

**SIXTY-FIRST DAY**

St. Paul, Minnesota, Tuesday, May 17, 2005

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. Penny Fritze-Tietz.

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

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

May 16, 2005

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1095 and 493.

Sincerely,  
Tim Pawlenty, Governor

May 17, 2005

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2005 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2005	Date Filed 2005
1095		53	4:25 p.m. May 16	May 17
493		54	4:17 p.m. May 16	May 17
	1692	55	4:05 p.m. May 16	May 17
	487	56	4:11 p.m. May 16	May 17

Sincerely,  
Mary Kiffmeyer  
Secretary of State

May 16, 2005

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

I have vetoed and am returning Chapter 58, Senate File 1146, a bill relating to county agricultural society exemption from local zoning ordinances and allowing appointment or contracting for law enforcement services.

I am vetoing Chapter 58 because it allows agricultural societies to appoint individuals to serve as "special constables" and grants special constables full powers of arrest both on the fairgrounds and within one-half mile of the fairgrounds. Special constables are not defined in the bill, or the current law, and the bill does not contain any requirement that the special constables be licensed peace officers.

Under current law, only licensed peace officers have the "full powers of arrest." Peace officers are licensed by the Police Officer Standards and Training ("POST") Board and are required to have specific education and training in law enforcement, undergo medical and psychological exams, and pass criminal history checks to safeguard the safety and welfare of citizens. Expansion of the full powers of arrest, which may include the use of force in accomplishing the arrest, should be reserved to licensed peace officers.

I am also concerned that this bill would expand the current authority of security guards in relation to the powers of arrest. The bill would allow an agricultural society to contract with security guards, as defined in Minnesota Statutes, Section 626.88, "to provide the society with the same police service it may secure by appointing special constables." By implication, this language would allow these security guards to exercise the full powers of arrest. Security guards are not licensed by the POST Board and do not currently have the full powers of arrest. I do not object to agricultural societies using security guards to provide security guard services currently authorized under Minnesota law. However, I do not believe that law enforcement needs at county fairs justify the expansion of security guard authority past its current parameters.

Finally, the provisions in this bill, and existing law, regarding constables is obsolete. The existing language of Minnesota Statutes, Section 38.01 allowed agricultural societies to appoint special constables and gave these special constables the authority of constables at common law. However, this portion of Minnesota Statutes, Section 38.01 was amended by the Legislature earlier this session when the Legislature passed the Revisor's bill, 2005 Session Laws, Chapter 10. Article 2 of the Revisor's bill directed the Revisor to remove all references to "constables" in section 38.01 as obsolete. Vetoing Chapter 58, Senate File 1146 will alleviate any confusion surrounding the outdated language regarding "special constables."

I have vetoed Chapter 58 because this bill would expand the full powers of arrest to unlicensed special constables appointed by an agricultural society. In the interest of public safety, the full powers of arrest should be reserved to appropriately trained and licensed peace officers. In relation to the other substantive provisions of Chapter 58 regarding zoning and the ability for agricultural societies to contract for security guard services, the Legislature may wish to consider amending existing provisions in the House of Representatives Omnibus Agriculture Bill to rectify the concerns I have raised with this bill.

Sincerely,  
Tim Pawlenty, Governor

Senator Johnson, D.E. moved that S.F. No. 1146 and the veto message thereon be laid on the table. The motion prevailed.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 767 and 1296.

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. 735:** A bill for an act relating to highways; designating the "Bradley Waage Memorial Bridge"; amending Minnesota Statutes 2004, section 161.14, by adding a subdivision.

Senate File No. 735 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 16, 2005

#### CONCURRENCE AND REPASSAGE

Senator Ruud moved that the Senate concur in the amendments by the House to S.F. No. 735 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 735 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson

Bakk

Belanger

Berglin

Betzold

Chaudhary	Johnson, D.J.	Marko	Pappas	Skoglund
Cohen	Jungbauer	Marty	Pariseau	Solon
Dibble	Kelley	McGinn	Pogemiller	Sparks
Dille	Kierlin	Metzen	Reiter	Tomassoni
Fischbach	Kiscaden	Michel	Rest	Vickerman
Foley	Kleis	Moua	Robling	Wergin
Frederickson	Koering	Neuville	Rosen	Wiger
Gaither	Langseth	Nienow	Ruud	
Hann	LeClair	Olson	Saxhaug	
Higgins	Limmer	Ortman	Senjem	
Johnson, D.E.	Lourey	Ourada	Skoe	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 874, 898, 478 and 973.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 16, 2005

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 874:** A bill for an act relating to elections; providing for approval and purpose of certain voting equipment; appropriating money; amending Minnesota Statutes 2004, sections 201.022, by adding a subdivision; 206.80; proposing coding for new law in Minnesota Statutes, chapter 206.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 290, now on General Orders.

**H.F. No. 898:** A bill for an act relating to unemployment insurance; conforming various provisions to federal requirements; making technical and housekeeping changes; modifying appeal procedures; amending Minnesota Statutes 2004, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 21, 26; 268.042, subdivision 1; 268.043; 268.044, subdivisions 1, 2, 3; 268.045, subdivision 1; 268.051, subdivisions 1, 4, 6, 7, by adding a subdivision; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivision 7; 268.065, subdivision 2; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 12; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 8, 10, 11; 268.101, subdivisions 1, 2, 3a; 268.103, subdivision 2; 268.105; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.045, subdivisions 2, 3, 4; 268.086, subdivision 4; Laws 1997, chapter 66, section 64, subdivision 1; Minnesota Rules, parts 3310.2926; 3310.5000; 3315.0910, subpart 9; 3315.1020; 3315.1301; 3315.1315, subparts 1, 2, 3; 3315.1650; 3315.2210; 3315.3210; 3315.3220.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 944, now on General Orders.

**H.F. No. 478:** A bill for an act relating to counties; providing for alternative filing of surveys; modifying requirements for land surveyors; providing for a transfer of records; amending Minnesota Statutes 2004, sections 160.15, subdivision 4; 381.12, subdivisions 1, 3; 389.03.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 615, now on General Orders.

**H.F. No. 973:** A bill for an act relating to employee relations; modifying state employment provisions; amending Minnesota Statutes 2004, sections 43A.10, subdivision 6a; 43A.15, subdivision 3; 43A.31, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1208, now on General Orders.

