

FIFTY-FIFTH DAY

St. Paul, Minnesota, Monday, May 9, 2005

The Senate met at 11:00 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 Senator Gary W. Kubly.

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

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. 987 and 2028.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted May 6, 2005

FIRST READING OF HOUSE BILLS

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

H.F. No. 987: A bill for an act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A; 325F.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 899, now on General Orders.

H.F. No. 2028: A bill for an act relating to local government; providing a process for making certain offices appointive in Pope and Lac qui Parle Counties.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1929, now on General Orders.

MOTIONS AND RESOLUTIONS

Senator Saxhaug moved that the names of Senators Chaudhary and Pariseau be added as co-authors to S.F. No. 2233. The motion prevailed.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Marty, Kelley and Dille introduced--

S.F. No. 2292: A bill for an act relating to education; requiring schools to adopt, implement, and regularly practice a uniform lock down plan; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

Senator Scheid introduced--

S.F. No. 2293: A bill for an act relating to insurance; regulating the filing and use of individual health insurance policy forms; establishing a minimum loss ratio guarantee; amending Minnesota Statutes 2004, sections 62A.02, subdivision 3, by adding a subdivision; 62A.021, subdivision 1.

Referred to the Committee on Commerce.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Betzold moved that S.F. No. 1197, No. 77 on General Orders, be stricken and re-referred to the Committee on Education. The motion prevailed.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 12:00 noon. The motion prevailed.

The hour of 12:00 noon having arrived, the President called the Senate to order.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

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. Nos. 1563, 1371, 1819, 314, 1379, 1438, 1525, 877, 1025, 1231, 917, 483 and 1479.

SPECIAL ORDER

S.F. No. 1563: A bill for an act relating to debtor creditor relations; increasing the amount of the homestead exemption; amending Minnesota Statutes 2004, section 510.02.

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	Gaither	Larson	Ortman	Skoe
Bachmann	Gerlach	LeClair	Ourada	Skoglund
Bakk	Hann	Limmer	Pariseau	Solon
Belanger	Higgins	Lourey	Ranum	Sparks
Berglin	Johnson, D.E.	Marko	Reiter	Stumpf
Betzold	Johnson, D.J.	Marty	Rest	Tomassoni
Cohen	Jungbauer	McGinn	Robling	Vickerman
Day	Kelley	Metzen	Rosen	Wergin
Dibble	Kierlin	Michel	Ruud	Wiger
Dille	Kiscaden	Moua	Sams	
Fischbach	Kleis	Neuville	Saxhaug	
Foley	Kubly	Nienow	Scheid	
Frederickson	Langseth	Olson	Senjem	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1371: A bill for an act relating to local government; increasing compensation of watershed district managers; clarifying who can enter onto land; amending Minnesota Statutes 2004, sections 103D.315, subdivision 8; 103D.335, subdivision 14.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pappas	Skoe
Bakk	Frederickson	Larson	Pogemiller	Skoglund
Belanger	Gaither	Lourey	Ranum	Solon
Berglin	Hann	Marko	Rest	Sparks
Betzold	Higgins	Marty	Robling	Stumpf
Cohen	Johnson, D.E.	McGinn	Rosen	Tomassoni
Day	Kelley	Metzen	Ruud	Vickerman
Dibble	Kierlin	Moua	Sams	Wergin
Dille	Kiscaden	Neuville	Saxhaug	Wiger
Fischbach	Kubly	Olson	Scheid	

Those who voted in the negative were:

Bachmann	Jungbauer	LeClair	Nienow	Reiter
Gerlach	Kleis	Limmer	Ortman	Senjem
Johnson, D.J.	Koering	Michel	Ourada	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1819: A bill for an act relating to building officials; requiring adoption and application of certain competency and certification criteria; providing for continuing education; amending Minnesota Statutes 2004, section 16B.65, subdivisions 3, 7; proposing coding for new law in Minnesota Statutes, chapter 16B.

