

NINETY-FIFTH DAY

St. Paul, Minnesota, Tuesday, April 25, 2006

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

CALL OF THE SENATE

Senator Johnson, D.E. 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. Victoria Safford.

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

| | | | | |
|-----------|---------------|----------|------------|-----------|
| Anderson | Foley | Koering | Neuville | Sams |
| Bachmann | Frederickson | Kubly | Nienow | Saxhaug |
| Bakk | Gerlach | Langseth | Olson | Scheid |
| Berglin | Hann | Larson | Ortman | Senjem |
| Betzold | Higgins | LeClair | Pappas | Skoe |
| Bonoff | Hottinger | Limmer | Pariseau | Skoglund |
| Chaudhary | Johnson, D.E. | Lourey | Pogemiller | Solon |
| Clark | Johnson, D.J. | Marko | Ranum | Sparks |
| Cohen | Jungbauer | Marty | Reiter | Stumpf |
| Day | Kelley | McGinn | Rest | Tomassoni |
| Dibble | Kierlin | Metzen | Robling | Vickerman |
| Dille | Kiscaden | Michel | Rosen | Wergin |
| Fischbach | Koch | Murphy | Ruud | Wiger |

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3925 and 3940.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 25, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3925: A bill for an act relating to local government; modifying municipal boundary adjustment provisions; establishing the municipal boundary adjustment task force; authorizing use of remaining committee funds; amending Minnesota Statutes 2004, sections 414.01, subdivision 1a; 414.02, by adding a subdivision; 414.031, subdivision 4, by adding a subdivision; 414.0325, subdivision 1, by adding a subdivision; 414.033, subdivisions 2, 12; 414.036; 414.061, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 414.

Referred to the Committee on State and Local Government Operations.

H.F. No. 3940: A bill for an act relating to liquor; allowing Minnesota farm wineries to produce certain fortified wines; authorizing certain local on-sale licenses; modifying and establishing licensing provisions; clarifying sale hours; prohibiting alcohol without liquid devices; amending Minnesota Statutes 2004, sections 340A.101, subdivision 11, by adding a subdivision; 340A.315, subdivisions 1, 2, 3, 4; 340A.404, subdivision 5; 340A.414, subdivision 2; 340A.504, subdivision 6; Minnesota Statutes 2005 Supplement, sections 340A.301, subdivision 6; 340A.404, subdivision 2; 340A.412, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3081, now on General Orders.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 3111 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 3111 | 2881 | | | | |

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2722 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. |
| 2722 | 2524 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No.

2722 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2722, the first engrossment; and insert the language after the enacting clause of S.F. No. 2524, the first engrossment; further, delete the title of H.F. No. 2722, the first engrossment; and insert the title of S.F. No. 2524, the first engrossment.

And when so amended H.F. No. 2722 will be identical to S.F. No. 2524, and further recommends that H.F. No. 2722 be given its second reading and substituted for S.F. No. 2524, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 3111 and 2722 were read the second time.

MOTIONS AND RESOLUTIONS

Senators Larson and Sams introduced –

Senate Resolution No. 197: A Senate resolution recognizing Samuel Schuman as he retires as chancellor at the University of Minnesota - Morris.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 2953, H.F. No. 2745 and S.F. No. 3199.

SPECIAL ORDER

S.F. No. 2953: A bill for an act relating to gambling; making various clarifying, technical, and conforming changes to lawful gambling provisions; modifying expenditure restriction requirements; providing for conduct of certain pull-tab games; amending Minnesota Statutes 2004, sections 349.12, subdivisions 4, 18, 21; 349.1635, subdivision 3; 349.168, subdivision 10; 349.17, subdivision 6; 349.19, subdivisions 2, 3; 349.211, subdivision 2a; Minnesota Statutes 2005 Supplement, sections 349.12, subdivisions 12a, 25; 349.15, subdivision 1; 349.151, subdivision 4c; 349.153; 349.16, subdivision 2; 349.162, subdivisions 4, 5; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.17, subdivisions 5, 7; 349.173; 349.18, subdivision 1; 349.213, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

Senator Rest moved to amend S.F. No. 2953 as follows:

Page 14, delete line 31

Page 15, delete line 7

Page 17, line 26, delete the new language

Page 17, delete lines 27 to 29

Page 17, line 30, delete the new language and insert "No entity other than the licensed organization may conduct any activity within a booth operation on a leased"

Page 20, delete line 8

Page 21, after line 16, insert:

Sec. 28. REPORT ON AUTOMATION OF REPORTING REQUIREMENTS FOR LAWFUL GAMBLING.

