

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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SIXTY-FIRST DAY

St. Paul, Minnesota, Monday, May 10, 1999

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

## CALL OF THE SENATE

Senator 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. Walter Flesner.

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	Hottinger	Laidig	Oliver	Samuelson
Belanger	Janezich	Langseth	Olson	Scheevel
Berg	Johnson, D.H.	Larson	Ourada	Scheid
Berglin	Johnson, D.J.	Lesewski	Pappas	Solon
Betzold	Johnson, J.B.	Lessard	Pariseau	Spear
Cohen	Junge	Limmer	Piper	Stevens
Day	Kelley, S.P.	Lourey	Pogemiller	Stumpf
Dille	Kelly, R.C.	Marty	Price	Ten Eyck
Flynn	Kierlin	Metzen	Ranum	Terwilliger
Foley	Kiscaden	Moe, R.D.	Robertson	Vickerman
Frederickson	Kleis	Murphy	Robling	Wiener
Hanson	Knutson	Neuville	Runbeck	Wiger
Higgins	Krentz	Novak	Sams	Ziegler

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 7, 1999

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 778, 1144, 1060 and 521.

Sincerely,  
Jesse Ventura, Governor

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 84.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

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. 1094:** A bill for an act relating to probate; changing provisions of the Uniform Probate Code; changing nomination provisions for conservators and guardians; amending Minnesota Statutes 1998, sections 524.2-101; 524.2-702; 524.3-916; and 525.544, subdivision 1.

Senate File No. 1094 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

**CONCURRENCE AND REPASSAGE**

Senator Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1094 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1094 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Ourada	Scheevel
Belanger	Janezich	Larson	Pappas	Solon
Berg	Johnson, D.H.	Lesewski	Pariseau	Spear
Berglin	Johnson, D.J.	Lessard	Piper	Stevens
Betzold	Johnson, J.B.	Limmer	Pogemiller	Stumpf
Cohen	Junge	Lourey	Price	Ten Eyck
Day	Kelley, S.P.	Marty	Ranum	Terwilliger
Flynn	Kierlin	Metzen	Robertson	Vickerman
Foley	Kiscaden	Moe, R.D.	Robling	Wiener
Frederickson	Kleis	Murphy	Runbeck	Wiger
Hanson	Knutson	Oliver	Sams	Ziegler
Higgins	Krentz	Olson	Samuelson	

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 that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1404:** A bill for an act relating to crime; providing criminal penalties for possessing and disseminating pornographic work depicting a minor; including computer-generated or computer-altered images within the definition of pornographic work; amending Minnesota Statutes 1998, sections 617.246, subdivisions 1, 2, 3, 4, and by adding a subdivision; and 617.247, subdivisions 1, 2, 3, 4, and by adding a subdivision.

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

Skoglund, Stanek and Biernat.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1821:** A bill for an act relating to housing; modifying provision for amending zoning ordinance by cities of the first class; modifying housing finance agency provisions; authorizing agency to make equity take-out loans to owners of federally subsidized housing under certain circumstances; allowing participants to receive rental assistance for family stabilization for up to 60 months; clarifying purposes for which community rehabilitation funds may be used; establishing account to provide homeownership opportunities for disabled; modifying low-income housing credits; amending Minnesota Statutes 1998, sections 462.357, subdivision 5; 462A.073, subdivision 2; 462A.205, subdivisions 1, 2, 5, 6, and 9; 462A.206, subdivision 2; 462A.21, by adding a subdivision; 462A.222, subdivision 3; and 462A.223, subdivision 2; repealing Minnesota Statutes 1998, section 462A.073, subdivision 3.

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

Gunther, Storm and Gray.

Senate File No. 1821 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 233:** A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.

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

Bishop, Biernat and Tuma.

Senate File No. 233 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

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 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 148:** A bill for an act relating to commerce; providing for the protection of structured settlements; amending Minnesota Statutes 1998, section 176.175, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 549.

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

Haas; Seifert, J. and Entenza.

Senate File No. 148 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

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. 709:** A bill for an act relating to state procurement; authorizing the commissioner of administration to award a preference of as much as six percent in the amount bid for specified goods or services to small businesses; amending Minnesota Statutes 1998, section 16C.16, subdivision 7; repealing Minnesota Rules, part 1230.1860, item A.

