

## EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, April 13, 2010

The Senate met at 11:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Pogemiller 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. David D. Colby.

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

Anderson	Fobbe	Langseth	Pappas	Sieben
Bakk	Foley	Latz	Pariseau	Skoe
Berglin	Frederickson	Limmer	Parry	Skogen
Betzold	Gerlach	Lourey	Pogemiller	Sparks
Bonoff	Gimse	Lynch	Prettner Solon	Stumpf
Carlson	Hann	Marty	Rest	Tomassoni
Chaudhary	Higgins	Metzen	Robling	Torres Ray
Cohen	Ingebrigtsen	Michel	Rosen	Vandever
Dahle	Johnson	Moua	Rummel	Vickerman
Dibble	Jungbauer	Murphy	Saltzman	Wiger
Dille	Kelash	Olseen	Saxhaug	
Doll	Koch	Olson, G.	Scheid	
Erickson Ropes	Koering	Olson, M.	Senjem	
Fischbach	Kubly	Ortman	Sheran	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2475, 2580, 2852, 2923 and 3091.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 12, 2010

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. 2808:** A bill for an act relating to liquor; clarifying a license provision for the city of Minneapolis; allowing the State Fair to issue liquor licenses; authorizing various on-sale licenses; amending Minnesota Statutes 2008, sections 37.21; 340A.404, subdivisions 2, 5; 340A.419, as amended; Laws 2009, chapter 120, section 16.

Senate File No. 2808 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 8, 2010

### CONCURRENCE AND REPASSAGE

Senator Scheid moved that the Senate concur in the amendments by the House to S.F. No. 2808 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2808 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 5, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Kubly	Pappas	Sieben
Bakk	Foley	Langseth	Parry	Skoe
Berglin	Frederickson	Latz	Pogemiller	Skogen
Betzold	Gerlach	Limmer	Prettner Solon	Sparks
Bonoff	Gimse	Lynch	Robling	Stumpf
Carlson	Higgins	Metzen	Rosen	Torres Ray
Chaudhary	Ingebrigtsen	Michel	Rummel	Vickerman
Cohen	Johnson	Moua	Saltzman	Wiger
Dahle	Jungbauer	Murphy	Saxhaug	
Dibble	Kelash	Olseen	Scheid	
Erickson Ropes	Koch	Olson, M.	Senjem	
Fischbach	Koering	Ortman	Sheran	

Those who voted in the negative were:

Dille	Doll	Hann	Rest	Vandev eer
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So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS

AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 3147:** A bill for an act relating to health occupation; requiring license revocation for chiropractors convicted of a felony-level criminal sexual conduct offense; amending Minnesota Statutes 2008, sections 148.10, by adding a subdivision; 364.09.

Senate File No. 3147 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 8, 2010

Senator Erickson Ropes moved that the Senate do not concur in the amendments by the House to S.F. No. 3147, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference 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. 2912:** A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

Senate File No. 2912 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 12, 2010

Senator Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 2912, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

## REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 2974:** A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending

Minnesota Statutes 2009 Supplement, sections 62J.495, subdivisions 1a, 3; 62J.497, subdivisions 4, 5; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Page 3, after line 2, insert:

"Sec. 3. Minnesota Statutes 2009 Supplement, section 62J.495, is amended by adding a subdivision to read:

Subd. 6. **State agency information system.** Development of state agency information systems necessary to implement this section is subject to the authority of the Office of Enterprise Technology in chapter 16E, including, but not limited to:

(1) evaluation and approval of the system as specified in section 16E.03, subdivisions 3 and 4;

(2) review of the system to ensure compliance with security policies, guidelines, and standards as specified in section 16E.03, subdivision 7; and

(3) assurance that the system complies with accessibility standards developed under section 16E.03, subdivision 9."

Page 6, line 15, delete "biannual" and insert "biennial"

Page 9, line 4, delete "comprised" and insert "composed"

Page 12, line 4, delete "Thirty" and insert "Within 30"

Page 12, line 8, delete "Ninety" and insert "Within 90"

Page 13, after line 3, insert:

"(e) The commissioner of human services or health, when providing access to data or services through a certified health information organization, must offer the same data or services directly through any certified health information organization at the same pricing, if the health information organization pays for all connection costs to the state data or service. For all external connectivity to the respective agencies through existing or future information exchange implementations, the respective agency shall establish the required connectivity methods as well as protocol standards to be utilized.

