear
Betzold	Johnson, D.J.	Lessard	Pariseau	Stevens
Chandler	Johnson, J.B.	Limmer	Piper	Stumpf
Chmielewski	Johnston	Marty	Pogemiller	Terwilliger
Cohen	Kiscaden	Merriam	Price	Vickerman
Day	Kleis	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	
Finn	Kramer	Morse	Robertson	
Flynn	Krentz	Murphy	Runbeck	

So the bill passed and its title was agreed to.

**S.F. No. 885:** A bill for an act relating to public nuisance; modifying the grounds and procedure for proving a nuisance; amending Minnesota Statutes 1994, sections 617.80, subdivisions 2, 4, 5, 8, and by adding a subdivision; 617.81, subdivision 2; 617.82; and 617.85.

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:

Anderson	Berg	Chandler	Day	Flynn
Beckman	Berglin	Chmielewski	Dille	Frederickson
Belanger	Betzold	Cohen	Finn	Hanson



Hottinger	Krentz	Metzen	Piper	Solon
Janezich	Kroening	Moe, R.D.	Pogemiller	Spear
Johnson, D.E.	Laidig	Morse	Price	Stevens
Johnson, D.J.	Langseth	Murphy	Ranum	Stumpf
Johnson, J.B.	Larson	Neuville	Reichgott Junge	Terwilliger
Johnston	Lesewski	Novak	Robertson	Vickerman
Kiscaden	Lessard	Oliver	Runbeck	Wiener
Kleis	Limmer	Olson	Sams	
Knutson	Marty	Ourada	Samuelson	
Kramer	Merriam	Pariseau	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 900:** A bill for an act relating to human services; defining interpretive guidelines; changing licensing requirements and reconsideration for foster care; assessing fines; adding provisions for drop-in child care programs; changing a definition; adding provisions for the Minnesota family preservation act; expanding eligibility for Indian child welfare grants; amending Minnesota Statutes 1994, sections 14.03, subdivision 3; 245A.02, by adding a subdivision; 245A.03, subdivision 2a; 245A.04, subdivisions 3, 3b, 7, and 9; 245A.06, subdivisions 2 and 4, and by adding a subdivision; 245A.07, subdivision 3; 245A.09, by adding subdivisions; 245A.14, subdivision 6; 256.12, subdivision 14; 256.8711; 256D.02, subdivision 5; 256F.01; 256F.02; 256F.03, subdivision 5, and by adding a subdivision; 256F.04, subdivisions 1 and 2; 256F.05, subdivisions 2, 3, 4, 5, 7, 8, and by adding a subdivision; 256F.06, subdivisions 1, 2, and 4; 257.3571, subdivision 1; 257.3572; and 257.3577, subdivisions 1, 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1994, sections 256F.05, subdivisions 2a and 4a; and 256F.06, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kroening	Neuville	Runbeck
Beckman	Hottinger	Laidig	Novak	Sams
Belanger	Janezich	Langseth	Oliver	Samuelson
Berg	Johnson, D.E.	Larson	Olson	Scheevel
Berglin	Johnson, D.J.	Lesewski	Ourada	Solon
Betzold	Johnson, J.B.	Lessard	Pariseau	Spear
Chandler	Johnston	Limmer	Piper	Stevens
Cohen	Kiscaden	Merriam	Pogemiller	Stumpf
Day	Kleis	Metzen	Price	Terwilliger
Dille	Knutson	Moe, R.D.	Ranum	Vickerman
Finn	Kramer	Morse	Reichgott Junge	Wiener
Flynn	Krentz	Murphy	Robertson	

So the bill passed and its title was agreed to.

**H.F. No. 493:** A bill for an act relating to retirement; various local public employee pension plans; providing for various benefit modifications and related changes that require local governing body approval; repealing Laws 1969, chapter 1088; Laws 1971, chapter 114; Laws 1978, chapters 562, section 32; and 753; Laws 1979, chapters 97; 109, section 1; and 201, section 27; Laws 1981, chapters 157, section 1; and 224, sections 250 and 254; Laws 1985, chapter 259, section 3; and Laws 1990, chapter 570, article 7, section 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 51 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Chmielewski	Dille	Frederickson
Beckman	Betzold	Cohen	Finn	Hanson
Belanger	Chandler	Day	Flynn	Hottinger

Janezich	Kroening	Moe, R.D.	Price	Stumpf
Johnson, D.E.	Laidig	Morse	Ranum	Terwilliger
Johnson, D.J.	Langseth	Murphy	Reichgott Junge	Vickerman
Johnson, J.B.	Larson	Novak	Sams	Wiener
Johnston	Lesewski	Olson	Samuelson	
Kleis	Lessard	Ourada	Solon	
Knutson	Marty	Piper	Spear	
Krentz	Metzen	Pogemiller	Stevens	

Those who voted in the negative were:

Berg	Limmer	Neuville	Pariseau	Runbeck
Kiscaden	Merriam	Oliver	Robertson	Scheevel
Kramer				