Senate File No. 709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

Senator Stumpf moved that the Senate do not concur in the amendments by the House to S.F. No. 709, 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 House File, herewith transmitted: H.F. No. 1124.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 7, 1999

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1235:

**H.F. No. 1235:** A bill for an act relating to agriculture; exempting livestock production facilities from the ambient hydrogen sulfide standards on days manure is being removed from barns or manure storage facilities; amending Minnesota Statutes 1998, section 116.0713.

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

Swenson, Harder and Skoe have been appointed as such committee on the part of the House.

House File No. 1235 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 7, 1999

Senator Dille moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1235, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 685:** A bill for an act relating to telecommunications; deregulating coin-operated or public pay telephones under state law; authorizing the public utilities commission to assess administrative penalties for anticompetitive activities by telecommunication providers; amending Minnesota Statutes 1998, section 237.5799; proposing coding for new law in Minnesota Statutes, chapter 237.

Senate File No. 685 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 7, 1999

Senator Kelley, S.P. moved that the Senate do not concur in the amendments by the House to S.F. No. 685, 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.

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1124:** A bill for an act relating to public safety; requiring bleacher safety; providing penalties; appropriating money; amending Minnesota Statutes 1998, sections 16B.72; 16B.73; and 240A.09; proposing coding for new law in Minnesota Statutes, chapters 16B; and 325F.

Referred to the Committee on Governmental Operations and Veterans.

### REPORTS OF COMMITTEES

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

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

**H.F. No. 1932** 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.
1932	1607				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1932 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1932 and insert the language after the enacting clause of S.F. No. 1607, the first engrossment; further, delete the title of H.F. No. 1932 and insert the title of S.F. No. 1607, the first engrossment.

And when so amended H.F. No. 1932 will be identical to S.F. No. 1607, and further recommends that H.F. No. 1932 be given its second reading and substituted for S.F. No. 1607, 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.

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

**H.F. No. 1015** 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.
1015	1064				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1015 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1015 and insert the language after the enacting clause of S.F. No. 1064, the second engrossment; further, delete the title of H.F. No. 1015 and insert the title of S.F. No. 1064, the second engrossment.

And when so amended H.F. No. 1015 will be identical to S.F. No. 1064, and further recommends that H.F. No. 1015 be given its second reading and substituted for S.F. No. 1064, 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.

**Senator Ranum from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for February 22, 1999:**

DEPARTMENT OF HUMAN RIGHTS  
COMMISSIONER

Janeen Rosas

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

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

**Senator Ranum from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for January 7, 1999:**

BOARD ON JUDICIAL STANDARDS

Barry Lazarus

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

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

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 1932 and 1015 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Neuville moved that the name of Senator Kleis be added as a co-author to S.F. No. 442. The motion prevailed.

**Senator Ziegler introduced--**

**Senate Resolution No. 84:** A Senate resolution congratulating Kiester Middle School for its high scores on the state eighth-grade basic skills math test.

Referred to the Committee on Rules and Administration.

Senator Lessard moved that S.F. No. 746 be taken from the table. The motion prevailed.

**S.F. No. 746:** A bill for an act relating to local government; permitting Grand Rapids to hold their general election in November.

Senator Lessard moved that the Senate do not concur in the amendments by the House to S.F. No. 746, 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.

**SPECIAL ORDERS**

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

H.F. Nos. 718, 1607 and 1825.

**SPECIAL ORDER**

**H.F. No. 718:** A bill for an act relating to professions; regulating advanced practice registered nursing; amending Minnesota Statutes 1998, sections 62A.15, subdivision 3a; 148.171; 148.191, subdivision 2; 148.235; 148.261, subdivisions 1 and 5; 148.262, subdivision 1; 148.263, subdivisions 3 and 4; 148.271; 148.281, subdivision 1; 148.283; 245.462, subdivision 18; and 245.4871, subdivision 27; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, chapter 6340.