Subd. 6. **State participation in health information exchange.** A state agency that connects to a health information exchange service provider for the purpose of exchanging meaningful use transactions must ensure that the contracted health information exchange service provider has reciprocal agreements in place as required by this section. The reciprocal agreements must provide equal access to information supplied by the agency as necessary for meaningful use by the participating entities of the other health information service providers."

Page 13, line 34, before "Reasonable" insert "The commissioner shall give"

Page 13, line 35, delete "shall be given"

Page 14, line 2, delete "finding of facts" and insert "facts found"

Page 14, line 19, delete "finding of facts constitutes" and insert "facts found constitute"

Page 15, line 31, delete "exists" and insert "exist"

Page 16, line 2, delete "that shall be mailed" and insert "and mail them"

Page 16, line 12, delete "and/or" and insert "and"

Page 16, line 30, before "Every" insert "The commissioner shall assess fees on"

Page 16, line 31, delete "shall be assessed fees"

Page 16, line 34, delete "\$15,000" and insert "\$10,500"

Page 16, line 36, delete "\$10,000" and insert "\$7,000"

Page 17, line 1, delete "\$20,000" and insert "\$14,000"

Page 17, line 2, delete "\$10,000" and insert "\$7,000"

Page 17, line 5, delete "deposited into a revolving fund" and insert "credited to an account in the special revenue fund"

Page 17, after line 6, insert:

"Sec. 9. **FEDERAL FUNDING.**

To the extent that the commissioner of health applies for additional federal funding to support the commissioner's responsibilities of developing and maintaining state-level health information exchange under section 3013 of the HITECH Act, the commissioner of health shall ensure that applications are made through an open process that provides health information exchange service providers equal opportunity to receive funding."

Page 17, line 9, delete "\$140,000" and insert "\$104,000"

Page 17, line 11, delete "\$135,000" and insert "\$97,000"

Page 17, line 12, delete "\$130,000" and insert "\$97,000"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 1137:** A bill for an act relating to health; prohibiting pharmacists from substituting epilepsy drugs without prior consent and notification; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 151.06, subdivision 1, is amended to read:

Subdivision 1. **Generally; rules.** (a) Powers and duties. The Board of Pharmacy shall have the power and it shall be its duty:

- (1) to regulate the practice of pharmacy;
- (2) to regulate the manufacture, wholesale, and retail sale of drugs within this state;
- (3) to regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, or standards adopted under the federal act as the standard;
- (4) to enter and inspect by its authorized representative any and all places where drugs, medicines, medical gases, or veterinary drugs or devices are sold, vended, given away, compounded, dispensed, manufactured, wholesaled, or held; it may secure samples or specimens of any drugs, medicines, medical gases, or veterinary drugs or devices after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of these items provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;
- (5) to examine and license as pharmacists all applicants whom it shall deem qualified to be such;
- (6) to license wholesale drug distributors;
- (7) to deny, suspend, revoke, or refuse to renew any registration or license required under this chapter, to any applicant or registrant or licensee upon any of the following grounds:
  - (i) fraud or deception in connection with the securing of such license or registration;
  - (ii) in the case of a pharmacist, conviction in any court of a felony;
  - (iii) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;
  - (iv) habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;
  - (v) unprofessional conduct or conduct endangering public health;
  - (vi) gross immorality;
  - (vii) employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;
  - (viii) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;
  - (ix) violation of any of the provisions of this chapter or any of the rules of the State Board of Pharmacy;
  - (x) in the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;
  - (xi) in the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;
  - (xii) in the case of a pharmacist, the suspension or revocation of a license to practice pharmacy in another state; or

(xiii) in the case of a pharmacist, aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(A) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(B) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(C) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5;  
or

(D) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2;

(8) to employ necessary assistants and adopt rules for the conduct of its business;

(9) to register as pharmacy technicians all applicants who the board determines are qualified to carry out the duties of a pharmacy technician; and

(10) to perform such other duties and exercise such other powers as the provisions of the act may require.