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 217 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 217:** A bill for an act relating to family law; providing for enforcement of child support obligations; expanding enforcement remedies for child support; authorizing programs; providing for resolution of custody and visitation disputes; creating a central child support payment center; modifying child support data collection and publication; imposing penalties; adding provisions relating to recognition of parentage; adding provisions for administrative proceedings; modifying children's supervised visitation facilities; appropriating money; amending Minnesota Statutes 1994, sections 13.46, subdivision 2; 168A.05, subdivisions 2, 3, 7, and by adding a subdivision; 168A.16; 168A.20, by adding a subdivision; 168A.21; 168A.29, subdivision 1; 214.101, subdivisions 1 and 4; 256.87, subdivision 5; 256.978, subdivision 1; 256F.09, subdivisions 1, 2, 3, and by adding subdivisions; 257.34, subdivision 1, and by adding a subdivision; 257.55, subdivision 1; 257.57, subdivision 2; 257.60; 257.67, subdivision 1; 257.75, subdivision 3, and by adding a subdivision; 517.08, subdivisions 1b and 1c; 518.171, subdivision 2a; 518.24; 518.551, subdivision 12, and by adding subdivisions; 518.5511, subdivisions 1, 2, 3, 4, 5, 7, and 9; 518.575; 518.611, subdivisions 1, 2, 5, and 8a; 518.613, subdivisions 1 and 2; 518.614, subdivision 1; 518.64, subdivision 4, and by adding a subdivision; 518C.310; 548.15; and 609.375, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 171; 256; 257; and 518; repealing Minnesota Statutes 1994, sections 214.101, subdivisions 2 and 3; 256F.09, subdivision 4; 518.561; 518.611, subdivision 8; and 518.64, subdivision 6.

### CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 217. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Lessard moved to amend S.F. No. 217 as follows:

Page 27, line 7, after the period, insert "The court, administrative law judge, or public authority shall also consider the impact of any failure of the obligee to cooperate with visitation and other parental rights of the obligor on the obligor's failure to make timely support payments."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 46 and nays 20, as follows:

Those who voted in the affirmative were:

Beckman	Berg	Chandler	Day	Frederickson
Belanger	Bertram	Chmielewski	Dille	Hanson

Janezich	Kroening	Metzen	Pariseau	Stevens
Johnson, D.E.	Laidig	Moe, R.D.	Riveness	Stumpf
Johnson, D.J.	Langseth	Murphy	Robertson	Terwilliger
Johnston	Larson	Neuville	Runbeck	Vickerman
Kiscaden	Lesewski	Novak	Sams	
Kleis	Lessard	Oliver	Samuelson	
Knutson	Limmer	Olson	Scheevel	
Kramer	Merriam	Ourada	Solon	

Those who voted in the negative were:

Anderson	Finn	Krentz	Pappas	Ranum
Berglin	Flynn	Marty	Piper	Reichgott Junge
Betzold	Hottinger	Mondale	Pogemiller	Spear
Cohen	Johnson, J.B.	Morse	Price	Wiener

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 217 as follows:

Page 19, after line 22, insert:

"Sec. 18. Minnesota Statutes 1994, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						
\$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- 5000	25%	30%	35%	39%	43%	47%	50%
or the amount							

in effect under  
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

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 Health  
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, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost

paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children from the obligee or any public agency. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when the child care costs end.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

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

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) 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.

(e) Any schedule prepared under paragraph (d), 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.

(f) 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.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) 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.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the

determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) Except as provided in paragraph (l), if the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

(l) The court may deviate downward from the guidelines if:

(1) the child for whom child support is sought is more than five years old and the obligor discovered or was informed of the existence of the parent and child relationship within one year of commencement of the action seeking child support;

(2) the obligor is a custodian for or pays support for other children; and

(3) the obligor's family income is less than 175 percent of the federal poverty guidelines."

Page 30, line 22, after the period, insert "The amendments by section 18 to Minnesota Statutes, sections 518.551, subdivision 5, paragraphs (j) and (l) are effective the day following final enactment."

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 33 and nays 32, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Laidig	Oliver	Solon
Belanger	Johnson, D.E.	Langseth	Olson	Stevens
Berg	Johnston	Larson	Ourada	Stumpf
Bertram	Kleis	Lesewski	Pariseau	Terwilliger
Chmielewski	Knutson	Lessard	Sams	Vickerman
Day	Kramer	Limmer	Samuelson	
Dille	Kroening	Neuville	Scheevel	

Those who voted in the negative were:

Anderson	Hanson	Merriam	Pappas	Robertson
Berglin	Hottinger	Metzen	Piper	Runbeck
Betzold	Janezich	Moe, R.D.	Pogemiller	Spear
Chandler	Johnson, J.B.	Mondale	Price	Wiener
Cohen	Kiscaden	Morse	Ranum	
Finn	Krentz	Murphy	Reichgott Junge	
Flynn	Marty	Novak	Riveness	