### MOTIONS AND RESOLUTIONS

Senator Kleis moved that the name of Senator Reiter be added as a co-author to S.F. No. 1134. 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 bill was read the first time and referred to the committee indicated.

**Senators Skoe, Langseth, Saxhaug, Stumpf and Tomassoni introduced--**

**S.F. No. 2303:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for an emergency training administration center.

Referred to the Committee on Finance.

### RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 10:00 a.m. The motion prevailed.

The hour of 10:00 a.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

Senator Rest 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 Rest, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 630, 1555, H.F. No. 2156, S.F. Nos. 1636, 1360, 664 and 1675.

#### SPECIAL ORDER

**S.F. No. 630:** A bill for an act relating to civil law; increasing fees related to marriage and child support; reforming law relating to child support; establishing criteria for support obligations;

defining parents' rights and responsibilities; appropriating money; amending Minnesota Statutes 2004, sections 357.021, subdivisions 1a, 2; 518.005, by adding a subdivision; 518.54, subdivisions 7, 8; 518.55, subdivision 4; 518.551, subdivisions 5, 5b; 518.62; 518.64, subdivision 2, by adding subdivisions; 518.68, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2004, sections 518.171; 518.54, subdivisions 2, 4, 4a; 518.551, subdivisions 1, 5a, 5c, 5f.

Senator Neuville moved to amend S.F. No. 630 as follows:

Page 5, delete section 4

Page 12, line 36, after "include" insert "relevant" and after "documentation" insert "necessary to calculate the parental income for child support under section 518.712, subdivision 8" and delete "for all adjusted gross income"

Page 13, line 4, after "include" insert "relevant"

Page 13, line 24, delete "19" and insert "17"

Page 15, line 17, after "income" insert "under section 518.712, subdivision 9,"

Page 15, line 29, after "expenses;" insert "or"

Page 15, delete lines 30 to 34 and insert "(7) upon the emancipation of the child, as provided in section 518.64, subdivision 4a."

Page 18, strike lines 13 to 15

Page 18, line 31, after "(i)" insert "Except as expressly provided,"

Page 21, line 14, strike "(c)" and insert "(e)"

Page 21, lines 28 and 29, delete "518.551, subdivision 5, paragraph (b)" and insert "518.72, subdivision 4"

Page 24, delete lines 16 to 19

Page 24, line 20, delete "3" and insert "2"

Page 24, line 27, delete "4" and insert "3"

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

Page 25, line 11, delete "6" and insert "5"

Page 25, line 15, delete "7" and insert "6"

Page 25, line 24, delete "8" and insert "7"

Page 25, after line 27, insert:

"Subd. 8. [PARENTAL INCOME FOR CHILD SUPPORT (PICS).] "Parental income for child support" or "PICS" means gross income under subdivision 9, minus deductions for nonjoint children as allowed by section 518.717."

Page 25, after line 30, insert:

"(2) Social Security or veterans' benefit payments received on behalf of the child under section 518.718; plus"

Page 25, line 31, delete "(2)" and insert "(3)"

Page 25, line 33, delete "(3)" and insert "(4)"

- Page 25, line 34, before the period, insert "; minus  
(5) the amount of any existing child support order for other nonjoint children"
- Page 26, line 25, delete "as" and insert "if"
- Page 27, line 28, after "incarceration" insert "for an offense other than nonsupport of a child"
- Page 30, line 1, delete "deferred compensation" and insert "retirement benefits"
- Page 30, line 29, after "payment" insert "received by a party"
- Page 31, line 18, delete everything after "the" and insert "parental income for child"
- Page 31, line 19, after "support" insert "(PICS)" and after "parent" insert "under section 518.712, subdivision 8"
- Page 31, line 20, delete "adjusted gross income" and insert "PICS"
- Page 31, line 24, delete everything after "combined" and insert "PICS"
- Page 31, line 25, delete everything before "by" and delete "adjusted gross income" and insert "PICS"
- Page 31, line 26, delete "adjusted gross income" and insert "PICS"
- Page 32, line 3, delete "determining" and insert "determine"
- Page 32, line 9, after "medical" insert "and child care"
- Page 33, line 4, delete "extraordinary or diminished"
- Page 33, line 6, after "income" insert a comma
- Page 35, line 1, after "guidelines" insert "by agreement of the parties or pursuant to section 518.714"
- Page 35, line 5, before the period, insert "and PICS"
- Page 35, line 12, delete "of gross income" and insert "to verify the child support determination"
- Page 35, line 20, delete everything after the comma
- Page 35, delete line 21
- Page 35, line 22, delete everything before the second "a"
- Page 35, line 25, delete everything after "(b)" and insert "Determine the gross income for each parent under section 518.712, subdivision 9."
- Page 35, delete lines 26 to 29
- Page 36, line 4, delete everything after "(c)"
- Page 36, line 5, delete everything before the period
- Page 38, line 6, after "lenses" insert a comma
- Page 38, line 7, before the period, insert "if coverage is under a health plan"
- Page 41, line 31, after "expenses" insert "under the health plan"
- Page 41, line 33, delete "adjusted gross income" and insert "PICS"
- Page 42, line 20, delete "income" and insert "PICS"

Page 53, lines 25, 29, and 31, delete "adjusted gross income" and insert "parental income for determining child support"

Page 54, line 2, delete "adjusted gross income" and insert "parental income for determining child support"

Page 56, lines 7 and 10, delete "adjusted gross incomes" and insert "parental incomes for determining child support"

Page 56, line 11, delete "adjusted gross income" and insert "parental income for determining child support"

Page 56, line 32, delete everything after "to" and insert "120 percent of the federal poverty guidelines for one person"

Page 56, delete line 33

Page 56, line 34, delete everything before "from"

Page 56, line 36, after "support" insert "from clause (1)"

Page 57, line 3, after "correct" insert a comma and after "518.713" insert a comma

Page 57, line 10, after "support" insert "care"

Page 57, line 35, delete "adjusted gross income" and insert "parental income for determining child support"

Page 58, lines 4 and 5, delete "adjusted gross income" and insert "parental income for determining child support"

Page 58, line 6, delete "adjusted gross incomes" and insert "parental incomes for determining child support"

Page 58, line 8, delete "adjusted gross income" and insert "parental income for determining child support"

Page 58, line 16, delete everything after "monthly" and insert "parental income for determining child support, as determined under section 518.712, subdivision 8"

Page 58, line 17, delete everything before the period

Page 58, delete lines 19 to 21, and insert:

<u>Combined Parental Income for Determining Child Support</u>	<u>Number of Children</u>					
	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u> "

Page 62, delete lines 25 to 29 and insert "The basic support obligation for parents with a combined parental income for determining child support in excess of the income limit currently in effect under subdivision 2 must be the same dollar amount as provided for the parties with a combined parental income for determining child support equal to the income in effect under subdivision 2."