(b) Temporary suspension. In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a pharmacist has violated a statute or rule that the board is empowered to enforce and continued practice by the pharmacist would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the pharmacist, specifying the statute or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held under the Administrative Procedure Act. The pharmacist shall be provided with at least 20 days' notice of any hearing held under this subdivision.

(c) Rules. For the purposes aforesaid, it shall be the duty of the board to make and publish uniform rules not inconsistent herewith for carrying out and enforcing the provisions of this chapter. The board shall adopt rules regarding prospective drug utilization review and patient counseling by pharmacists. A pharmacist in the exercise of the pharmacist's professional judgment, upon the presentation of a new prescription by a patient or the patient's caregiver or agent, shall perform the prospective drug utilization review required by rules issued under this subdivision.

(d) Substitution; rules. If the United States Food and Drug Administration (FDA) determines that the substitution of drugs used for the treatment of epilepsy or seizures poses a health risk to patients, the board shall adopt rules in accordance with accompanying FDA interchangeability standards regarding the use of substitution for these drugs. If the board adopts a rule regarding the substitution of drugs used for the treatment of epilepsy or seizures that conflicts with the substitution requirements of section 151.21, subdivision 3, the rule shall supersede the conflicting statute. If the rule proposed by the board would increase state costs for state public health care programs, the board shall report to the chairs and ranking minority members of the senate Health and Human Services Budget Division and the house of representatives Health Care and Human Services Finance Division the proposed rule and the increased cost associated with the proposed rule before the board may adopt the rule."

Delete the title and insert:

"A bill for an act relating to health; requiring the Board of Pharmacy to adopt rules regarding the substitution of drugs to treat epilepsy or seizures if the United States Food and Drug Administration determines that substitution may cause a health risk to patients; amending Minnesota Statutes 2008, section 151.06, subdivision 1."

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

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

**S.F. No. 2702:** A bill for an act relating to health; establishing licensure for birth centers; amending Minnesota Statutes 2008, sections 144.651, subdivision 2; 144A.51, subdivision 5; 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2008, section 62Q.19, subdivision 1, is amended to read:

Subdivision 1. **Designation.** (a) The commissioner shall designate essential community providers. The criteria for essential community provider designation shall be the following:

(1) a demonstrated ability to integrate applicable supportive and stabilizing services with medical care for uninsured persons and high-risk and special needs populations, underserved, and other special needs populations; and

(2) a commitment to serve low-income and underserved populations by meeting the following requirements:

(i) has nonprofit status in accordance with chapter 317A;

(ii) has tax exempt status in accordance with the Internal Revenue Service Code, section 501(c)(3);

(iii) charges for services on a sliding fee schedule based on current poverty income guidelines; and

(iv) does not restrict access or services because of a client's financial limitation;

(3) status as a local government unit as defined in section 62D.02, subdivision 11, a hospital district created or reorganized under sections 447.31 to 447.37, an Indian tribal government, an Indian health service unit, or a community health board as defined in chapter 145A;

(4) a former state hospital that specializes in the treatment of cerebral palsy, spina bifida, epilepsy, closed head injuries, specialized orthopedic problems, and other disabling conditions; ~~or~~

(5) a sole community hospital. For these rural hospitals, the essential community provider designation applies to all health services provided, including both inpatient and outpatient services. For purposes of this section, "sole community hospital" means a rural hospital that:

(i) is eligible to be classified as a sole community hospital according to Code of Federal Regulations, title 42, section 412.92, or is located in a community with a population of less than 5,000 and located more than 25 miles from a like hospital currently providing acute short-term services;

(ii) has experienced net operating income losses in two of the previous three most recent consecutive hospital fiscal years for which audited financial information is available; and

(iii) consists of 40 or fewer licensed beds; or

(6) a birth center licensed under section 144.615.

(b) Prior to designation, the commissioner shall publish the names of all applicants in the State Register. The public shall have 30 days from the date of publication to submit written comments to the commissioner on the application. No designation shall be made by the commissioner until the 30-day period has expired.

(c) The commissioner may designate an eligible provider as an essential community provider for all the services offered by that provider or for specific services designated by the commissioner.