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 217 as follows:

Pages 1 to 4, delete section 1

Pages 16 to 18, delete section 15

Page 61, delete lines 30 to 33

Page 61, line 34, delete "5" and insert "4"

Page 62, line 3, delete "6" and insert "5"

Page 62, line 11, delete "7" and insert "6"

Page 62, line 16, delete "8" and insert "7"

Page 62, line 21, delete "9" and insert "8"

Page 62, line 26, delete "10" and insert "9"

Page 62, line 31, delete "11" and insert "10"

Page 62, line 36, delete "12" and insert "11"

Page 63, line 4, delete "13" and insert "12"

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 27, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Laidig	Murphy	Runbeck
Belanger	Hottinger	Langseth	Neuville	Sams
Berg	Janezich	Larson	Novak	Samuelson
Bertram	Johnson, D.E.	Lesewski	Oliver	Scheevel
Chmielewski	Johnson, D.J.	Lessard	Olson	Solon
Day	Johnston	Limmer	Ourada	Stumpf
Dille	Kleis	Merriam	Pariseau	Vickerman
Frederickson	Kramer	Metzen	Riveness	

Those who voted in the negative were:

Anderson	Flynn	Marty	Pogemiller	Stevens
Berglin	Johnson, J.B.	Moe, R.D.	Price	Terwilliger
Betzold	Kiscaden	Mondale	Ranum	Wiener
Chandler	Knutson	Morse	Reichgott Junge	
Cohen	Krentz	Pappas	Robertson	
Finn	Kroening	Piper	Spear	

The motion prevailed. So the amendment was adopted.

Mr. Betzold moved to amend the Lessard amendment to S.F. No. 217, adopted by the Senate May 8, 1995, as follows:

Page 1, after line 1, insert:

"Page 27, line 1, after "AGREEMENTS" insert "; VISITATION MOTIONS"

Page 1, line 6, after the period, insert "The court shall consider the impact of any failure of the obligor to pay timely child support in any motion to modify visitation rights."

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

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson  
Berglin  
Betzold  
Chandler  
Cohen

Finn  
Flynn  
Johnson, J.B.  
Krentz  
Marty

Merriam  
Moe, R.D.  
Mondale  
Novak  
Pappas

Piper  
Pogemiller  
Price  
Ranum  
Reichgott Junge

Riveness  
Spear  
Wiener

Those who voted in the negative were:

Beckman  
Belanger  
Berg  
Bertram  
Chmielewski  
Day  
Dille  
Frederickson  
Hanson

Janezich  
Johnson, D.E.  
Johnson, D.J.  
Johnston  
Kiscaden  
Kleis  
Knutson  
Kramer  
Kroening

Laidig  
Langseth  
Larson  
Lesewski  
Lessard  
Limmer  
Metzen  
Morse  
Murphy

Neuville  
Oliver  
Olson  
Ourada  
Pariseau  
Robertson  
Runbeck  
Sams  
Samuelson

Scheevel  
Solon  
Stevens  
Stumpf  
Terwilliger  
Vickerman

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

Mr. Neuville moved to amend S.F. No. 217 as follows:

Page 50, after line 34, insert:

"Sec. 11. [257.90] [EMANCIPATION OF MINOR.]

Upon petition of a minor or a minor's parent, or legal guardian if both parents are deceased, the court may declare that the minor is emancipated if:

(a)(1) The parents, or legal guardian if both parents are deceased, consent to the relinquishment of parental control and authority over the minor; and

(2) the minor is able to provide for the minor's own care and support; or

(b) The minor is married.

A declaration of emancipation of a minor legally confers upon the minor all the rights, duties, and legal obligations of an adult."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville then moved to amend the Neuville amendment to S.F. No. 217 as follows:

Page 1, line 9, delete "and"

Page 1, after line 9, insert:

"(2) the minor consents to the emancipation; and"

Page 1, line 10, delete "(2)" and insert "(3)"

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

Mr. Neuville withdrew his amendment, as amended.

## RECONSIDERATION

Having voted on the prevailing side, Mr. Hottinger moved that the vote whereby the Merriam amendment to S.F. No. 217 was adopted on May 8, 1995, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:



Anderson	Hanson	Limmer	Pogemiller	Spear
Beckman	Hottinger	Marty	Price	Stevens
Belanger	Janezich	Mondale	Ranum	Stumpf
Berglin	Johnson, D.E.	Morse	Reichgott Junge	Terwilliger
Betzold	Johnson, D.J.	Murphy	Riveness	Wiener
Chandler	Johnson, J.B.	Novak	Robertson	
Cohen	Kiscaden	Olson	Sams	
Flynn	Krentz	Pappas	Scheevel	
Frederickson	Kroening	Piper	Solon	

Those who voted in the negative were:

Berg	Finn	Laidig	Merriam	Pariseau
Bertram	Johnston	Langseth	Metzen	Runbeck
Chmielewski	Kleis	Larson	Neuville	Samuelson
Day	Knutson	Lesewski	Oliver	Vickerman
Dille	Kramer	Lessard	Ourada	

The motion prevailed. So the vote was reconsidered.