Page 62, lines 32 and 35, delete "1" and insert "2"

Page 62, line 33, after "support" insert "for those reasons set forth in section 518.714"

Page 63, delete lines 12 to 36

Page 64, delete lines 1 to 3



Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 630 as follows:

Page 5, delete sections 4 and 5 and insert:

"Sec. 4. Minnesota Statutes 2004, section 518.54, is amended to read:

518.54 [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 518.54 to 518.66 518.773, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. [CHILD.] "Child" means an individual under 18 years of age, an individual under age 20 who is still attending secondary school, or an individual who, by reason of physical or mental condition, is incapable of self-support.

Subd. 2a. [DEPOSIT ACCOUNT.] "Deposit account" means funds deposited with a financial institution in the form of a savings account, checking account, NOW account, or demand deposit account.

Subd. 2b. [FINANCIAL INSTITUTION.] "Financial institution" means a savings association, bank, trust company, credit union, industrial loan and thrift company, bank and trust company, or savings association, and includes a branch or detached facility of a financial institution.

Subd. 3. [MAINTENANCE.] "Maintenance" means an award made in a dissolution or legal separation proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. [SUPPORT MONEY; CHILD SUPPORT.] "Support money" or "child support" means an amount for basic support, child care support, and medical support pursuant to:

(1) an award in a dissolution, legal separation, annulment, or parentage proceeding for the care, support and education of any child of the marriage or of the parties to the proceeding; ~~or~~

(2) a contribution by parents ordered under section 256.87; or

(3) support ordered under chapter 518B or 518C.

Subd. 4a. [SUPPORT ORDER.] "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, child care, medical support including expenses for confinement and pregnancy, arrearages, or reimbursement, and that may include related costs and fees, interest and penalties, income withholding, and other relief. This definition applies to orders issued under this chapter and chapters 256, 257, and 518C.

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] "Marital property" means property, real or personal, including vested public or private pension plan benefits or rights, acquired by the parties, or either of them, to a dissolution, legal separation, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment proceeding, but prior to the date of valuation under section 518.58, subdivision 1. All property acquired by either spouse subsequent to the marriage and before the valuation date is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. Each spouse shall be deemed to have a common ownership in marital

property that vests not later than the time of the entry of the decree in a proceeding for dissolution or annulment. The extent of the vested interest shall be determined and made final by the court pursuant to section 518.58. If a title interest in real property is held individually by only one spouse, the interest in the real property of the nontitled spouse is not subject to claims of creditors or judgment or tax liens until the time of entry of the decree awarding an interest to the nontitled spouse. The presumption of marital property is overcome by a showing that the property is nonmarital property.

"Nonmarital property" means property real or personal, acquired by either spouse before, during, or after the existence of their marriage, which

(a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse;

(b) is acquired before the marriage;

(c) is acquired in exchange for or is the increase in value of property which is described in clauses (a), (b), (d), and (e);

(d) is acquired by a spouse after the valuation date; or

(e) is excluded by a valid antenuptial contract.

Subd. 6. [INCOME.] "Income" means any form of periodic payment to an individual including, but not limited to, wages, salaries, payments to an independent contractor, workers' compensation, unemployment benefits, annuity, military and naval retirement, pension and disability payments. Benefits received under Title IV-A of the Social Security Act and chapter 256J are not income under this section.

Subd. 7. [OBLIGEE.] "Obligee" means a person to whom payments for maintenance or support are owed.

Subd. 8. [OBLIGOR.] "Obligor" means a person obligated to pay maintenance or support. A person who is designated as the sole physical custodian of a child is presumed not to be an obligor for purposes of calculating current support under section 518.551 unless the court makes specific written findings to overcome this presumption. For purposes of ordering medical support under section 518.719, a custodial parent may be an obligor subject to a cost-of-living adjustment under section 518.641 and a payment agreement under section 518.553.

Subd. 9. [PUBLIC AUTHORITY.] "Public authority" means the ~~public authority responsible for child support enforcement~~ local unit of government, acting on behalf of the state, that is responsible for child support enforcement or the Department of Human Services, Child Support Enforcement Division.

Subd. 10. [PENSION PLAN BENEFITS OR RIGHTS.] "Pension plan benefits or rights" means a benefit or right from a public or private pension plan accrued to the end of the month in which marital assets are valued, as determined under the terms of the laws or other plan document provisions governing the plan, including section 356.30.

Subd. 11. [PUBLIC PENSION PLAN.] "Public pension plan" means a pension plan or fund specified in section 356.20, subdivision 2, or 356.30, subdivision 3, the deferred compensation plan specified in section 352.96, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained, or supported by a governmental subdivision or public body whose revenues are derived from taxation, fees, assessments, or from other public sources.

Subd. 12. [PRIVATE PENSION PLAN.] "Private pension plan" means a plan, fund, or program maintained by an employer or employee organization that provides retirement income to employees or results in a deferral of income by employees for a period extending to the termination of covered employment or beyond.

Subd. 13. [ARREARS.] Arrears are amounts that accrue pursuant to an obligor's failure to comply with a support order. Past support and pregnancy and confinement expenses contained in a support order are arrears if the court order does not contain repayment terms. Arrears also arise by the obligor's failure to comply with the terms of a court order for repayment of past support or pregnancy and confinement expenses. An obligor's failure to comply with the terms for repayment of amounts owed for past support or pregnancy and confinement turns the entire amount owed into arrears.

Subd. 14. [IV-D CASE.] "IV-D case" means a case where a party has assigned to the state rights to child support because of the receipt of public assistance as defined in section 256.741 or has applied for child support services under title IV-D of the Social Security Act, United States Code, title 42, section 654(4).