The commissioner of revenue and the executive director of the Gambling Control Board shall conduct a feasibility study pertaining to consolidation and automation of reporting requirements for lawful gambling activities and shall submit a report with findings and recommendations to the legislature and the governor by January 31, 2007."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 2953 as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 2004, section 240.18, subdivision 3a, is amended to read:

Subd. 3a. **Other categories.** Available money apportioned to breeds other than breeds contained in subdivisions 2 and 3 must be distributed as financial incentives to encourage horse racing and horse breeding for such breeds. Available money apportioned for the Arabian breed may be distributed to owners who are Minnesota residents racing at licensed Minnesota racetracks or at racetracks of border states."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rest moved that S.F. No. 2953 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 2745: A bill for an act relating to occupations and professions; modifying provisions for medical licenses; amending Minnesota Statutes 2004, sections 147.02, subdivision 1; 147.03, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Bachmann
Bakk
Betzold

Bonoff
Chaudhary
Clark
Cohen

Day
Dibble
Dille
Fischbach

Foley
Frederickson
Hann
Higgins

Johnson, D.E.
Johnson, D.J.
Jungbauer
Kelley

| | | | | |
|----------|----------|------------|----------|-----------|
| Kierlin | Limmer | Nienow | Rosen | Solon |
| Kiscaden | Lourey | Olson | Ruud | Sparks |
| Koch | Marko | Ortman | Sams | Stumpf |
| Koering | Marty | Pappas | Saxhaug | Tomassoni |
| Kubly | McGinn | Pogemiller | Scheid | Vickerman |
| Langseth | Metzen | Reiter | Senjem | Wergin |
| Larson | Michel | Rest | Skoe | Wiger |
| LeClair | Neuville | Robling | Skoglund | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3199: A bill for an act relating to family law; changing certain child support and maintenance provisions; amending Minnesota Statutes 2004, sections 518.175, subdivision 1; 518.551, subdivision 6, by adding a subdivision; 518.5513, subdivision 3; Minnesota Statutes 2005 Supplement, section 518.005, subdivision 6; Laws 2005, chapter 164, sections 4; 5; 8; 9; 10; 11; 14; 15; 16; 17, subdivision 1; 18; 20; 21; 22, subdivisions 2, 3, 4, 16, 17, 18; 23, subdivisions 1, 2; 24; 25; 26, subdivision 2, as amended; 31; 32; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Laws 2005, chapter 164, section 12.

Senator Neuville moved to amend S.F. No. 3199 as follows:

Page 5, line 13, delete "unable to work full time due to a verified disability or" and insert "a recipient of public assistance under section 256.741, or is physically or mentally incapacitated, or unable to work full time"

Page 5, line 36, before the period, insert "that are directly related to the source or sources of that parent's income"

Page 6, line 5, before the period, insert ", except for an order issued under chapter 518B"

Page 6, line 16, strike "other"

Page 6, line 19, after the period, insert "If the hearing request raises only child support issues and is a IV-D case, the court administrator shall schedule the hearing before a child support magistrate."

Page 6, line 20, reinstate the stricken language and delete the new language and after "review" insert "one or both of the following"

Page 6, line 21, strike "and" and insert "or"

Page 7, line 12, after "sections" insert "518.1781 and"

Page 14, line 11, after the period, insert "The court may consider credible evidence from one party that the financial affidavit submitted by the other party is false or inaccurate."

Page 14, after line 11, insert:

"(d) If the court determines that a party does not have access to documents that are required to be disclosed under this section, the court may consider the testimony of that party as credible evidence of that party's income."