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

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Beckman	Finn	Larson	Oliver	Scheevel
Berg	Johnston	Lesewski	Olson	Solon
Bertram	Kleis	Lessard	Ourada	Stumpf
Chmielewski	Kramer	Merriam	Pariseau	Vickerman
Day	Laidig	Metzen	Runbeck	
Dille	Langseth	Neuville	Samuelson	

Those who voted in the negative were:

Anderson	Hanson	Krentz	Novak	Robertson
Belanger	Hottinger	Kroening	Pappas	Sams
Berglin	Janezich	Limmer	Piper	Spear
Betzold	Johnson, D.E.	Marty	Pogemiller	Stevens
Chandler	Johnson, D.J.	Moe, R.D.	Price	Terwilliger
Cohen	Johnson, J.B.	Mondale	Ranum	Wiener
Flynn	Kiscaden	Morse	Reichgott Junge	
Frederickson	Knutson	Murphy	Riveness	

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

Mr. Cohen moved to amend S.F. No. 217 as follows:

Page 16, lines 14, 15, and 18, delete "a worker" and insert "an employee"

Page 16, line 19, delete "Worker" and insert "Employee"

Page 16, line 21, delete "Worker" and insert "Employee"

Page 16, lines 26 and 36, delete "workers" and insert "employees"

Page 16, line 31, delete "worker" and insert "employee"

Page 17, lines 7 and 10, delete "worker" and insert "employee"

Page 17, lines 12 and 22, delete "worker's" and insert "employee's"

Page 18, lines 1 and 4, delete "worker" and insert "employee"

Page 18, after line 18, insert:

"Subd. 9. [INDEPENDENT CONTRACTORS.] (a) [GOVERNMENTAL REPORTING.] The state and all political subdivisions of the state, when acting in the capacity of an employer, shall report the hiring of any person as an independent contractor to the centralized employment registry in the same manner as the hiring of an employee."

(b) [PRIVATE EMPLOYER REPORTING.] The attorney general and the commissioner of human services shall work with representatives of the employment community and industries that use independent contractors in the regular course of business to develop a plan to include the reporting of independent contractors by all employers to the centralized employment registry by July 1, 1996. The attorney general and the commissioner of human services shall present the plan in the form of proposed legislation to the legislature by February 1, 1996."

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 217 as follows:

Page 51, after line 17, insert:

"Sec. 12. [EFFECTIVE DATE; APPLICATION.]

Sections 1 and 9 are effective the day following final enactment and apply retroactively to January 1, 1994."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 217 as follows:

Page 19, after line 22, insert:

"Sec. 18. Minnesota Statutes 1994, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						
\$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- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount  
in effect under  
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

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 Health  
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, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children of the obligor from the obligee or any public agency. The court shall require verification of employment or school attendance and documentation of child care expenses from the obligee and the public agency, if applicable. If child care expenses fluctuate during the year because of seasonal employment or school attendance of the obligee or extended periods of visitation with the obligor, the court shall determine child care expenses based on an average monthly cost. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates automatically when the child care costs end without any action by the obligor to reduce, modify, or terminate the order. In other cases where there is a substantial increase or decrease in child care expenses, the parties may modify the order under section 518.64.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

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

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) 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.

(e) Any schedule prepared under paragraph (d), 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.

(f) 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.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) 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.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change."

Page 29, after line 19, insert:

"Sec. 25. Minnesota Statutes 1994, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] (a) The terms of an order 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 or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40; (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; (5) extraordinary medical expenses of the child not provided for under section 518.171; or (6) the addition of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses.

It is presumed that there has been a substantial change in circumstances under clause (1), (2), or (4) and the terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order.

(b) On a motion for modification of maintenance, including a motion for the extension of the duration of a maintenance award, 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:

(1) shall apply section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

- (i) the excess employment began after entry of the existing support order;
- (ii) the excess employment is voluntary and not a condition of employment;
- (iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;
- (iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;
- (v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and
- (vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) 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 and on the public authority if public assistance is being furnished or the county attorney is the attorney of record. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability, a material misrepresentation of another party, or fraud upon the court and that the party seeking modification, when no longer precluded, promptly served a motion. The court may provide that a reduction in the amount allocated for child care expenses based on a substantial decrease in the expenses is effective as of the date the expenses decreased.

(d) 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.

(e) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(f) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 217 as follows:

Page 19, after line 22, insert:

"Sec. 18. Minnesota Statutes 1994, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by

independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						
\$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- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount  
in effect under  
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

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 Health  
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, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children from the obligee or any public agency. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when the child care costs end.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

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

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) 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.

(e) Any schedule prepared under paragraph (d), 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.