Subd. 15. [PARENTAL INCOME FOR CHILD SUPPORT (PICS).] "Parental income for child support," or "PICS," means gross income under subdivision 18 minus deductions for nonjoint children as allowed by section 518.717.

Subd. 16. [APPORTIONED VETERANS' BENEFITS.] "Apportioned veterans' benefits" means the amount the Veterans Administration deducts from the veteran's award and disburses to the child or the child's representative payee. The apportionment of veterans' benefits shall be that determined by the Veterans Administration and governed by Code of Federal Regulations, title 38, sections 3.450 to 3.458.

Subd. 17. [BASIC SUPPORT.] "Basic support" means the support obligation determined by applying the parent's parental income for child support, or if there are two parents, their combined parental income for child support, to the guideline in the manner set out in section 518.725. Basic support includes the dollar amount ordered for a child's housing, food, clothing, transportation, and education costs, and other expenses relating to the child's care. Basic support does not include monetary contributions for a child's child care expenses and medical and dental expenses.

Subd. 18. [GROSS INCOME.] "Gross income" means:

- (1) the gross income of the parent calculated under section 518.7123; plus
- (2) the potential income of the parent, if any, as determined in subdivision 23; minus
- (3) spousal maintenance that any party has been ordered to pay.

Subd. 19. [JOINT CHILD.] "Joint child" means the dependent child who is the son or daughter of both parents in the support proceeding. In those cases where support is sought from only one parent of a child, a joint child is the child for whom support is sought.

Subd. 20. [NONJOINT CHILD.] "Nonjoint child" means the legal child of one, but not both of the parents subject to this determination. Specifically excluded from this definition are stepchildren.

Subd. 21. [PARENTING TIME.] "Parenting time" means the amount of time a child is scheduled to spend with the parent according to a court order. Parenting time includes time with the child whether it is designated as visitation, physical custody, or parenting time. For purposes of section 518.722, the percentage of parenting time may be calculated by calculating the number of overnights that a child spends with a parent, or by using a method other than overnights as the parent has significant time periods where the child is in the parent's physical custody, but does not stay overnight.

Subd. 22. [PAYOR OF FUNDS.] "Payor of funds" means a person or entity that provides funds to an obligor, including an employer as defined under chapter 24, section 3401(d), of the Internal Revenue Code, an independent contractor, payor of workers' compensation benefits or unemployment insurance benefits, or a financial institution as defined in section 13B.06.

Subd. 23. [POTENTIAL INCOME.] "Potential income" is income determined under this subdivision.

(a) If a parent is voluntarily unemployed, underemployed, or employed on a less than full-time basis, or there is no direct evidence of any income, child support shall be calculated based on a determination of potential income. For purposes of this determination, it is rebuttably presumed that a parent can be gainfully employed on a full-time basis.

(b) Determination of potential income shall be made according to one of three methods, as appropriate:

(1) the parent's probable earnings level based on employment potential, recent work history, and occupational qualifications in light of prevailing job opportunities and earnings levels in the community;

(2) if a parent is receiving unemployment compensation or workers' compensation, that parent's income may be calculated using the actual amount of the unemployment compensation or workers' compensation benefit received; or

(3) the amount of income a parent could earn working full time at 150 percent of the current federal or state minimum wage, whichever is higher.

(c) A parent is not considered voluntarily unemployed or underemployed upon a showing by the parent that:

(1) unemployment or underemployment is temporary and will ultimately lead to an increase in income;

(2) the unemployment or underemployment represents a bona fide career change that outweighs the adverse effect of that parent's diminished income on the child; or

(3) the parent is unable to work full time due to a verified disability or due to incarceration.

(d) As used in this section, "full time" means 40 hours of work in a week except in those industries, trades, or professions in which most employers due to custom, practice, or agreement utilize a normal work week of more or less than 40 hours in a week.

(e) If the parent of a joint child is a recipient of a temporary assistance to a needy family (TANF) cash grant, no potential income shall be imputed to that parent.

(f) If a parent stays at home to care for a child who is subject to the child support order, the court may consider the following factors when determining whether the parent is voluntarily unemployed or underemployed:

(1) the parties' parenting and child care arrangements before the child support action;

(2) the stay-at-home parent's employment history, recency of employment, earnings, and the availability of jobs within the community for an individual with the parent's qualifications;

(3) the relationship between the employment-related expenses, including, but not limited to, child care and transportation costs required for the parent to be employed, and the income the stay-at-home parent could receive from available jobs within the community for an individual with the parent's qualifications;

(4) the child's age and health, including whether the child is physically or mentally disabled; and

(5) the availability of child care providers.

Subd. 24. [PRIMARY PHYSICAL CUSTODY.] The parent having "primary physical custody" means the parent who provides the primary residence for a child and is responsible for the majority of the day-to-day decisions concerning a child.

Subd. 25. [SOCIAL SECURITY BENEFITS.] "Social Security benefits" means the monthly amount the Social Security Administration pays to a joint child or the child's representative payee

due solely to the disability or retirement of either parent. Benefits paid to a parent due to the disability of a child are excluded from this definition.

Subd. 26. [SPLIT CUSTODY.] "Split custody" means that each parent in a two-parent calculation has primary physical custody of at least one of the joint children.

Subd. 27. [SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.] "Survivors' and dependents' educational assistance" are funds disbursed by the Veterans Administration under United States Code, title 38, chapter 35, to the child or the child's representative payee."

Pages 24 to 29, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 630 as follows:

Page 16, line 17, strike "or"

Page 16, line 19, before the period, insert "; or

(5) the gross income of an obligor or obligee has decreased by at least 20 percent through no fault or choice of the party"

Page 21, line 5, strike everything after "(g)"

Page 21, strike lines 6 to 14

Page 21, line 15, strike "(h)"

Page 21, line 17, strike "(i)" and insert "(h)"

Page 21, line 26, delete "(j)" and insert "(i)"

Page 21, after line 29, insert:

#### "5. MODIFYING CHILD SUPPORT

If either the obligor or obligee is laid off from employment or receives a pay reduction, child support may be modified, increased, or decreased. Any modification will only take effect when it is ordered by the court, and will only relate back to the time that a motion is filed. Either the obligor or obligee may file a motion to modify child support, and may request the public agency for help. UNTIL A MOTION IS FILED, THE CHILD SUPPORT OBLIGATION WILL CONTINUE AT THE CURRENT LEVEL. THE COURT IS NOT PERMITTED TO REDUCE SUPPORT RETROACTIVELY."