Senator Moe, R.D. moved that the amendment made to H.F. No. 718 by the Committee on Rules and Administration in the report adopted May 5, 1999, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 718 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	Betzold	Flynn	Hottinger	Johnson, J.B.
Belanger	Cohen	Foley	Janezich	Junge
Berg	Day	Hanson	Johnson, D.H.	Kelley, S.P.
Berglin	Dille	Higgins	Johnson, D.J.	Kelly, R.C.

Kierlin	Lourey	Ourada	Runbeck	Ten Eyck
Kiscaden	Marty	Pappas	Sams	Terwilliger
Kleis	Metzen	Pariseau	Samuelson	Vickerman
Knutson	Moe, R.D.	Piper	Scheevel	Wiener
Krentz	Murphy	Pogemiller	Scheid	Wiger
Larson	Neuville	Price	Solon	Ziegler
Lesewski	Novak	Ranum	Spear	
Lessard	Oliver	Robertson	Stevens	
Limmer	Olson	Robling	Stumpf	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1607:** A bill for an act relating to peace officers; authorizing federally recognized tribes to exercise concurrent criminal jurisdictional authority with the local sheriff within the geographical boundaries of the tribe's reservation; establishing requirements for the exercise of such authority; amending Minnesota Statutes 1998, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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	Hottinger	Langseth	Olson	Scheevel
Belanger	Janezich	Larson	Ourada	Scheid
Berg	Johnson, D.H.	Lesewski	Pappas	Solon
Berglin	Johnson, D.J.	Lessard	Pariseau	Spear
Betzold	Johnson, J.B.	Limmer	Piper	Stevens
Cohen	Junge	Lourey	Pogemiller	Stumpf
Day	Kelley, S.P.	Marty	Price	Ten Eyck
Dille	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kierlin	Moe, R.D.	Robertson	Vickerman
Foley	Kiscaden	Murphy	Robling	Wiener
Frederickson	Kleis	Neuville	Runbeck	Wiger
Hanson	Knutson	Novak	Sams	Ziegler
Higgins	Krentz	Oliver	Samuelson	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1825:** A bill for an act relating to lawful gambling; specifying locations where pull-tab dispensing machines may be used; requiring certain information to be printed on raffle tickets; authorizing certain tipboard games and tipboard rules; increasing maximum consolation prizes for bingo games; specifying maximum tipboard prizes; amending Minnesota Statutes 1998, sections 349.151, subdivision 4b, and by adding a subdivision; 349.1711, by adding a subdivision; and 349.211, subdivision 2, and by adding a subdivision.

Senator Pariseau moved to amend H.F. No. 1825, as amended pursuant to Rule 49, adopted by the Senate May 5, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1619.)

Page 2, line 27, after the quotation mark, insert "Raffles conducted under the exemptions in section 349.166 may use tickets that contain only the sequential number of the raffle ticket and no other information if the organization makes a list of prizes and a statement of other relevant information available to persons purchasing tickets and if tickets are only sold at the event."



The motion prevailed. So the amendment was adopted.

Senator Berg moved to amend H.F. No. 1825, as amended pursuant to Rule 49, adopted by the Senate May 5, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1619.)

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1998, 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."

Page 3, after line 9, insert:

"Sec. 7. Minnesota Statutes 1998, 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 a bingo game exempt or excluded from licensing. 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).

Sec. 8. Minnesota Statutes 1998, 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. 9. Minnesota Statutes 1998, 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. 10. Minnesota Statutes 1998, 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. 11. [INDIAN GAMBLING.]

Upon signature of this act, the governor shall request, in writing, to each of the 11 tribal governments in Minnesota, that those tribal governments increase their legal gambling age to 21 years."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey moved to amend the Berg amendment to H.F. No. 1825 as follows:

Page 1, lines 9, 10, 16, 21, and 32, delete "21" and insert "19"

Page 2, lines 2, 14, and 18, delete "21" and insert "19"

### CALL OF THE SENATE

Senator Vickerman imposed a call of the Senate for the balance of the proceedings on H.F. No. 1825. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 38 and nays 26, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.J.	Limmer	Pariseau	Stevens
Berglin	Junge	Lourey	Piper	Stumpf
Betzold	Kelley, S.P.	Marty	Ranum	Ten Eyck
Cohen	Kelly, R.C.	Novak	Robling	Wiener
Flynn	Kiscaden	Oliver	Runbeck	Wiger
Foley	Krentz	Olson	Samuelson	Ziegler
Hanson	Larson	Ourada	Scheevel	
Johnson, D.H.	Lesewski	Pappas	Spear	