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 60 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kleis	Michel	Robling
Bachmann	Frederickson	Koering	Moua	Rosen
Bakk	Gaither	Kubly	Neuville	Ruud
Belanger	Gerlach	Langseth	Nienow	Sams
Berglin	Hann	Larson	Olson	Saxhaug
Betzold	Higgins	LeClair	Ortman	Scheid
Chaudhary	Johnson, D.E.	Limmer	Ourada	Senjem
Cohen	Johnson, D.J.	Lourey	Pappas	Skoglund
Day	Jungbauer	Marko	Pogemiller	Solon
Dibble	Kelley	Marty	Ranum	Tomassoni
Dille	Kierlin	McGinn	Reiter	Wergin
Fischbach	Kiscaden	Metzen	Rest	Wiger

Those who voted in the negative were:

Skoe	Sparks	Stumpf	Vickerman
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 314: A bill for an act relating to insurance; the Minnesota FAIR plan; regulating property and liability coverage; amending Minnesota Statutes 2004, section 65A.08, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1379: A bill for an act relating to motor vehicles; excluding cost of air bag repair or replacement and related repair costs from motor vehicle damage calculations for salvage title and consumer disclosure purposes; amending Minnesota Statutes 2004, sections 168A.04, subdivision 4; 168A.151, subdivision 1; 325F.6641, subdivisions 1, 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1438: A bill for an act relating to public safety; expanding the protection against employer retaliation for crime victims; amending Minnesota Statutes 2004, sections 518B.01, by adding a subdivision; 609.748, by adding a subdivision; 611A.036.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Chaudhary	Dibble	Foley
Bachmann	Berglin	Cohen	Dille	Frederickson
Bakk	Betzold	Day	Fischbach	Gaither

Gerlach	Koering	Metzen	Pogemiller	Senjem
Hann	Kubly	Michel	Ranum	Skoe
Higgins	Langseth	Moua	Reiter	Skoglund
Hottinger	Larson	Murphy	Rest	Solon
Johnson, D.E.	LeClair	Neuville	Robling	Sparks
Johnson, D.J.	Limmer	Nienow	Rosen	Stumpf
Jungbauer	Lourey	Olson	Ruud	Tomassoni
Kierlin	Marko	Ortman	Sams	Vickerman
Kiscaden	Marty	Pappas	Saxhaug	Wergin
Kleis	McGinn	Pariseau	Scheid	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1525: A bill for an act relating to corrections; clarifying notification procedure when victim requests a test on offender; amending Minnesota Statutes 2004, section 611A.19.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 877: A bill for an act relating to state government; establishing a Minnesota Humanities Commission; proposing coding for new law in Minnesota Statutes, chapter 138.

Senator Dibble moved to amend S.F. No. 877 as follows:

Page 2, after line 4, insert:

"Sec. 2. [138.912] [POET LAUREATE.]

(a) The position of poet laureate of the State of Minnesota is established. The Minnesota Humanities Commission must solicit nominations for the poet laureate appointment, and must make recommendations to the governor. After receiving recommendations from the Minnesota Humanities Commission, the governor shall appoint a state poet laureate, and shall conduct appropriate ceremonies to honor the person appointed. The person appointed as poet laureate continues to serve in this position until the governor appoints another person.

(b) State agencies and officers are encouraged to use the services of the poet laureate for appropriate ceremonies and celebrations.

(c) Any expenses associated with the poet laureate must be paid from nonstate sources."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 877 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pariseau	Skoglund
Bakk	Frederickson	Lourey	Pogemiller	Solon
Belanger	Higgins	Marko	Ranum	Sparks
Berglin	Hottinger	Marty	Reiter	Stumpf
Betzold	Johnson, D.E.	McGinn	Robling	Tomassoni
Chaudhary	Johnson, D.J.	Michel	Ruud	Vickerman
Cohen	Jungbauer	Moua	Sams	Wergin
Day	Kierlin	Neuville	Saxhaug	Wiger
Dibble	Kiscaden	Nienow	Scheid	
Dille	Koering	Olson	Senjem	
Fischbach	Kubly	Pappas	Skoe	

Those who voted in the negative were:

Bachmann	Gerlach	Larson	Limmer	Ourada
Gaither	Kleis	LeClair		

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

SPECIAL ORDER

S.F. No. 1025: A bill for an act relating to human services; allowing PACE programs to be covered under alternative integrated long-term care services; amending Minnesota Statutes 2004, section 256B.69, subdivision 23.

Senator Kierlin moved to amend S.F. No. 1025 as follows:

Page 4, line 4, delete "Grants" and insert "Grant amounts"

Page 4, line 5, delete "a special revenue account and" and insert "an account in the special revenue fund and are appropriated to the commissioner to be"

The motion prevailed. So the amendment was adopted.