Page 14, line 19, after "shall" insert ", and private parties may,"

Page 18, line 19, strike "Medicare" and after "income" insert "before participation in an employer-sponsored benefit plan that allows an employee to pay for a benefit or expense using pretax dollars, such as flexible spending plans and health savings accounts"

Page 18, line 27, delete "or motion"

Page 19, after line 15, insert:

"(h) Gross income does not include public assistance benefits received under section 256.741 or other forms of public assistance based on need."

Page 32, line 13, after "custody" insert "and under the direct care of the parent"

Page 43, delete section 34 and insert:

"Sec. 34. **REPEALER.**

Minnesota Statutes 2004, section 518.54, subdivision 6, and Laws 2005, chapter 164, section 12; are repealed."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved that S.F. No. 3199 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that the name of Senator Koering be added as a co-author to S.F. No. 2953. The motion prevailed.

Senator Rest moved that S.F. No. 2953 be taken from the table. The motion prevailed.

S.F. No. 2953: A bill for an act relating to gambling; making various clarifying, technical, and conforming changes to lawful gambling provisions; modifying expenditure restriction requirements; providing for conduct of certain pull-tab games; amending Minnesota Statutes 2004, sections 349.12, subdivisions 4, 18, 21; 349.1635, subdivision 3; 349.168, subdivision 10; 349.17, subdivision 6; 349.19, subdivisions 2, 3; 349.211, subdivision 2a; Minnesota Statutes 2005 Supplement, sections 349.12, subdivisions 12a, 25; 349.15, subdivision 1; 349.151, subdivision 4c; 349.153; 349.16, subdivision 2; 349.162, subdivisions 4, 5; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.17, subdivisions 5, 7; 349.173; 349.18, subdivision 1; 349.213, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

Senator Hann moved to amend S.F. No. 2953 as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 2004, section 240.25, subdivision 8, is amended to read:

Subd. 8. **Age under 18 21.** A person under the age of ~~18~~ 21 may not place a bet or present a pari-mutuel ticket for payment with an approved pari-mutuel system or participate in card playing at a card club at a licensed racetrack."

Page 20, after line 8, insert:

"Sec. 28. Minnesota Statutes 2004, section 349.2127, subdivision 8, is amended to read:

Subd. 8. **Minimum age.** (a) A person under the age of ~~18~~ 21 years may not buy a pull-tab, tipboard ticket, paddlewheel ticket, or raffle ticket, or a chance to participate in a bingo game other than (1) a bingo game exempt or excluded from licensing, or (2) one bingo occasion conducted by a licensed organization as part of an annual community event if the person under age ~~18~~ 21 is accompanied by a parent or guardian. Violation of this paragraph is a misdemeanor.

(b) A licensed organization or employee may not allow a person under age ~~18~~ 21 to participate in lawful gambling in violation of paragraph (a). Violation of this paragraph is a misdemeanor.

(c) In a prosecution under paragraph (b), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in section 340A.503, subdivision 6, paragraph (a)."

Page 21, after line 16, insert:

"Sec. 30. Minnesota Statutes 2004, section 349A.12, subdivision 1, is amended to read:

Subdivision 1. **Purchase by minors.** A person under the age of ~~18~~ 21 years may not buy or redeem for a prize a ticket in the state lottery.

Sec. 31. Minnesota Statutes 2004, section 349A.12, subdivision 2, is amended to read:

Subd. 2. **Sale to minors.** A lottery retailer may not sell and a lottery retailer or other person may not furnish or redeem for a prize a ticket in the state lottery to any person under the age of ~~18~~ 21 years. It is an affirmative defense to a charge under this subdivision for the lottery retailer or other person to prove by a preponderance of the evidence that the lottery retailer or other person reasonably and in good faith relied upon representation of proof of age described in section 340A.503, subdivision 6, in making the sale or furnishing or redeeming the ticket.

Sec. 32. Minnesota Statutes 2004, section 349A.12, subdivision 5, is amended to read:

Subd. 5. **Exceptions.** Nothing in this chapter prohibits giving a state lottery ticket as a gift, provided that a state lottery ticket may not be given to a person under the age of ~~18~~ 21.