(d) For the purpose of this subdivision, supportive and stabilizing services include at a minimum, transportation, child care, cultural, and linguistic services where appropriate."

Page 3, lines 14 and 15, delete "\$....." and insert "\$365"

Page 3, after line 24, insert:

"Subd. 11. **Report.** (a) The commissioner of health, in consultation with the commissioner of human services and representatives of the licensed birth centers, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the Minnesota Hospital Association, and the Minnesota Ambulance Association, shall evaluate the quality of care and outcomes for services provided in licensed birth centers, including, but not limited to, the utilization of services provided at a birth center, the outcomes of care provided to both mothers and newborns, and the numbers of transfers to other health care facilities that are required and the reasons for the transfers. The commissioner shall work with the birth centers to establish a process to gather and analyze the data within protocols that protect the confidentiality of patient identification.

(b) The commissioner of health shall report the findings of the evaluation to the chairs and ranking minority members of the senate Health and Human Services Budget Division and the house of representatives Health Care and Human Services Finance Division by January 15, 2014."

Page 4, delete section 4 and insert:

"Sec. 5. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 54. **Services provided in birth centers.** (a) Medical assistance covers services provided in a birth center licensed under section 144.615 by a licensed health professional if the service would otherwise be covered if provided in a hospital.

(b) Facility services provided by a birth center shall be paid at the lower of billed charges or 70 percent of the statewide average for a facility payment rate made to a hospital for an uncomplicated

vaginal birth as determined using the most recent calendar year for which complete claims data is available. If a recipient is transported from a birth center to a hospital prior to the delivery, the payment for facility services to the birth center shall be the lower of billed charges or 15 percent of the average facility payment made to a hospital for the services provided for an uncomplicated vaginal delivery as determined using the most recent calendar year for which complete claims data is available.

(c) Professional services provided by traditional midwives licensed under chapter 147D shall be paid at the lower of billed charges or 65 percent of the rate paid to a physician performing the same services. If a recipient is transported from a birth center to a hospital prior to the delivery, a licensed traditional midwife who does not perform the delivery may not bill for any delivery services or postpartum care. Services are not covered if provided by an unlicensed traditional midwife.

(d) The commissioner shall apply for any necessary waivers from the Centers for Medicare and Medicaid Services to allow birth centers and birth center providers to be reimbursed.

**EFFECTIVE DATE.** This section is effective January 1, 2011, or upon federal approval, whichever is later.

**Sec. 6. PREPAID HEALTH PLAN RATES.**

In negotiating the managed care contract rates for services rendered on or after January 1, 2011, the commissioner of human services shall take into consideration and the rates shall reflect the anticipated savings in the medical assistance program due to extending medical assistance coverage to services provided in licensed birth centers, the anticipated use of these services within the medical assistance population, and the reduced medical assistance costs associated with the use of birth centers for normal, low-risk deliveries.

**Sec. 7. APPROPRIATION.**

\$9,000 is appropriated in fiscal year 2011 from the state government special revenue fund to the commissioner of health to implement Minnesota Statutes, section 144.615. Base funding shall be \$7,000 in fiscal year 2012 and \$7,000 in fiscal year 2013."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 633:** A bill for an act relating to human services; authorizing medical assistance coverage of primary care health care providers performing primary caries prevention services as part of the child and teen checkup program; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256B.0625, subdivision 14, is amended to read:

Subd. 14. **Diagnostic, screening, and preventive services.** (a) Medical assistance covers diagnostic, screening, and preventive services.

(b) "Preventive services" include services related to pregnancy, including:

(1) services for those conditions which may complicate a pregnancy and which may be available to a pregnant woman determined to be at risk of poor pregnancy outcome;

(2) prenatal HIV risk assessment, education, counseling, and testing; and

(3) alcohol abuse assessment, education, and counseling on the effects of alcohol usage while pregnant. Preventive services available to a woman at risk of poor pregnancy outcome may differ in an amount, duration, or scope from those available to other individuals eligible for medical assistance.

(c) "Screening services" include, but are not limited to, blood lead tests.