Those who voted in the negative were:

Belanger	Janezich	Langseth	Pogemiller	Terwilliger
Day	Johnson, J.B.	Lessard	Price	Vickerman
Dille	Kierlin	Metzen	Robertson	
Frederickson	Kleis	Moe, R.D.	Sams	
Higgins	Knutson	Murphy	Scheid	
Hottinger	Laidig	Neuville	Solon	

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

The question recurred on the Berg amendment, as amended.

The roll was called, and there were yeas 40 and nays 23, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Krentz	Oliver	Scheevel
Berg	Hanson	Langseth	Ourada	Spear
Berglin	Johnson, D.J.	Larson	Pappas	Stevens
Betzold	Johnson, J.B.	Lesewski	Ranum	Stumpf
Cohen	Junge	Limmer	Robling	Terwilliger
Dille	Kelly, R.C.	Lourey	Runbeck	Wiener
Flynn	Kiscaden	Marty	Sams	Wiger
Foley	Knutson	Novak	Samuelson	Ziegler

Those who voted in the negative were:

Day	Kelley, S.P.	Metzen	Piper	Solon
Higgins	Kierlin	Moe, R.D.	Pogemiller	Ten Eyck
Hottinger	Kleis	Neuville	Price	Vickerman
Janezich	Laidig	Olson	Robertson	
Johnson, D.H.	Lessard	Pariseau	Scheid	

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

Senator Vickerman moved to amend H.F. No. 1825, as amended pursuant to Rule 49, adopted by the Senate May 5, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1619.)

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 24. [CARD CLUB.] "Card club" means a facility or portion of a facility where the commission has authorized a licensee to conduct card playing.

Sec. 2. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 25. [CARD PLAYING.] "Card playing" means an activity wherein individuals compete and wager with each other utilizing a 52-unit system comprised of a series of numbers, numbered two through ten, and the letters J, Q, K, and A, combined with four symbols commonly known as hearts, diamonds, spades, and clubs, wherein each individual unit constitutes the display of one of the 52 possible combinations. The symbol commonly known as a joker may be incorporated into the system.

Sec. 3. Minnesota Statutes 1998, section 240.01, is amended by adding a subdivision to read:

Subd. 26. [UNBANKED.] "Unbanked" means a wagering system or game where the individual participants compete against each other and not against the sponsor or house. In an unbanked system or game, the sponsor or house may deduct a percentage from the accumulated wagers and impose other charges for hosting the activity, but does not have an interest in the outcome of a game. The sponsor or house may add additional prizes, awards, or money to any game for promotional purposes.

Sec. 4. Minnesota Statutes 1998, section 240.10, is amended to read:

#### 240.10 [LICENSE FEES.]

The fee for a class A license is \$10,000 per year. The fee for a class B license is \$100 for each assigned racing day on which racing is actually conducted, and \$50 for each day on which simulcasting is authorized and actually takes place. The fee for a class D license is \$50 for each assigned racing day on which racing is actually conducted. The fee for a card club license is \$50,000 per year. Fees imposed on class B and, class D, and card club licenses must be paid to the commission at a time and in a manner as provided by rule of the commission.

The commission shall by rule establish an annual license fee for each occupation it licenses under section 240.08 but no annual fee for a class C license may exceed \$100.

License fee payments received must be paid by the commission to the state treasurer for deposit in the general fund.

#### Sec. 5. [240.135] [CARD CLUB REVENUE.]

From the amounts derived from charges authorized under section 240.30, subdivision 4, the licensee shall set aside the amounts specified in this section to be used for purse payments or to be deposited in the breeders fund. These amounts are in addition to the breeders fund and purse requirements set forth elsewhere in this chapter.

(a) For the first \$3,000,000 deducted by the licensee in any year, the licensee shall set aside six percent to be used as purses.

(b) For amounts between \$3,000,000 and \$6,000,000, the licensee shall set aside ten percent to be used as purses.