Page 21, line 30, strike "5" and insert "6"

Page 22, line 20, strike "6" and insert "7"

Page 22, line 26, strike "7" and insert "8"

Page 22, line 34, strike "8" and insert "9"

Page 23, line 8, strike "9" and insert "10"

Page 23, line 21, strike "10" and insert "11"

Page 23, line 26, strike "11" and insert "12"

Page 23, line 35, strike "12" and insert "13"

Page 24, line 5, strike "13" and insert "14"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 630 as follows:

Page 41, line 13, delete everything after the period and insert "The amount of contribution of the noncustodial parent is the amount the noncustodial parent would pay for the child's premiums if the noncustodial parent's income meets the eligibility requirements for public coverage. For purposes of determining the premium amount, the noncustodial parent's household size is equal to one parent plus the child or children who are the subject of the child support order. The custodial parent is responsible for paying all unreimbursed medical expenses under the public coverage"

Page 41, delete lines 14 to 18

Page 41, line 19, delete everything before the period

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 630 as follows:

Page 65, lines 16 and 23, delete "\$1,350,000" and insert "\$450,000"

Page 65, line 24, delete "\$1,320,000" and insert "\$440,000"

Page 65, delete lines 32 and 33 and insert:

"Sections 1 to 3 are effective July 1, 2005. Sections 4 to 34 are effective January 1, 2007, and apply to orders adopted or modified after that date."

The motion prevailed. So the amendment was adopted.

S.F. No. 630 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 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Chaudhary                      Dibble

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

### **SPECIAL ORDER**

**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 subdivisions; 349.15, subdivision 1; 349.151, subdivisions 4, 4b; 349.152, subdivision 2; 349.153; 349.155, subdivision 3; 349.16, subdivisions 2, 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, 5, 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.

Senator Rest moved that S.F. No. 1555 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 2156:** A bill for an act relating to civil law; changing certain powers and duties of conservators; amending Minnesota Statutes 2004, sections 524.5-417; 524.5-423.

Senator Senjem moved to amend H.F. No. 2156, as amended pursuant to Rule 45, adopted by the Senate May 16, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1969.)

Page 4, line 22, after "interests," insert "if the protected person is a parent, child, or sibling of the conservator,"

The motion prevailed. So the amendment was adopted.

H.F. No. 2156 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	Frederickson	Langseth	Nienow	Senjem
Bachmann	Gerlach	Larson	Olson	Skoe
Bakk	Hann	LeClair	Ortman	Skoglund
Belanger	Higgins	Limmer	Pappas	Solon
Berglin	Hottinger	Lourey	Pariseau	Sparks
Betzold	Johnson, D.J.	Marko	Pogemiller	Stumpf
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Cohen	Kelley	McGinn	Reiter	Vickerman
Day	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Dille	Kleis	Moua	Ruud	
Fischbach	Koering	Murphy	Sams	
Foley	Kubly	Neuville	Saxhaug	

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

### SPECIAL ORDER

**S.F. No. 1636:** A bill for an act relating to commerce; regulating certain financial institutions; removing obsolete references to the credit union advisory task force; regulating residential mortgage originators; providing for insurance license renewals; regulating for the voluntary dissolution of fraternal benefit societies; amending Minnesota Statutes 2004, sections 47.10, subdivision 1; 47.75; 48.10; 48.15, subdivision 4; 48.512, by adding a subdivision; 52.062, subdivision 2; 55.10, subdivision 4; 58.16, subdivision 4; 60A.13, subdivision 5; 64B.30, by adding a subdivision; 82.17, subdivisions 10, 18; 82.36, subdivision 4; 82.41, subdivision 13; 325F.69, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 2004, section 52.062, subdivision 3; Minnesota Rules, part 2675.2610, subpart 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1360:** A bill for an act relating to commerce; regulating unclaimed property held by cooperatives and the right to receive or recover unclaimed property; modifying public notice requirements; amending Minnesota Statutes 2004, sections 308A.711, subdivisions 1, 3; 308B.735, subdivisions 1, 3; 345.42, subdivision 1; 345.46; repealing Minnesota Statutes 2004, sections 308A.711, subdivision 2; 308B.735, subdivision 2; 345.42, subdivisions 2, 3, 4.

Senator Neuville moved to amend S.F. No. 1360 as follows:

Page 4, after line 16, insert:

"Sec. 7. [345.81] [ABANDONED TANGIBLE PERSONAL PROPERTY.]

The ownership of abandoned tangible personal property that is not subject to any other provision of statute may be transferred as provided by this section.

If property has not been removed within six months after it comes into the possession of a person, it is abandoned and shall become the property of the person in possession, after notice to the prior owner. Thirty days' notice that the time period has elapsed and that the ownership will be transferred at the end of the 30 days shall be given to the prior owner personally or by certified mail, which is actually received. If the name of the prior owner is not known, and cannot be ascertained with reasonable diligence, three weeks' published notice shall be given in the county where the property is located. The prior owner or another person claiming an interest in the property may petition the district court to stay the transfer of ownership for a reasonable period to allow the removal of the property. The transfer is stayed while the petition is pending before the court."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Belanger moved that S.F. No. 1360 be laid on the table. The motion prevailed.



**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Rest moved that S.F. No. 1555 be taken from the table. The motion prevailed.

**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 subdivisions; 349.15, subdivision 1; 349.151, subdivisions 4, 4b; 349.152, subdivision 2; 349.153; 349.155, subdivision 3; 349.16, subdivisions 2, 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, 5, 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.

Senator Rest moved to amend S.F. No. 1555 as follows:

Page 8, after line 6, insert:

"**[EFFECTIVE DATE.]** This section is effective July 1, 2006."

Page 26, lines 21 to 24, delete the new language

Page 26, line 29, after the period, insert "Leases approved by the board must specify that the board may authorize an organization to withhold rent from a lessor for a period of up to 90 days if the board determines that illegal gambling occurred on the premises and that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. The lease must authorize the continued tenancy of the organization without the payment of rent during the time period determined by the board under this paragraph."

The motion prevailed. So the amendment was adopted.