(d) The commissioner shall encourage, at the time of the child and teen checkup or at an episodic care visit, the primary care health care provider to perform primary caries preventive services. Primary caries preventive services include, at a minimum:

(1) a general visual examination of the child's mouth without using probes or other dental equipment or taking radiographs;

(2) a risk assessment using the factors established by the American Academies of Pediatrics and Pediatric Dentistry; and

(3) the application of a fluoride varnish beginning at age 1 to those children assessed by the provider as being high risk in accordance with best practices as defined by the Department of Human Services.

At each checkup, if primary caries preventive services are provided, the provider must provide to the child's parent or legal guardian: information on caries etiology and prevention; and information on the importance of finding a dental home for their child by the age of 1. The provider must also advise the parent or legal guardian to contact the child's managed care plan or the Department of Human Services in order to secure a dental appointment with a dentist. The provider must indicate in the child's medical record that the parent or legal guardian was provided with this information and document any primary caries prevention services provided to the child."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "encouraging medical assistance primary care providers to perform primary caries prevention services as part of the child and teen checkup program"

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

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

**S.F. No. 3180:** A bill for an act relating to alcohol; allowing malt liquor or spirits tastings; modifying licensing conditions for the University of Minnesota; dedicating funds to a scholarship account; amending Minnesota Statutes 2008, section 340A.419, as amended; Minnesota Statutes 2009 Supplement, section 340A.404, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapter 137.

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

Delete everything after the enacting clause and insert:

"Section 1. [137.66] ATHLETIC SCHOLARSHIP; LIQUOR LICENSE.

All profits generated from the sale of liquor at a stadium or arena location holding a license under section 340A.404, subdivision 4a, paragraph (a), clause (3), must be used for athletic scholarships at the University of Minnesota. This section is a condition to any license issued under section 340A.404, subdivision 4a, paragraph (a), clause (3), for a stadium or arena and violation of the condition voids the license.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to licenses issued before, on, and after that date.

Sec. 2. Minnesota Statutes 2009 Supplement, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. **Publicly owned recreation; entertainment facilities.** (a) Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the city of Biwabik, St. Louis County;

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm;

(3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium, the intercollegiate football stadium, or at no more than seven other locations within the boundaries of the University of Minnesota, provided that the Board of Regents has approved an application for a license for the specified location ~~and provided that a license for an arena or stadium location is void unless it requires the sale or service of intoxicating liquor throughout the arena or stadium if intoxicating liquor is sold or served anywhere in the arena or stadium;~~ and

(4) to the Duluth Entertainment and Convention Center Authority for beverage sales on the premises of the Duluth Entertainment and Convention Center Arena during intercollegiate hockey games.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

(b) No alcoholic beverage may be sold or served at TCF Bank Stadium unless the Board of

Regents holds an on-sale intoxicating liquor license for the stadium as provided in paragraph (a), clause (3).

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

Delete the title and insert:

"A bill for an act relating to alcohol; modifying licensing conditions for the University of Minnesota; dedicating funds to a scholarship account; amending Minnesota Statutes 2009 Supplement, section 340A.404, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapter 137."

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

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

**S.F. No. 3019:** A bill for an act relating to human services; authorizing a rate increase for publicly owned nursing facilities; requiring a local share of nonfederal medical assistance costs; amending Minnesota Statutes 2008, sections 256B.19, by adding a subdivision; 256B.441, by adding a subdivision.

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

Page 2, after line 27, insert:

"Sec. 3. **EFFECTIVE UPON FEDERAL APPROVAL.**

Sections 1 and 2 shall be implemented only upon federal approval. The commissioner of human services shall delay the effective date of sections 1 and 2 if necessary in order to avoid loss of enhanced federal Medicaid matching funds as authorized by the American Recovery and Reinvestment Act of 2009 and extended by any subsequent law."

Amend the title numbers accordingly

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

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

**S.F. No. 2919:** A bill for an act relating to tax increment financing; authorizing transit improvement districts; amending Minnesota Statutes 2008, sections 469.174, subdivision 14, by adding a subdivision; 469.175, subdivision 3; 469.176, subdivision 1b, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes. Report adopted.