(c) For amounts in excess of \$6,000,000, the licensee shall set aside 14 percent to be used as purses.

(d) From all amounts deducted, the licensee shall set aside one percent to be deposited in the breeders fund. The licensee and the horseperson's organization representing the majority of horsepersons who have raced at the racetrack during the preceding 12 months may negotiate percentages different from those stated in this section if the agreement is in writing and filed with the racing commission.

#### Sec. 6. [240.136] [COMPULSIVE GAMBLING NOTICE.]

The director shall prominently post, in the area where the games authorized by this section are conducted, the toll-free telephone number established by the commissioner of human services in connection with the compulsive gambling program established under section 245.98. The director and the location provider shall establish a proactive plan to identify problem gamblers and take appropriate action.

Sec. 7. Minnesota Statutes 1998, section 240.155, subdivision 1, is amended to read:

Subdivision 1. [REIMBURSEMENT ACCOUNT CREDIT.] Money received by the commission as reimbursement for the costs of services provided by assistant veterinarians, stewards, and medical testing of horses, and for costs related to card club regulation and enforcement, must be deposited in the state treasury and credited to a racing reimbursement account, except as provided under subdivision 2. Receipts are appropriated to the commission to pay the costs of providing the services.

Sec. 8. [240.30] [CARD CLUBS.]

Subdivision 1. [CARD CLUB LICENSES.] The commission may license a class B operator of a class A racetrack to operate a card club at a racetrack licensed under section 240.06 and offer card playing services to patrons.

Subd. 2. [SUPERVISION.] The authorized licensee is responsible for conducting and supervising the card games, providing all necessary equipment, services, and personnel, and reimbursing the commission for costs related to card club regulation and enforcement.

Subd. 3. [TYPE OF WAGERING.] All card club wagering activities must be conducted in an unbanked system.

Subd. 4. [CHARGES.] The authorized licensee may charge patrons for card playing services by deducting and retaining money from wagers, by charging a fee based on playing time, or by any other means authorized by the commission.

Subd. 5. [LIMITATION.] The commission shall not allow a licensee to operate a card club unless the licensee has conducted at least 50 days of live racing at a class A facility within the past 12 months or during the preceding calendar year.

Subd. 6. [PLAN OF OPERATION.] (a) The commission shall not authorize a class B licensee to operate a card club unless the licensee has submitted, and the commission approved, a plan of operation for card playing activities. The plan must set forth all necessary details for conducting card playing activities, including, among other things:

(1) specifying and defining all card games to be played, including all governing aspects of each game;

(2) time and location of card playing activities;

(3) amount and method by which participants will be charged for card playing services;

(4) arrangements to ensure the security of card playing activities;

(5) designation of all licensed employees of the licensee who undertake supervisory positions related to card playing activities; and

(6) internal control systems for card playing activities.

(b) The licensee must prepare and make available to all customers a written manual that covers all portions of the current plan of operation. The licensee must also publish, in pamphlet form, a condensed and comprehensive version of the manual and make it available to all customers.

Subd. 7. [AMENDMENTS TO PLAN; VIOLATIONS.] The licensee may amend the plan of operation with the approval of the commission. The commission may withdraw its approval of a plan of operation. Card playing activities are deemed to be relevant to the integrity of racing in

Minnesota. An act of the licensee that is contrary to the licensee's approved plan of operation is deemed to be a violation of an order of the commission for purposes of section 240.26, subdivision 3. An act of the licensee that is contrary to the licensee's approved plan of operation, and any violation of this chapter related to card playing activities, is deemed to be detrimental to the integrity of racing in Minnesota.

Subd. 8. [LIMITATIONS.] The commission may not approve any plan of operation under subdivision 6 that exceeds any of the following limitations:

(1) the maximum number of tables used for card playing at the card club at any one time may not exceed 50;

(2) the opening wager by any player in any card game may not exceed \$15; and

(3) no single wager that increases the total amount staked in any card game may exceed \$30.

Subd. 9. [REIMBURSEMENT TO COMMISSION.] The commission may require that the licensee reimburse it for the commission's actual costs of regulating the card club. Amounts received under this subdivision must be deposited as provided in section 240.155, subdivision 1."