(f) 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.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) 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.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The court may deviate downward from the guidelines if both parties agree and the court finds that it is in the best interests of the child. Nothing in this paragraph prohibits the court from deviating downward in other cases. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin moved to amend the second Lessard amendment to S.F. No. 217 as follows:

Page 6, line 7, before "The" insert "Except in cases where child support payments are assigned to the public agency under section 256.74,"

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

The question was taken on the adoption of the second Lessard amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Neuville moved to amend S.F. No. 217 as follows:

Page 19, after line 22, insert:

"Sec. 18. Minnesota Statutes 1994, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						
\$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- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount  
in effect under  
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

Net Income defined as:

Total monthly  
income less

\*(i) Federal Income Tax

\*(ii) State Income Tax

\*Standard  
Deductions apply-  
use of tax tables  
recommended

- (iii) Social Security  
Deductions
- (iv) Reasonable  
Pension Deductions
- (v) Union Dues
- (vi) Cost of Dependent Health  
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, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children from the obligee or any public agency. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when the child care costs end.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

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

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40; and

(7) any child of the obligor other than a child who is the subject of the support order currently before the court, if the obligor provides a home, care, and support for the child or pays support for the child under a court order.

(d) 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.

(e) Any schedule prepared under paragraph (d), 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.

(f) 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.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) 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.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not

required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change."

Page 29, after line 19, insert:

"Sec. 25. Minnesota Statutes 1994, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] (a) The terms of an order 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 or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40; (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; (5) extraordinary medical expenses of the child not provided for under section 518.171; ~~or~~ (6) the addition of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses; or (7) the obligor's acquisition of a child by birth or adoption, or the imposition on the obligor by court order of a support obligation for a child other than any child who is the subject of the support order the obligor seeks to modify.

It is presumed that there has been a substantial change in circumstances under clause (1), (2), or (4) and the terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order.

(b) On a motion for modification of maintenance, including a motion for the extension of the duration of a maintenance award, 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:

(1) shall apply section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) 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 and on the public authority if public assistance is being furnished or the county attorney is the attorney of record. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability, a material misrepresentation of another party, or fraud upon the court and that the party seeking modification, when no longer precluded, promptly served a motion.

(d) 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.

(e) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(f) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision."

Page 30, line 21, before "Sections" insert "Sections 18 and 25 are effective August 1, 1995, and apply to new orders for support and modifications of existing support orders on or after that date."

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.

Ms. Runbeck moved to amend S.F. No. 217 as follows:

Page 17, line 11, before "Employers" insert "(a) Except as provided in paragraph (b),"

Page 17, after line 19, insert:

"(b) Employers are not required to report the hiring of any person who:

(1) will be employed for less than one month's duration;

(2) will be employed sporadically so that the employee will be paid for less than 350 hours during a continuous six-month period; or

(3) will have gross earnings less than \$300 in every month."

Ms. Runbeck then moved to amend the Runbeck amendment to S.F. No. 217 as follows:

Page 1, line 7, delete "one month's" and insert "four months"

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

The question was taken on the adoption of the Runbeck amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Kiscaden moved to amend S.F. No. 217 as follows:

Page 48, lines 16 and 20, delete "six months" and insert "three years"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 217 as follows:

Page 58, line 18, delete "14" and insert "21"

The motion prevailed. So the amendment was adopted.

Mr. Neuville then moved to amend S.F. No. 217 as follows:

Page 4, line 9, delete "or"

Page 4, line 11, before the period, insert "; or

(20) data on a child support obligee may be disclosed as required under section 518.255"

Page 51, line 1, before "The" insert "Subdivision 1. [GENERAL.]"

Page 51, after line 17, insert:

"Subd. 2. [PROVISION OF INFORMATION.] Notwithstanding subdivision 1, attorneys employed by or under contract with the public authority shall respond to discovery requests and other requests for information to the same extent that they would be required to do if there was an attorney-client relationship between them and the recipient of services."

Mr. Neuville then moved to amend the fifth Neuville amendment to S.F. No. 217 as follows:

Page 1, line 12, after "information" insert "relating to child support"

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

The question was taken on the fifth Neuville amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Lesewski moved to amend S.F. No. 217 as follows:

Page 56, line 23, delete "shall" and insert "may"

Page 56, line 24, delete "as designated"

Page 56, delete line 25

Page 56, line 26, delete everything before the period and delete "be required to"

Page 56, line 28, delete everything after the period

Page 56, delete lines 29 and 30

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 22, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Laidig	Neuville	Samuelson
Belanger	Janezich	Langseth	Oliver	Scheevel
Berg	Johnson, D.E.	Larson	Olson	Stumpf
Bertram	Johnson, D.J.	Lesewski	Ourada	Terwilliger
Chmielewski	Johnson, J.B.	Lessard	Pariseau	Vickerman
Day	Kiscaden	Limmer	Robertson	Wiener
Dille	Kleis	Merriam	Runbeck	
Frederickson	Kramer	Murphy	Sams	

Those who voted in the negative were:

Anderson	Finn	Krentz	Piper	Spear
Berglin	Flynn	Moe, R.D.	Pogemiller	Stevens
Betzold	Hottinger	Mondale	Ranum	
Chandler	Johnston	Morse	Reichgott Junge	
Cohen	Knutson	Pappas	Riveness	

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 217 as follows:

Page 27, after line 7, insert:

"Sec. 22. Minnesota Statutes 1994, section 518.613, is amended by adding a subdivision to read:

Subd. 8. [INTEREST ON AMOUNT WRONGFULLY WITHHELD.] If an excessive amount of child support is wrongfully withheld from the obligor's income because of an error by the public authority, the public authority shall pay interest based on the rate under section 549.09 on the amount wrongfully withheld from the time of the withholding until it is repaid to the obligor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 217 as follows:

Pages 10 to 12, delete section 13

Page 30, delete lines 6 to 10

Page 30, line 11, delete "3" and insert "2"

Page 62, delete lines 3 to 10

Page 62, line 11, delete "7" and insert "6"

Page 62, line 16, delete "8" and insert "7"

Page 62, line 21, delete "9" and insert "8"

Page 62, line 26, delete "10" and insert "9"

Page 62, line 31, delete "11" and insert "10"

Page 62, line 36, delete "12" and insert "11"

Page 63, line 4, delete "13" and insert "12"

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 31 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Kleis	Lessard	Pariseau	Stevens
Berg	Knutson	Limmer	Reichgott Junge	Stumpf
Chmielewski	Kramer	Merriam	Robertson	Terwilliger
Day	Laidig	Neuville	Runbeck	
Johnson, D.E.	Langseth	Oliver	Samuelson	
Johnston	Larson	Olson	Scheevel	
Kiscaden	Lesewski	Ourada	Solon	

Those who voted in the negative were:

Anderson	Finn	Johnson, J.B.	Morse	Riveness
Beckman	Flynn	Krentz	Murphy	Sams
Berglin	Frederickson	Kroening	Pappas	Spear
Bertram	Hanson	Marty	Piper	Vickerman
Betzold	Hottinger	Metzen	Pogemiller	Wiener
Chandler	Janezich	Moe, R.D.	Price	
Cohen	Johnson, D.J.	Mondale	Ranum	

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



S.F. No. 217 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 57 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Oliver	Sams
Beckman	Janezich	Langseth	Olson	Samuelson
Belanger	Johnson, D.E.	Lesewski	Ourada	Solon
Berglin	Johnson, D.J.	Limmer	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	Metzen	Piper	Stumpf
Cohen	Kiscaden	Moe, R.D.	Pogemiller	Terwilliger
Day	Kleis	Mondale	Price	Vickerman
Finn	Knutson	Morse	Ranum	Wiener
Flynn	Kramer	Murphy	Reichgott Junge	
Frederickson	Krentz	Neuville	Riveness	
Hanson	Kroening	Novak	Robertson	

Those who voted in the negative were:

Berg	Chmielewski	Merriam	Runbeck	Scheevel
Bertram	Larson			

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

## MOTIONS AND RESOLUTIONS - CONTINUED

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

## CALENDAR

**H.F. No. 833:** A bill for an act relating to local government; modifying certain provisions relating to comprehensive municipal planning in the metropolitan area; amending Minnesota Statutes 1994, sections 103B.235, subdivisions 3, 5, and by adding a subdivision; 462.355, by adding a subdivision; 462.357, subdivision 2; 473.858, subdivision 1; 473.859, subdivisions 1, 2, and 5; 473.864, subdivision 2; and 473.867, by adding a subdivision.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Oliver	Sams
Beckman	Hottinger	Larson	Olson	Samuelson
Belanger	Janezich	Lessard	Ourada	Scheevel
Berg	Johnson, D.E.	Limmer	Pappas	Solon
Bertram	Johnson, D.J.	Marty	Pariseau	Spear
Betzold	Johnson, J.B.	Merriam	Piper	Stevens
Chandler	Kiscaden	Metzen	Pogemiller	Stumpf
Chmielewski	Kleis	Moe, R.D.	Price	Terwilliger
Cohen	Knutson	Mondale	Ranum	Vickerman
Day	Kramer	Morse	Reichgott Junge	Wiener
Finn	Krentz	Murphy	Riveness	
Flynn	Kroening	Neuville	Robertson	
Frederickson	Laidig	Novak	Runbeck	

Ms. Johnston voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 1019:** A bill for an act relating to metropolitan government; establishing the metropolitan livable communities fund and providing for fund distribution; reducing the levy authority of the metropolitan mosquito control commission; providing for certain revenue sharing; regulating employee layoffs by the metropolitan mosquito control district; authorizing an economic vitality and housing initiative; amending Minnesota Statutes 1994, sections 116J.552, subdivision 2; 116J.555, subdivision 2; 116J.556; 473.167, subdivisions 2, 3, and by adding a subdivision; 473.711, subdivision 2; and 473F.08, subdivisions 3a, 5, 7a, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1994, sections 473.704, subdivision 15; 504.33; 504.34; and 504.35.