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

**S.F. No. 2505:** A bill for an act relating to child care; appropriating money to provide statewide child care provider training, coaching, consultation, and supports to prepare for the voluntary Minnesota quality rating system.

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

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3137** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
3137	2804				

and that the above Senate File be indefinitely postponed.

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

**Senator Pogemiller, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3405** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>	<b>H.F. No.</b>	<b>S.F. No.</b>
				3405	3199

and that the above Senate File be indefinitely postponed.

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

#### **SECOND READING OF SENATE BILLS**

S.F. Nos. 2974, 1137, 2702, 633, 3180, 3019 and 2505 were read the second time.

#### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 3137 and 3405 were read the second time.

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

The following bills were read the first time.

**Senator Skoe introduced—**

**S.F. No. 3356:** A bill for an act relating to state government operations; authorizing transfer of certain real property to Indian tribes under certain conditions; amending Minnesota Statutes 2008, section 16B.296.

Referred to the Committee on Finance.

**Senator Ingebrigtsen introduced—**

**S.F. No. 3357:** A bill for an act relating to education; allowing online publication of school board meeting minutes; amending Minnesota Statutes 2008, section 123B.09, subdivision 10.

Referred to the Committee on Education.

**MOTIONS AND RESOLUTIONS**

Senator Skoe moved that the name of Senator Rosen be added as a co-author to S.F. No. 3350. The motion prevailed.

**Senators Clark, Bonoff, Michel, Robling, Stumpf introduced –**

**Senate Resolution No. 173:** A Senate resolution supporting early childhood learning.

Referred to the Committee on Rules and Administration.

**RECESS**

Senator Pogemiller 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 Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2912: Senators Berglin, Koering and Lynch.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Senator Frederickson in the chair.

After some time spent therein, the committee arose, and Senator Betzold reported that the committee had considered the following:

H.F. No. 2907, which the committee recommends to pass.

**H.F. No. 2624**, which the committee recommends to pass, subject to the following motions:

Senator Ortman moved to amend H.F. No. 2624, the unofficial engrossment, as follows:

Page 7, line 2, after the period, insert "Any land purchased with this appropriation must be acquired by direct purchase from the owner and may not be acquired by eminent domain."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Bakk	Fobbe	Koch	Ortman	Senjem
Bonoff	Gerlach	Koering	Pariseau	Skoe
Dahle	Gimse	Limmer	Parry	Skogen
Dille	Hann	Lynch	Rest	Tomassoni
Doll	Ingebrigtsen	Michel	Robling	Vanderveer
Erickson Ropes	Johnson	Olson, G.	Rosen	
Fischbach	Jungbauer	Olson, M.	Saltzman	

Those who voted in the negative were:

Anderson	Foley	Lourey	Pogemiller	Sparks
Berglin	Frederickson	Marty	Prettner Solon	Stumpf
Betzold	Higgins	Metzen	Rummel	Torres Ray
Carlson	Kelash	Moua	Saxhaug	Vickerman
Chaudhary	Kubly	Murphy	Scheid	Wiger
Cohen	Langseth	Olseen	Sheran	
Dibble	Latz	Pappas	Sieben	

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

Senator Hann moved to amend H.F. No. 2624, the unofficial engrossment, as follows:

Page 5, delete lines 9 to 17

Page 7, after line 4, insert:

**"(d) State Park Asset Preservation**

\$2,677,000 is from the trust fund to the commissioner of natural resources for state park asset preservation."

Page 12, delete lines 5 to 27

Page 13, delete lines 3 to 14

Page 15, delete lines 12 to 22

Page 17, delete lines 4 to 23

Page 17, delete line 34

Page 18, delete lines 1 to 11

Page 18, delete lines 19 to 27

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 50, as follows:

Those who voted in the affirmative were:

Fischbach	Johnson	Ortman	Robling	Vandevveer
Gerlach	Jungbauer	Parry	Rosen	
Hann	Koch	Rest	Senjem	

Those who voted in the negative were:

Anderson	Dille	Koering	Moua	Scheid
Bakk	Doll	Kubly	Murphy	Sheran
Berglin	Erickson Ropes	Langseth	Olseen	Sieben
Betzold	Fobbe	Latz	Olson, M.	Skoe
Bonoff	Foley	Limmer	Pappas	Skogen
Carlson	Frederickson	Lourey	Pogemiller	Stumpf
Chaudhary	Gimse	Lynch	Prettner Solon	Tomassoni
Cohen	Higgins	Marty	Rummel	Torres Ray
Dahle	Ingebrigtsen	Metzen	Saltzman	Vickerman
Dibble	Kelash	Michel	Saxhaug	Wiger

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

Senator Jungbauer moved to amend H.F. No. 2624, the unofficial engrossment, as follows:

Page 17, delete lines 4 to 16

Adjust amounts accordingly

Relletter the paragraphs in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Dille	Hann	Koch	Pariseau	Senjem
Fischbach	Ingebrigtsen	Limmer	Parry	Vandevveer
Gerlach	Johnson	Olson, G.	Robling	
Gimse	Jungbauer	Ortman	Rosen	

Those who voted in the negative were:

Anderson	Doll	Latz	Pappas	Skogen
Berglin	Erickson Ropes	Lourey	Pogemiller	Sparks
Betzold	Fobbe	Lynch	Prettner Solon	Stumpf
Bonoff	Foley	Marty	Rummel	Tomassoni
Carlson	Frederickson	Metzen	Saltzman	Torres Ray
Chaudhary	Higgins	Michel	Saxhaug	Vickerman
Cohen	Kelash	Murphy	Sheran	Wiger
Dahle	Kubly	Olseen	Sieben	
Dibble	Langseth	Olson, M.	Skoe	

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

Senator Hann moved to amend H.F. No. 2624, the unofficial engrossment, as follows:

Page 26, after line 11, insert:

"Sec. 3. Minnesota Statutes 2008, section 116P.08, subdivision 6, is amended to read:

Subd. 6. **Peer review.** (a) Research proposals must include a stated purpose directly connected to the trust fund's constitutional mandate, this chapter, and the adopted strategic plan under subdivision 3, a timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review panel before receiving an appropriation.

(b) In conducting research proposal reviews, the peer review panel shall:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; and

(3) report to the commission on clauses (1) and (2).

(c) The peer review panel also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

(d) Comments and reports made by the peer review panel on all proposals shall be public information and made available upon request or on the commission's Web site."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 37, as follows:

Those who voted in the affirmative were:

Bonoff	Gimse	Koch	Pariseau	Senjem
Dille	Hann	Limmer	Parry	Vandevveer
Doll	Ingebrigtsen	Michel	Robling	
Fischbach	Johnson	Olson, G.	Rosen	
Gerlach	Jungbauer	Ortman	Saltzman	

Those who voted in the negative were:

Anderson	Carlson	Dibble	Frederickson	Latz
Bakk	Chaudhary	Erickson Ropes	Higgins	Lynch
Berglin	Cohen	Fobbe	Kelash	Marty
Betzold	Dahle	Foley	Kubly	Metzen

Murphy	Pogemiller	Sheran	Stumpf	Wiger
Olseen	Prettner Solon	Sieben	Tomassoni	
Olson, M.	Rummel	Skoe	Torres Ray	
Pappas	Saxhaug	Sparks	Vickerman	

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

H.F. No. 2624 was then recommended to pass.

**S.F. No. 2752**, which the committee recommends to pass with the following amendment offered by Senator Saltzman:

Page 2, line 1, delete ", as far as practicable," and delete "for" and insert ", including"

Page 2, delete line 2 and insert "variance requirements for any changes to the properties made after January 1, 2010; and"

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### RECESS

Senator Pogemiller 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 Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3147: Senators Erickson Ropes, Parry and Olson, M.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rummel moved that S.F. No. 3119 be withdrawn from the Committee on State and Local Government Operations and Oversight, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 3119 was read the second time.

### MEMBERS EXCUSED

Senator Clark was excused from the Session of today. Senator Lourey was excused from the Session of today from 11:00 a.m. to 12:00 noon. Senators Rest and Scheid were excused from the Session of today at 12:50 p.m. Senator Moua was excused from the Session of today from 12:50 to

1:20 p.m. Senator Skogen was excused from the Session of today from 1:00 to 1:25 p.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 15, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)