S.F. No. 1555 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**S.F. No. 664:** A bill for an act relating to alcoholic beverages; modifying brewpub regulations; regulating wine tastings; providing for uniform off-sale hours statewide; regulating Sunday on-sales; authorizing certain on-sale licenses; amending Minnesota Statutes 2004, sections

340A.301, subdivisions 6, 7; 340A.404, subdivision 2; 340A.418; 340A.504, subdivisions 1, 3, 4; Laws 2000, chapter 440, section 10; Laws 2003, chapter 126, section 28.

Senator Kelley moved to amend S.F. No. 664 as follows:

Page 6, after line 21, insert:

"Sec. 4. Minnesota Statutes 2004, section 340A.417, is amended to read:

340A.417 [SHIPMENTS INTO MINNESOTA.]

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state ~~which affords Minnesota wineries an equal reciprocal shipping privilege other than Minnesota~~, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

(c) No person may (1) advertise shipments authorized under this section, or (2) by advertisement or otherwise, solicit shipments authorized by this section, ~~or (3) accept orders for shipments authorized by this section by use of the Internet~~. No shipper located outside Minnesota may advertise interstate ~~reciprocal~~ wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(e) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (f) or (g). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (e), is guilty of a misdemeanor.

(g) Any person who commits a third or subsequent violation of this section, including a violation for which a cease and desist order was issued under paragraph (c), within any subsequent two-year period is guilty of a gross misdemeanor.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Langseth moved to amend S.F. No. 664 as follows:

Page 10, after line 31, insert:

"Sec. 10. [BRECKENRIDGE; ON-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.404, subdivision 1, or any other law to the contrary, the city of Breckenridge may issue a seasonal on-sale intoxicating liquor license to the Bois de Sioux Golf Club for the nine holes of the golf course located in Breckenridge. The license may authorize sales only to persons that are patrons of the golf course or persons attending tournaments or special events hosted on the premises. The license authorizes sales on all days of the week.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 664 as follows:

Page 9, after line 35, insert:

"Sec. 8. Minnesota Statutes 2004, section 340A.601, subdivision 5, is amended to read:

Subd. 5. [ISSUANCE OF LICENSES TO PRIVATE PERSONS.] (a) A city owning and operating a municipal liquor store may issue on-sale liquor licenses to hotels, clubs, and restaurants. A city issuing on-sale licenses under this subdivision may continue to operate the municipal liquor store or may resume operation of a municipal liquor store previously discontinued.

The number of on-sale licenses issued under this section by a city is governed by section 340A.413.

A city may not issue licenses under this section paragraph, other than a license issued to a club under section 340A.404, subdivision 1, clause (4), until authorized by the voters of the city voting on the question at a special election called for that purpose.

(b) Any city that owns and operates a municipal liquor store must issue an off-sale license for an exclusive liquor store to any applicant qualified under this chapter. The license must be approved by the commissioner."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator LeClair imposed a call of the Senate for the balance of the proceedings on S.F. No. 664. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 15 and nays 48, as follows:

Those who voted in the affirmative were:

Bachmann  
Dibble  
Gerlach

Kelley  
Kleis  
LeClair

Limmer  
McGinn  
Nienow

Ortman  
Ourada  
Pariseau

Reiter  
Ruud  
Wergin

Those who voted in the negative were:

Anderson	Frederickson	Koering	Neuville	Skoe
Bakk	Gaither	Kubly	Pappas	Skoglund
Belanger	Hann	Langseth	Pogemiller	Solon
Berglin	Higgins	Lourey	Ranum	Sparks
Betzold	Hottinger	Marko	Rest	Stumpf
Chaudhary	Johnson, D.E.	Marty	Robling	Tomassoni
Cohen	Johnson, D.J.	Metzen	Rosen	Vickerman
Day	Jungbauer	Michel	Sams	Wiger
Fischbach	Kierlin	Moua	Saxhaug	
Foley	Kiscaden	Murphy	Senjem	

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

Senator Skoe moved to amend S.F. No. 664 as follows:

Page 7, after line 33, insert:

"Sec. 5. Minnesota Statutes 2004, section 340A.503, is amended by adding a subdivision to read:

Subd. 5a. [ATTAINMENT OF AGE.] With respect to purchasing, possessing, consuming, selling, furnishing, and serving alcoholic beverages, a person is not 21 years of age until 8:00 a.m. on the day of that person's 21st birthday.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Moua moved to amend S.F. No. 664 as follows:

Page 9, delete section 7

Re-number 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 17 and nays 46, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Limmer	Pogemiller	Wiger
Bachmann	Higgins	Lourey	Ranum	
Berglin	Johnson, D.E.	Marty	Rest	
Betzold	Kubly	Moua	Skoglund	

Those who voted in the negative were:

Bakk	Hann	LeClair	Pappas	Solon
Belanger	Hottinger	Marko	Pariseau	Sparks
Chaudhary	Johnson, D.J.	McGinn	Reiter	Stumpf
Day	Jungbauer	Metzen	Robling	Tomassoni
Dibble	Kelley	Michel	Rosen	Vickerman
Fischbach	Kierlin	Murphy	Ruud	Wergin
Foley	Kiscaden	Neuville	Sams	
Frederickson	Kleis	Nienow	Saxhaug	
Gaither	Koering	Ortman	Senjem	
Gerlach	Langseth	Ourada	Skoe	

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

S.F. No. 664 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 48 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Ourada	Skoe
Bakk	Hann	Langseth	Pappas	Solon
Belanger	Higgins	Lourey	Pariseau	Sparks
Betzold	Hottinger	Marko	Pogemiller	Stumpf
Chaudhary	Johnson, D.J.	McGinn	Robling	Tomassoni
Cohen	Jungbauer	Metzen	Rosen	Vickerman
Day	Kelley	Michel	Ruud	Wergin
Dibble	Kierlin	Murphy	Sams	Wiger
Foley	Kiscaden	Neuville	Saxhaug	
Frederickson	Koering	Ortman	Senjem	

Those who voted in the negative were:

Bachmann	Fischbach	LeClair	Moua	Reiter
Berglin	Gerlach	Limmer	Nienow	Rest
Dille	Kleis	Marty	Ranum	Skoglund

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

#### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Belanger moved that S.F. No. 1360 be taken from the table. The motion prevailed.