Page 2, after line 16, insert:

"Sec. 10. Minnesota Statutes 1998, section 349.151, is amended by adding a subdivision to read:

Subd. 14. [RACETRACK ACTIVITIES.] Any form of lawful gambling authorized by this chapter may be conducted at a racetrack maintaining a class A license under section 240.05. The lawful purpose expenditures from activities conducted pursuant to this subdivision must be used to further the activities of a qualified charitable foundation that serves the needs of backside personnel at the racetrack."

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 38 and nays 27, as follows:

Those who voted in the affirmative were:

Berg	Johnson, J.B.	Metzen	Robertson	Ten Eyck
Cohen	Junge	Moe, R.D.	Runbeck	Terwilliger
Day	Kelly, R.C.	Murphy	Sams	Vickerman
Flynn	Kleis	Novak	Samuelson	Wiener
Hanson	Laidig	Oliver	Scheid	Wiger
Janezich	Langseth	Olson	Solon	Ziegler
Johnson, D.H.	Larson	Ourada	Spear	
Johnson, D.J.	Lessard	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Frederickson	Knutson	Neuville	Robling
Belanger	Higgins	Krentz	Pappas	Scheevel
Berglin	Hottinger	Lesewski	Piper	Stumpf
Betzold	Kelley, S.P.	Limmer	Pogemiller	
Dille	Kierlin	Lourey	Price	
Foley	Kiscaden	Marty	Ranum	

The motion prevailed. So the amendment was adopted.

H.F. No. 1825 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 43 and nays 21, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Cohen	Johnson, J.B.	Metzen	Robertson	Ten Eyck
Day	Junge	Moe, R.D.	Runbeck	Terwilliger
Flynn	Kelly, R.C.	Murphy	Sams	Vickerman
Hanson	Laidig	Novak	Samuelson	Wiener
Higgins	Langseth	Oliver	Scheid	Wiger
Hottinger	Larson	Ourada	Solon	Ziegler
Janezich	Lesewski	Pappas	Spear	
Johnson, D.H.	Lessard	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Foley	Kleis	Neuville	Scheevel
Belanger	Frederickson	Knutson	Olson	
Berglin	Kelley, S.P.	Krentz	Piper	
Betzold	Kierlin	Limmer	Ranum	
Dille	Kiscaden	Marty	Robling	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### 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. 369:** A bill for an act relating to health occupations; permitting physician assistants to render care in disasters without physician and physician assistant agreements; proposing coding for new law in Minnesota Statutes, chapter 147A.

Senate File No. 369 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Senator Piper moved that the Senate do not concur in the amendments by the House to S.F. No. 369, 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.

### RECESS

Senator 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

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

S.F. No. 746: Senators Lessard, Vickerman and Frederickson.

S.F. No. 709: Senators Stumpf, Lesewski and Ten Eyck.

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

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

#### **Senators Metzen, Scheid, Solon and Janezich introduced--**

**S.F. No. 2256:** A bill for an act relating to sports; requiring the amateur sports commission to develop, adopt, and implement a plan for new facilities statewide; authorizing grants and local bonds; appropriating money; amending Minnesota Statutes 1998, section 373.40, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 240A; and 373.

Referred to the Committee on Governmental Operations and Veterans.

#### **Senator Higgins introduced--**

**S.F. No. 2257:** A bill for an act relating to Hennepin county; making modifications to the human resources system; amending Minnesota Statutes 1998, sections 383B.26; 383B.27, subdivisions 7, 10, 16, 17, and 19; 383B.28, subdivisions 1, 3, and 4; 383B.29; 383B.30; 383B.31; 383B.32, subdivisions 2 and 3; and 383B.34, subdivision 2; repealing Minnesota Statutes 1998, section 383B.27, subdivisions 3, 4, 5, 6, 11, 12, 13, and 14.

Referred to the Committee on Local and Metropolitan Government.

### **MEMBERS EXCUSED**

Senators Fischbach and Johnson, D.E. were excused from the Session of today. Senator Novak was excused from the Session of today from 10:00 to 11:00 a.m. Senator Anderson was excused from the Session of today from 10:45 to 11:15 a.m. Senator Price was excused from the Session of today at 11:40 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, May 11, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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