Sec. 33. **INDIAN GAMBLING.**

The day following final enactment of this section, the governor shall make a written request to each tribal government in this state to raise its legal gambling age to 21 years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Senator Robling moved that the vote whereby the Hann amendment to S.F. No. 2953 was adopted on April 25, 2006, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question recurred on the Hann amendment to S.F. No. 2953.

Senator Hann moved to amend the Hann amendment to S.F. No. 2953 as follows:

Page 2, delete lines 9 and 10 and insert:

"Sections 1, 28, 30, 31, and 32 are effective the day following final agreement of the 11 tribal governments to change their legal gambling age to 21."

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

Senator Hann withdrew his first amendment.

Senator Nienow moved to amend S.F. No. 2953 as follows:

Page 21, after line 16, insert:

"Sec. 28. **REPORT.**

The commissioner of public safety shall publish and periodically update the results of casino gaming machine inspections on the Division of Alcohol and Gaming Enforcement Web site. Expenses for providing the machine inspection data on the division Web site shall be reimbursed by the Minnesota Lottery."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Rest questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 2953 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|----------|------------|-----------|
| Anderson | Frederickson | Kubly | Olson | Scheid |
| Bachmann | Gerlach | Langseth | Ortman | Senjem |
| Bakk | Hann | Larson | Pappas | Skoe |
| Berglin | Higgins | LeClair | Pariseau | Skoglund |
| Betzold | Hottinger | Limmer | Pogemiller | Solon |
| Bonoff | Johnson, D.E. | Lourey | Ranum | Sparks |
| Clark | Johnson, D.J. | Marko | Reiter | Stumpf |
| Cohen | Jungbauer | McGinn | Rest | Tomassoni |
| Day | Kelley | Metzen | Robling | Vickerman |
| Dibble | Kierlin | Michel | Rosen | Wergin |
| Dille | Kiscaden | Murphy | Ruud | Wiger |
| Fischbach | Koch | Neuville | Sams | |
| Foley | Koering | Nienow | Saxhaug | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Neuville moved that S.F. No. 3199 be taken from the table. The motion prevailed.

S.F. No. 3199: A bill for an act relating to family law; changing certain child support and maintenance provisions; amending Minnesota Statutes 2004, sections 518.175, subdivision 1; 518.551, subdivision 6, by adding a subdivision; 518.5513, subdivision 3; Minnesota Statutes 2005 Supplement, section 518.005, subdivision 6; Laws 2005, chapter 164, sections 4; 5; 8; 9; 10; 11; 14; 15; 16; 17, subdivision 1; 18; 20; 21; 22, subdivisions 2, 3, 4, 16, 17, 18; 23, subdivisions 1, 2; 24; 25; 26, subdivision 2, as amended; 31; 32; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Laws 2005, chapter 164, section 12.

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

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

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|--------------|---------------|-----------|----------|
| Anderson | Cohen | Gerlach | Jungbauer | Kubly |
| Bakk | Day | Hann | Kelley | Langseth |
| Berglin | Dille | Higgins | Kierlin | Larson |
| Betzold | Fischbach | Hottinger | Kiscaden | LeClair |
| Bonoff | Foley | Johnson, D.E. | Koch | Limmer |
| Clark | Frederickson | Johnson, D.J. | Koering | Lourey |

| | | | | |
|----------|------------|---------|----------|-----------|
| Marko | Nienow | Reiter | Scheid | Tomassoni |
| Marty | Olson | Rest | Senjem | Vickerman |
| McGinn | Ortman | Robling | Skoe | Wergin |
| Metzen | Pappas | Rosen | Skoglund | Wiger |
| Michel | Pariseau | Ruud | Solon | |
| Murphy | Pogemiller | Sams | Sparks | |
| Neuville | Ranum | Saxhaug | Stumpf | |

Those who voted in the negative were:

Chaudhary Dibble

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

MEMBERS EXCUSED

Senators Belanger and Moua were excused from the Session of today. Senators Hottinger and Ranum were excused from the Session of today from 9:00 to 9:35 a.m. Senators Gerlach and Murphy were excused from the Session of today from 9:00 to 9:40 a.m. Senator Berglin was excused from the Session of today from 9:00 to 9:50 a.m. Senator Bachmann was excused from the Session of today at 10:25 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 27, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