**S.F. No. 1360:** A bill for an act relating to commerce; regulating unclaimed property held by cooperatives and the right to receive or recover unclaimed property; modifying public notice requirements; amending Minnesota Statutes 2004, sections 308A.711, subdivisions 1, 3; 308B.735, subdivisions 1, 3; 345.42, subdivision 1; 345.46; repealing Minnesota Statutes 2004, sections 308A.711, subdivision 2; 308B.735, subdivision 2; 345.42, subdivisions 2, 3, 4.

Senator Belanger moved to amend S.F. No. 1360 as follows:

Page 4, line 19, delete "2, 3, and 4" and insert "2 and 3"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1360 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hann Kleis Limmer Ortman

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

### SPECIAL ORDER

**S.F. No. 1675:** A bill for an act relating to taxation; recodifying and clarifying the powers of the commissioner of revenue; recodifying a criminal penalty; appropriating money; amending Minnesota Statutes 2004, sections 16D.08, subdivision 2; 115B.49, subdivision 4; 239.785, subdivision 4; 256.9657, subdivision 7; 256.9792, subdivision 8; 273.11, subdivision 5; 287.37; 289A.35; 289A.42, subdivision 1; 289A.60, subdivision 13; 295.57, subdivision 1; 295.60, subdivision 7; 297A.64, subdivision 3; 297B.11; 297H.10, subdivision 1; 297I.10, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 270C; repealing Minnesota Statutes 2004, sections 270.01; 270.02; 270.021; 270.022; 270.04; 270.05; 270.052; 270.058; 270.059; 270.06; 270.0601; 270.0602; 270.0603; 270.0604; 270.0605; 270.061; 270.062; 270.063; 270.064; 270.065; 270.066; 270.0665; 270.067; 270.068; 270.0681; 270.0682; 270.069; 270.07; 270.084; 270.09; 270.10; 270.101; 270.102; 270.11, subdivisions 2, 3, 4, 5, 6, 7; 270.13; 270.14; 270.15; 270.16; 270.17; 270.18; 270.19; 270.20; 270.21; 270.22; 270.23; 270.24; 270.25; 270.26; 270.27; 270.271; 270.272; 270.273; 270.274; 270.275; 270.276; 270.277; 270.278; 270.30; 270.485; 270.494; 270.60; 270.65; 270.652; 270.66; 270.67; 270.68; 270.69; 270.691; 270.70; 270.7001; 270.7002; 270.701; 270.702; 270.703; 270.704; 270.705; 270.706; 270.707; 270.708; 270.709; 270.71; 270.72; 270.721; 270.73; 270.74; 270.75; 270.76; 270.771; 270.78; 270.79; 287.39; 289A.07; 289A.13; 289A.31, subdivisions 3, 4, 6; 289A.36; 289A.37, subdivisions 1, 3, 4, 5; 289A.38, subdivision 13; 289A.43; 289A.65; 290.48, subdivisions 3, 4; 290.92, subdivisions 6b, 22, 23; 290.97; 296A.20; 296A.201; 296A.25; 297A.86; 297A.93; 297D.14; 297E.08; 297E.09; 297E.12, subdivision 10; 297E.15; 297F.15, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297F.16; 297F.22; 297G.14, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297G.15; 297G.21; 297I.45; 297I.50; 297I.55; 297I.95.

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

So the bill passed and its title was agreed to.

Senator Pogemiller moved that S.F. No. 1675 be laid on the table. The motion prevailed.

**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 that the House refuses to concur in the Senate amendments to House File No. 1164:

**H.F. No. 1164:** A bill for an act relating to traffic regulations; modifying provision governing the passing of a parked emergency vehicle; providing eligibility criteria for business panels on logo sign panels; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 169.18, subdivision 11.

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

Gazelka, Powell and Larson have been appointed as such committee on the part of the House.

House File No. 1164 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Transmitted May 17, 2005

Senator Kiscaden moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1164, 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.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Metzen moved that S.F. No. 1895, No. 117 on General Orders, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Senator Skoe moved that S.F. No. 1280, No. 57 on General Orders, be stricken and re-referred to the Committee on Commerce. The motion prevailed.

**RECESS**

Senator Johnson, D.E. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. 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**

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 that the House refuses to concur in the Senate amendments to House File No. 785:

**H.F. No. 785:** A bill for an act relating to financing and operation of government in this state; modifying truth in taxation provisions and adding a taxpayer satisfaction survey; changing income, corporate franchise, withholding, estate, property, sales and use, mortgage registry, health care gross revenues, motor fuels, gambling, cigarette and tobacco products, occupation, net proceeds, production, liquor, insurance, and other taxes and tax-related provisions; making technical, clarifying, collection, enforcement, refund, and administrative changes to certain taxes and tax-related provisions, tax-forfeited lands, revenue recapture, unfair cigarette sales, state debt collection, sustainable forest incentive programs, and payments in lieu of taxes; changing local government aids and credits; providing for determination of population for certain purposes; updating references to the Internal Revenue Code, changing property tax exemptions, homesteads, assessment, valuation, classification, class rates, levies, deferral, review and equalization, appeals, notices and statements, and distribution provisions; changing rent constituting property taxes and property tax refunds; requiring state contracts be with vendors registered to collect use taxes; abolishing the political contribution refund; authorizing local sales taxes; extending a sales tax expiration; providing for compliance with streamlined sales tax agreement; changing the taxation of liquor and cigarettes; authorizing income tax checkoffs; requiring registration of tax shelters and providing for a voluntary compliance initiative; changing job opportunity building zones, border city development zones, biotechnology and health sciences industry zone provisions; setting minimum employee compensation for qualifying business in a JOBZ; limiting sales tax construction exemption in job zones to businesses paying prevailing wage; requiring a referendum for certain subsidies to gambling enterprises; authorizing charges for certain emergency services; imposing a franchise fee on card clubs; defining the term "tax"; regulating tax preparers; suspending appropriations or aids to public employers who prohibit certain employees from wearing a flag on a uniform; providing for training and conduct of assessors; prohibiting purchases of tax-forfeited lands by certain local officials; providing for data classification and exchange of data; establishing a tax reform commission; providing and imposing powers and duties on the commissioner of revenue and other state agencies and departments and on certain political subdivisions and certain officials; changing and imposing penalties; requiring reports; transferring funds; appropriating money; amending Minnesota Statutes 2004, sections 4A.02; 16C.03, by adding a subdivision; 16D.10; 168A.05, subdivision 1a; 190.09, subdivision 2; 240.30, by adding a subdivision; 270.02, subdivision 3; 270.11, subdivision 2; 270.16, subdivision 2; 270.30, subdivisions 1, 5, 6, 8, by adding subdivisions; 270.65; 270.67, subdivision 4; 270.69, subdivision 4; 270A.03, subdivisions 5, 7; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 47, 53, 64, by adding subdivisions; 272.0211, subdivisions 1, 2; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.055; 273.0755; 273.11, subdivisions 1a, 8, by adding subdivisions; 273.111, by adding a subdivision; 273.123, subdivision 7; 273.124, subdivisions 3, 6, 8, 14, 21; 273.125, subdivision 8; 273.13, subdivisions 22, 23, 25, by adding a subdivision; 273.1315; 273.1384, subdivision 1; 273.19, subdivision 1a; 273.372; 274.01, subdivision 1; 274.014, subdivisions 2, 3; 274.14; 275.025, subdivision 4; 275.065, subdivisions 1c, 3, 4, 7, by adding subdivisions; 275.07, subdivisions 1, 4; 276.04, subdivision 2; 276.112; 276A.01, subdivision 7; 282.016; 282.08; 282.15; 282.21; 282.224; 282.301; 287.04; 289A.02, subdivision 7; 289A.08, subdivisions 1, 3, 7, 13, 16; 289A.18, subdivision 1; 289A.19, subdivision 4; 289A.20, subdivision 2; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivisions 6, 7, by adding subdivisions; 289A.40, subdivision 2, by adding subdivisions; 289A.50, subdivisions 1, 1a; 289A.56, by adding a subdivision; 289A.60, subdivisions 2a, 4, 6, 7, 11, 13, 20, by adding subdivisions; 290.01,