S.F. No. 1025 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Koering	Marty
Bachmann	Dille	Hottinger	Kubly	McGinn
Bakk	Fischbach	Johnson, D.E.	Langseth	Metzen
Berglin	Foley	Johnson, D.J.	Larson	Michel
Betzold	Frederickson	Jungbauer	LeClair	Moua
Chaudhary	Gaither	Kierlin	Limmer	Neuville
Cohen	Gerlach	Kiscaden	Lourey	Nienow
Day	Hann	Kleis	Marko	Olson

Ortman	Ranum	Ruud	Skoe	Tomassoni
Ourada	Reiter	Sams	Skoglund	Vickerman
Pappas	Rest	Saxhaug	Solon	Wergin
Pariseau	Robling	Scheid	Sparks	Wiger
Pogemiller	Rosen	Senjem	Stumpf	

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

SPECIAL ORDER

S.F. No. 1231: A bill for an act relating to real property; regulating sign and flag display; amending Minnesota Statutes 2004, sections 515.07; 515B.2-103; 515B.3-102; proposing coding for new law in Minnesota Statutes, chapter 500.

Senator Betzold moved to amend S.F. No. 1231 as follows:

Page 2, line 14, delete "rental" and delete everything after the period and insert "A person who causes damage is liable for the repair costs."

Page 2, delete line 15

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 1231 as follows:

Page 2, line 19, after the period, insert "If the permission by this section to fly the flags of the United States or the State of Minnesota, but not other flags, pennants, or banners, is determined by a court or government agency to violate federal, state, or local human rights or fair housing laws or ordinances, this section is without effect."

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

RECONSIDERATION

Having voted on the prevailing side, Senator Limmer moved that the vote whereby the second Betzold amendment to S.F. No. 1231 was not adopted on May 9, 2005, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question was taken on the adoption of the second Betzold amendment. The motion prevailed. So the amendment was adopted.

S.F. No. 1231 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 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 917: A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

Senator Stumpf moved to amend S.F. No. 917 as follows:

Page 1, line 7, delete "[127A.145]" and insert "[145.4235]"

Page 1, lines 15 and 16, delete "of education"

Page 3, delete line 33

Page 4, lines 14 and 15, delete "of education"

Page 4, lines 17 and 18, delete "of education"

Page 5, line 1, delete "education" and insert "health"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 917 as follows:

Page 1, line 9, after the comma, insert "the following terms have the meanings given:
(1)"

Page 1, line 14, before the period, insert "; and

(2) "unborn child" means a member of the species Homo sapiens from fertilization until birth"

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 917 as follows:

Page 1, line 9, delete the comma and insert ":

(1)"

Page 1, line 14, before the period, insert "; and

(2) "nondirective counseling" means providing clients with:

(i) a list of health care providers and social service providers that provide prenatal care, childbirth care, infant care, foster care, adoption services, alternatives to abortion, or abortion services; and

(ii) nondirective, nonmarketing information regarding such providers"

Page 2, line 33, after "encourage" insert "or affirmatively counsel"

Page 2, line 34, delete "or" and insert a comma and before the period, insert ", or to directly refer her for an abortion. The agency or organization may provide nondirective counseling"

Page 3, lines 5 and 8, delete "encourages or arranges" and insert "directly refers"

Senator Stumpf moved that S.F. No. 917 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 483: A bill for an act relating to state government; providing that chaplains employed by the state are in the classified civil service; amending Minnesota Statutes 2004, section 43A.08, subdivision 1.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 483. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 483 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 39 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pogemiller	Solon
Bakk	Higgins	Lourey	Ranum	Sparks
Berglin	Hottinger	Marko	Rest	Stumpf
Betzold	Johnson, D.E.	Marty	Sams	Tomassoni
Chaudhary	Kelley	Metzen	Saxhaug	Vickerman
Cohen	Kiscaden	Moua	Scheid	Wergin
Day	Kleis	Murphy	Skoe	Wiger
Dibble	Kubly	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Gerlach	Larson	Nienow	Robling
Belanger	Hann	LeClair	Olson	Rosen
Dille	Johnson, D.J.	Limmer	Ortman	Ruud
Fischbach	Jungbauer	McGinn	Ourada	Senjem
Frederickson	Kierlin	Michel	Pariseau	
Gaither	Koering	Neuville	Reiter	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1479: A bill for an act relating to spousal maintenance; authorizing the Department of Human Services to collect spousal maintenance; amending Minnesota Statutes 2004, sections 518.54, subdivisions 4a, 14, by adding a subdivision; 518.551, subdivision 1.

Senator Lourey moved to amend S.F. No. 1479 as follows:

Page 3, after line 9, insert:

"Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 1479 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	Nienow	Saxhaug
Bachmann	Gaither	Langseth	Olson	Scheid
Bakk	Gerlach	Larson	Ortman	Senjem
Belanger	Hann	LeClair	Ourada	Skoe
Berglin	Hottinger	Limmer	Pappas	Skoglund
Betzold	Johnson, D.E.	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Sparks
Cohen	Jungbauer	Marty	Reiter	Stumpf
Day	Kelley	McGinn	Rest	Vickerman
Dibble	Kierlin	Metzen	Robling	Wergin
Dille	Kiscaden	Michel	Rosen	Wiger
Fischbach	Kleis	Moua	Ruud	
Foley	Koering	Neuville	Sams	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Stumpf moved that S.F. No. 917 be taken from the table. The motion prevailed.

S.F. No. 917: A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

The question recurred on the third Stumpf amendment to S.F. No. 917.

Senator Stumpf moved to amend the third Stumpf amendment to S.F. No. 917 as follows:

Page 1, line 15, after "her" insert "to an abortion provider"

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

The question recurred on the adoption of the third Stumpf amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 917. The Sergeant at Arms was instructed to bring in the absent members.

Senator Lourey moved to amend S.F. No. 917 as follows:

Page 3, lines 5 and 8, delete "for abortions" and insert "to an abortion provider"

Senator Rest moved to amend the Lourey amendment to S.F. No. 917 as follows:

Page 1, line 3, after "provider" insert "for an abortion"

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

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

S.F. No. 917 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 10, as follows:

Those who voted in the affirmative were:

Anderson	Bakk	Day	Fischbach	Frederickson
Bachmann	Belanger	Dille	Foley	Gaither

Gerlach	Kleis	Michel	Pogemiller	Skoe
Hann	Koering	Moua	Reiter	Sparks
Higgins	Kubly	Murphy	Rest	Stumpf
Hottinger	Langseth	Neuville	Robling	Tomassoni
Johnson, D.E.	Larson	Nienow	Rosen	Vickerman
Johnson, D.J.	LeClair	Olson	Ruud	Wergin
Jungbauer	Limmer	Ortman	Sams	Wiger
Kelley	Lourey	Ourada	Saxhaug	
Kierlin	McGinn	Pappas	Scheid	
Kiscaden	Metzen	Pariseau	Senjem	

Those who voted in the negative were:

Berglin	Chaudhary	Dibble	Marty	Skoglund
Betzold	Cohen	Marko	Ranum	Solon

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Berglin moved that S.F. No. 51 be taken from the table. The motion prevailed.

S.F. No. 51: A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of methamphetamine precursor drugs; requiring prescriptions from veterinarians for products for animals containing ephedrine or pseudoephedrine; requiring the commissioner of public safety to develop a plan for implementation of a centralized computer to enable pharmacies to carry out imposed duties; providing criminal penalties; amending Minnesota Statutes 2004, sections 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 35.

Senator Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 51, 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.

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

REPORTS OF COMMITTEES

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1468: A bill for an act relating to public employers; modifying public employer reimbursement for compensation paid to certain firefighters and peace officers; creating a panel to evaluate claims; amending Minnesota Statutes 2004, sections 214.04, subdivision 1; 299A.465, subdivision 4, by adding subdivisions.

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

Page 3, lines 10 and 11, delete "put the officer or firefighter at risk for the type of illness or injury actually sustained" and insert "resulted in the disabling illness or injury the officer or firefighter sustained that prohibits employment"

Page 4, after line 30, insert:

"Sec. 5. [APPROPRIATION.]