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 57 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Olson	Sams
Beckman	Janezich	Larson	Ourada	Scheevel
Belanger	Johnson, D.E.	Lesewski	Pappas	Solon
Berglin	Johnson, D.J.	Limmer	Pariseau	Spear
Chandler	Johnson, J.B.	Marty	Piper	Stevens
Chmielewski	Kiscaden	Metzen	Pogemiller	Stumpf
Cohen	Kleis	Moe, R.D.	Price	Terwilliger
Day	Knutson	Mondale	Ranum	Vickerman
Finn	Kramer	Morse	Reichgott Junge	Wiener
Flynn	Krentz	Murphy	Riveness	
Frederickson	Kroening	Novak	Robertson	
Hanson	Laidig	Oliver	Runbeck	

Those who voted in the negative were:

Berg	Betzold	Lessard	Neuville	Samuelson
Bertram	Johnston	Merriam		

So the bill passed and its title was agreed to.

**S.F. No. 467:** A bill for an act relating to metropolitan government; providing for coordination and consolidation of public safety radio communications systems; providing governance and finance of the state and regional elements of a regionwide public safety radio communication system; extending the public safety channel moratorium; authorizing the use of 911 emergency telephone service fees for costs of the regionwide public safety radio communication system; authorizing the issuance of bonds by the metropolitan council; abolishing the metropolitan radio board on a certain date and transferring its duties and responsibilities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Novak	Runbeck
Beckman	Hanson	Larson	Oliver	Sams
Belanger	Hottinger	Lesewski	Olson	Samuelson
Berg	Janezich	Lessard	Ourada	Scheevel
Berglin	Johnson, D.E.	Limmer	Pappas	Solon
Bertram	Johnson, D.J.	Marty	Pariseau	Spear
Betzold	Johnson, J.B.	Merriam	Piper	Stevens
Chandler	Kiscaden	Metzen	Pogemiller	Stumpf
Chmielewski	Kleis	Moe, R.D.	Price	Terwilliger
Cohen	Knutson	Mondale	Ranum	Vickerman
Day	Kramer	Morse	Reichgott Junge	Wiener
Finn	Krentz	Murphy	Riveness	
Flynn	Laidig	Neuville	Robertson	

Ms. Johnston voted in the negative.

So the bill passed and its title was agreed to.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

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

### **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. 870 and 1543.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

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. 255:** A bill for an act relating to elevators; regulating persons who may do elevator work; appropriating money; amending Minnesota Statutes 1994, sections 183.355, subdivision 3; 183.357, subdivisions 1, 2, and 4; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

Senate File No. 255 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

Ms. Hanson moved that the Senate do not concur in the amendments by the House to S.F. No. 255, 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. 734:** A bill for an act relating to telecommunications; regulating the 911 system; imposing requirements on private switch telephone service; imposing a civil penalty; amending Minnesota Statutes 1994, sections 403.02, by adding subdivisions; and 403.04.

Senate File No. 734 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

Mr. Chandler moved that the Senate do not concur in the amendments by the House to S.F. No. 734, 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. 1279:** A bill for an act relating to privacy; providing for the classification of and access to government data; clarifying data provisions; providing for survival of actions under the data practices act; computer matching; eliminating report requirements; imposing penalties; providing for the classification and release of booking photographs; conforming provisions dealing with financial assistance data; limiting the release of copies of videotapes of child abuse victims; requiring a court order in certain cases; amending Minnesota Statutes 1994, sections 13.03, subdivision 6; 13.06, subdivision 6; 13.072, subdivision 1, and by adding a subdivision; 13.08, subdivision 1; 13.10, subdivision 5; 13.31, subdivision 1; 13.32, subdivision 2; 13.43, subdivisions 2, 5, and by adding a subdivision; 13.46, subdivisions 1 and 2; 13.49; 13.50, subdivision 2; 13.551; 13.79; 13.793; 13.82, subdivisions 3a, 5, 6, 10, and by adding a subdivision; 13.83, subdivision 2; 13.89, subdivision 1; 13.90; 13.99, subdivisions 1, 12, 20, 21a, 42a, 54, 55, 64, 78, 79, 112, and by adding subdivisions; 41B.211; 144.0721, subdivision 2; 144.225, by adding a subdivision; 144.335, subdivisions 2 and 3a; 144.3351; 144.651, subdivisions 21 and 26; 253B.03, subdivisions 3 and 4; 260.161, by adding a subdivision; 268.12, subdivision 12; 270B.02, subdivision 3; 270B.03, subdivision 1; 270B.12, subdivision 2; 270B.14, subdivisions 1 and 11; 336.9-407; 336.9-411; 383B.225, subdivision 6; 388.24, subdivision 4; and 401.065, subdivision 3a; Laws 1993, chapter 192, section 110; proposing coding for new law in Minnesota Statutes, chapters 13; 13B; 270B; and 611A; repealing Minnesota Statutes 1994, sections 13.38, subdivision 4; 13.69, subdivision 2; 13.71, subdivisions 9, 10, 11, 12, 13, 14, 15, 16, and 17; 13B.04; and Laws 1990, chapter 566, section 9, as amended.