subdivisions 6, 7, 7b, 19, as amended, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.06, subdivisions 2c, 22, by adding a subdivision; 290.067, subdivisions 1, 2a; 290.0671, subdivisions 1, 1a; 290.0672, subdivisions 1, 2; 290.0674, subdivisions 1, 2; 290.0675, subdivision 1; 290.091, subdivisions 2, 3; 290.0922, subdivision 2; 290.191, subdivisions 2, 3; 290.92, subdivisions 1, 4b; 290A.03, subdivisions 3, 11, 13, 15, by adding subdivisions; 290A.07, by adding a subdivision; 290A.19; 290B.05, subdivision 3; 290C.05; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 295.52, subdivision 4; 295.53, subdivision 1; 295.582; 295.60, subdivision 3; 296A.22, by adding a subdivision; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivision 4; 297A.668, subdivisions 1, 5; 297A.67, subdivisions 2, 7, 9, 29, by adding a subdivision; 297A.68, subdivisions 2, 5, 28, 35, 37, 38, 39, by adding subdivisions; 297A.70, subdivision 10; 297A.71, subdivision 12, by adding a subdivision; 297A.72, by adding a subdivision; 297A.75, subdivision 1; 297A.87, subdivisions 2, 3; 297A.99, subdivisions 1, 3, 4, 9, by adding subdivisions; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.06, subdivision 2; 297E.07; 297F.08, subdivision 12, by adding a subdivision; 297F.09, subdivisions 1, 2; 297F.14, subdivision 4; 297G.09, by adding a subdivision; 297I.01, by adding subdivisions; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.01, subdivisions 3, 4; 298.24, subdivision 1; 298.75, by adding a subdivision; 325D.33, subdivision 6; 365.43, subdivision 1; 365.431; 366.011; 366.012; 373.45, subdivision 7; 469.169, by adding a subdivision; 469.1735, subdivision 3; 469.176, subdivisions 4l, 7; 469.310, subdivision 11, by adding a subdivision; 469.315; 469.316; 469.317; 469.319, subdivision 1, by adding a subdivision; 469.320, subdivision 3; 469.330, subdivision 11; 469.335; 469.337; 469.340, subdivision 1; 473.843, subdivision 5; 473F.02, subdivisions 2, 7; 477A.011, subdivisions 3, 34, 35, 36, 38; 477A.0124, subdivisions 2, 4; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.016; 477A.03, subdivisions 2a, 2b; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; 645.44, by adding a subdivision; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 2001, First Special Session chapter 5, article 3, section 8; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 3, section 4; Laws 2003, chapter 127, article 5, section 27; Laws 2003, chapter 127, article 5, section 28; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First Special Session chapter 21, article 6, section 9; Laws 2005, chapter 43, section 1; proposing coding for new law in Minnesota Statutes, chapters 15; 270; 272; 273; 275; 280; 289A; 290; 290C; 295; 297A; 297F; 373; 459; 473; repealing Minnesota Statutes 2004, sections 10A.322, subdivision 4; 16A.1522, subdivision 4; 270.85; 270.88; 272.02, subdivision 65; 273.19, subdivision 5; 273.37, subdivision 3; 274.05; 275.065, subdivisions 5a, 6, 6b, 8; 275.15; 275.61, subdivision 2; 283.07; 290.06, subdivision 23; 297E.12, subdivision 10; 469.1794, subdivision 6; 477A.08; Laws 1975, chapter 287, section 5; Laws 1998, chapter 389, article 3, section 41; Laws 2003, chapter 127, article 9, section 9, subdivision 4; Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

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

Krinkie, Abrams, Simpson, Lanning and Lenczewski have been appointed as such committee on the part of the House.

House File No. 785 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Transmitted May 17, 2005

Senator Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 785, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

**RECESS**

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

H.F. No. 785: Senators Pogemiller, Belanger, Betzold, Moua and Skoe.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

**MEMBERS EXCUSED**

Senator Scheid was excused from the Session of today. Senator Gerlach was excused from the Session of today from 9:00 to 9:20 a.m. Senator Bachmann was excused from the Session of today from 9:00 to 9:25 a.m. Senator Ourada was excused from the Session of today from 10:00 to 10:55 a.m. Senator Rosen was excused from the Session of today from 10:00 to 11:00 a.m. Senator Johnson, D.E. was excused from the Session of today from 10:00 to 11:10 a.m. Senator Gaither was excused from the Session of today from 10:35 to 11:05 a.m. Senator Larson was excused from the Session of today at 11:20 a.m. Senator Pariseau was excused from the Session of today from 12:20 to 12:30 p.m.

**ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, May 18, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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