\$1,347,000 is appropriated from the general fund to the commissioner of public safety to pay peace officer's benefits as provided by this act. \$609,000 is available for the fiscal year ending June 30, 2006, and \$738,000 is available for the fiscal year ending June 30, 2007."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1710: A bill for an act relating to human services; implementing child protection, child care, and child and family support provisions; amending Minnesota Statutes 2004, sections 119A.43, subdivision 2; 119B.025, subdivision 1; 119B.03, subdivision 6; 119B.09, subdivisions 4, 9; 144D.025; 256.978, subdivision 2; 256D.02, subdivision 17; 256D.051, subdivision 6c; 256I.04, subdivision 2a; 256I.05, by adding a subdivision; 256J.626, subdivisions 6, 7, 8; 256J.751, subdivisions 2, 5; 257.85, subdivisions 2, 3; 259.23, subdivisions 1, 2; 259.41, subdivision 3; 259.67, subdivisions 2, 4; 259.75, subdivision 1; 259.79, subdivision 1; 259.85, subdivision 1; 260.012; 260C.001, subdivision 3; 260C.007, subdivision 8; 260C.151, subdivision 6; 260C.178; 260C.201, subdivisions 1, 10, 11; 260C.312; 260C.317, subdivision 3; 518.551, subdivision 5; 518.68, subdivision 2; 548.091, subdivision 1a; 626.556, subdivisions 1, 2, 3, 10, 10b, 10e, 10f, 10i, 11, 11c, by adding subdivisions; repealing Minnesota Statutes 2004, sections 626.5551, subdivisions 1, 2, 3, 4, 5; Minnesota Rules, parts 9500.1206, subparts 20, 26d, 27; 9560.0220, subpart 6, item B; 9560.0230, subpart 2.

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1629: A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; appropriating money; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 116.07, subdivision 7a; 174.52, subdivision 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

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

Pages 1 to 4, delete sections 1 to 4

Page 6, line 9, after "including" insert "the safe operation and maintenance of a facility serving a permitted" and delete "and" and insert "or"

Page 6, line 10, delete everything after "agricultural" and insert "operation"

Page 6, line 11, delete the new language

Pages 10 and 11, delete sections 10 to 12

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "loan" and insert "grant and loan criteria;"

Page 1, line 3, delete everything before the second semicolon and insert "modifying feedlot notification requirements"

Page 1, lines 4 and 5, delete "appropriating money;"

Page 1, delete line 6

Page 1, line 9, delete everything after "subdivision"

Page 1, delete line 10

Page 1, line 11, delete everything before the period

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

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1555: A bill for an act relating to gambling; amending various provisions relating to lawful gambling; amending and providing definitions; making technical, clarifying, and conforming changes; amending Minnesota Statutes 2004, sections 349.12, subdivisions 5, 25, 33, by adding a subdivision; 349.15, subdivision 1; 349.151, subdivisions 4, 4b; 349.152, subdivision 2; 349.153; 349.154, subdivision 1; 349.155, subdivision 3; 349.16, subdivision 8; 349.161, subdivision 5; 349.162, subdivisions 1, 4, 5; 349.163, subdivision 3; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.168, subdivision 8; 349.17, subdivisions 5, 7; 349.1711, subdivision 1; 349.173; 349.18, subdivision 1; 349.19, subdivisions 4, 10; 349.211, subdivision 2c; 349.2125, subdivision 1; 349.213; 609.75, subdivision 1; repealing Minnesota Statutes 2004, sections 349.162, subdivision 3; 349.164; 349.17, subdivision 1.

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

Page 2, after line 1, insert:

"Sec. 3. Minnesota Statutes 2004, section 349.12, is amended by adding a subdivision to read:

Subd. 7a. [CHARITABLE CONTRIBUTION.] "Charitable contribution" means one or more of the lawful purposes expenditures under section 349.12, subdivision 25, paragraph (a), clauses (1) to (5), (6), (7), (10), (11), (13) to (15), and (19)."

Page 7, line 4, delete "3" and insert "4"

Page 7, line 30, after the period, insert "For licenses issued after June 30, 2006, compliance with this subdivision will be measured on a biennial basis that is concurrent with the term of the license. Compliance with this subdivision is a condition for the renewal of any license beginning on July 1, 2008."

Page 7, delete lines 31 and 32

Page 8, line 23, after "(9)" insert "to report annually to the governor and legislature a financial summary for each licensed organization identifying the gross receipts, prizes paid, operating expenses, lawful purpose expenditures including charitable contributions, and the percentage of annual gross profit used for lawful purposes;

(10)"

Page 8, line 28, strike "(10)" and insert "(11)"

Page 8, line 30, strike "(11)" and insert "(12)"

Page 8, line 33, strike "(12)" and insert "(13)"

Page 9, line 1, delete "(13)" and insert "(14)"

Page 9, after line 4, insert:

"(15) to approve or deny requests from licensees for:

- (i) waivers from fee requirements as provided in section 349.16, subdivision 6; and
- (ii) variances from Gambling Control Board rules under section 14.055; and"

Page 9, line 5, delete "(14)" and insert "(16)"

Page 9, line 7, delete "(15)" and insert "(17)"

Page 9, line 9, delete "(16)" and insert "(18)"

Page 9, line 13, delete "(17)" and insert "(19)"

Page 9, line 16, delete "(18)" and insert "(20)"

Pages 11 and 12, delete section 10

Page 13, after line 18, insert:

"Sec. 12. Minnesota Statutes 2004, section 349.16, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE OF GAMBLING LICENSES.] (a) Licenses authorizing organizations to conduct lawful gambling may be issued by the board to organizations meeting the qualifications in paragraphs (b) to (h) if the board determines that the license is consistent with the purpose of sections 349.11 to 349.22.

(b) The organization must have been in existence for the most recent three years preceding the license application as a registered Minnesota nonprofit corporation or as an organization designated as exempt from the payment of income taxes by the Internal Revenue Code.

(c) The organization at the time of licensing must have at least 15 active members.

(d) The organization must not be in existence solely for the purpose of conducting gambling.

(e) The organization has identified in its license application the lawful purposes on which it proposes to expend net profits from lawful gambling and has identified an annual goal for charitable contributions, expressed as a percentage of gross profits.

(f) The organization has identified on its license application a gambling manager and certifies that the manager is qualified under this chapter.

(g) The organization must not, in the opinion of the board after consultation with the commissioner of revenue, be seeking licensing primarily for the purpose of evading or reducing the tax imposed by section 297E.02, subdivision 6.

(h) The organization has not exceeded the expenditure restrictions imposed under section 349.15, subdivision 1, or if the organization has exceeded the expenditure restrictions under section 349.15, subdivision 1, the organization has reimbursed any excess expenses from nongambling funds."

Page 15, line 11, strike "(h)" and insert "(d)"

Page 21, line 28, after "(d)" insert "Organizations that qualify to conduct exempt raffles under paragraph (a) are exempt from section 349.173, paragraph (b), clause (2), if the raffle tickets are sold only in combination with an organization's membership or a ticket for an organization's membership dinner is not included with any other raffle conducted under the exempt permit.

(e)"

Page 21, line 33, strike "(e)" and insert "(f)"

Page 22, line 3, strike "(f)" and insert "(g)"

Page 22, line 34, delete "30" and insert "32"

Page 24, line 8, delete "30" and insert "32"

Page 24, line 33, after "(2)" insert "entry in the raffle is not conditioned upon any other purchase;

(3)"

Page 24, line 34, delete "(3)" and insert "(4)"

Page 25, line 1, delete "(4)" and insert "(5)"

Page 25, line 3, delete "(5)" and insert "(6)"

Page 25, line 14, after the period, insert "The board may prohibit an organization from renting premises from a lessor if illegal gambling occurred on the premises and the lessor or its employees knew of or participated in the illegal gambling."

Page 26, line 23, delete "ten" and insert "110"

Page 26, line 24, delete ", whichever is less"

Page 28, after line 18, insert:

"Sec. 30. Minnesota Statutes 2004, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the Department of Revenue and to its membership monthly, or quarterly in the case of a licensed organization which does not report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter, on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. The report must include a reconciliation of the organization's profit carryover with its cash balance on hand. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. The organization must report annually to its membership and annually file with the board a financial summary report in a format prescribed by the board that identifies the organization's receipt and use of lawful gambling proceeds, including:

(1) gross receipts;

(2) prizes paid;

(3) operating expenses;

(4) lawful purpose expenditures, including annual totals for types of charitable contributions;
and

(5) the percentage of annual gross profits used for charitable contributions."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the second semicolon, insert "349.12, by adding a subdivision;"

Page 1, line 9, delete "349.154, subdivision 1;"

Page 1, line 10, delete the first "subdivision" and insert "subdivisions 2,"

Page 1, line 16, after "4," insert "5,"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1468, 1710, 1629 and 1555 were read the second time.

MEMBERS EXCUSED

Senator Murphy was excused from the Session of today from 11:00 a.m. to 12:30 p.m. and from 12:45 to 1:45 p.m. Senator Hottinger was excused from the Session of today from 11:00 a.m. to 12:40 p.m. Senator Pariseau was excused from the Session of today from 12:20 to 12:35 p.m. Senator Kelley was excused from the Session of today from 12:30 to 1:15 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:30 a.m., Tuesday, May 10, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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