Senate File No. 1279 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

Mr. Finn moved that the Senate do not concur in the amendments by the House to S.F. No. 1279, 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. 1700:

**H.F. No. 1700:** A bill for an act relating to the organization and operation of state government; appropriating money for the judicial branch, public safety, public defense, corrections, and for other criminal justice agencies and purposes; making changes to various criminal laws and penalties; modifying juvenile justice provisions; amending Minnesota Statutes 1994, sections 2.722, subdivision 1; 3.732, subdivision 1; 16A.285; 43A.18, by adding a subdivision; 120.101, subdivision 1; 120.14; 120.17, subdivisions 5a, 6, and 7; 120.181; 120.73, by adding a subdivision; 124.18, by adding a subdivision; 124.32, subdivision 6; 125.05, by adding a subdivision; 125.09, subdivision 1; 127.20; 127.27, subdivision 10; 145A.05, subdivision 7a; 152.18, subdivision 1; 171.04, subdivision 1; 171.29, subdivision 2; 176.192; 179A.03, subdivision 7; 242.31, subdivision 1; 243.166; 243.23, subdivision 3; 243.51, subdivisions 1 and 3; 243.88, by adding a subdivision; 260.015, subdivision 21; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4, and by adding a subdivision; 260.132, subdivisions 1, 4, and by adding a subdivision; 260.155, subdivisions 2 and 4; 260.161, subdivision 3; 260.181, subdivision 4; 260.185, subdivision 6, and by adding subdivisions; 260.191, subdivision 1; 260.193, subdivision 4; 260.195, subdivision 3, and by adding a subdivision; 260.215, subdivision 1; 260.291, subdivision 1; 271.06, subdivision 4; 299A.33, subdivision 3; 299A.35, subdivision 1; 299A.51, subdivision 2; 299C.065, subdivisions 1a, 3, and 3a; 299C.10, subdivision 1, and by adding a subdivision; 299C.62, subdivision 4; 357.021, subdivision 2; 364.09; 388.24, subdivision 4; 401.065, subdivision 3a; 401.10; 466.03, by adding a subdivision; 480.30; 481.01; 494.03; 518.165, by adding subdivisions; 518B.01, subdivisions 2, 4,

8, 14, and by adding a subdivision; 609.055, subdivision 2; 609.101, subdivisions 1, 2, and 3; 609.115, by adding a subdivision; 609.135, by adding a subdivision; 609.1352, subdivisions 1, 3, and 5; 609.152, subdivision 1; 609.19; 609.3451, subdivision 1; 609.485, subdivisions 2 and 4; 609.605, subdivision 4; 609.746, subdivision 1; 609.748, subdivision 3a; 609.749, subdivision 5; 611.27, subdivision 4; 611A.01; 611A.04, subdivision 1; 611A.19, subdivision 1; 611A.31, subdivision 2; 611A.53, subdivision 2; 611A.71, subdivision 7; 611A.73, subdivision 3; 611A.74; 617.23; 624.22; 624.712, subdivision 5; 626.841; 626.843, subdivision 1; 626.861, subdivisions 1 and 4; 628.26; 629.341, subdivision 1; 629.715, subdivision 1; 629.72, subdivisions 1, 2, and 6; 641.14; and 641.15, subdivision 2; Laws 1993, chapter 255, sections 1, subdivisions 1 and 4; and 2; and Laws 1994, chapter 643, section 79, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 120; 127; 243; 244; 257; 260; 299A; 299C; 299F; 401; 504; 563; 609; 611A; 626; and 629; proposing coding for new law as Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, sections 121.166; 126.25; and 611A.61, subdivision 3; Laws 1994, chapter 576, section 1.

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

Murphy, Skoglund, Pugh, Bishop and Swenson, D. have been appointed as such committee on the part of the House.

House File No. 1700 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 May 8, 1995

Mr. Beckman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1700, 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.

## 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:

H.F. No. 1207: Messrs. Murphy, Vickerman and Ms. Lesewski.

S.F. No. 255: Ms. Hanson, Messrs. Murphy and Dille.

S.F. No. 440: Messrs. Hottinger, Larson and Janezich.

S.F. No. 734: Messrs. Chandler, Novak and Ms. Anderson.

H.F. No. 1700: Messrs. Beckman, Spear, Kelly, Laidig and Neuville.

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

## MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today. Ms. Pappas was excused from the Session of

today from 9:00 to 10:15 a.m. Mr. Mondale was excused from the Session of today from 9:00 to 10:20 a.m. Mr. Riveness was excused from the Session of today from 9:00 to 10:00 a.m. Mr. Bertram was excused from the Session of today from 9:00 to 10:35 a.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, May 9, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate