

**FIFTY-THIRD DAY**

St. Paul, Minnesota, Wednesday, May 11, 2011

The Senate met at 10:30 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Koch 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. Paul Rogers.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Bakk	Gerlach	Kruse	Nelson	Saxhaug
Benson	Gimse	Kubly	Newman	Senjem
Berglin	Goodwin	Langseth	Nienow	Sheran
Bonoff	Hall	Latz	Olson	Sieben
Brown	Hann	Lillie	Ortman	Skoe
Carlson	Harrington	Limmer	Pappas	Sparks
Chamberlain	Higgins	Lourey	Parry	Stumpf
Dahms	Hoffman	Magnus	Pederson	Thompson
Daley	Howe	Marty	Pogemiller	Tomassoni
DeKruif	Ingebrigtsen	McGuire	Reinert	Torres Ray
Dibble	Jungbauer	Metzen	Rest	Vanderveer
Fischbach	Kelash	Michel	Robling	Wiger
Gazelka	Koch	Miller	Rosen	Wolf

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.

April 22, 2011

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

**WORKERS' COMPENSATION COURT OF APPEALS**

Patricia J. Milun, 2452 Morson Cir., Mendota Heights, in the county of Dakota, effective May 2, 2011, for a term expiring on January 2, 2017.

(Referred to the Committee on Jobs and Economic Growth.)

May 4, 2011

The Honorable Michelle L. Fischbach  
President of the Senate

Dear Senator Fischbach:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

**MINNESOTA RURAL FINANCE AUTHORITY**

Marcus Knisely, 12201 - 199th Ave. N.E., New London, in the county of Kandiyohi, effective May 1, 2011, for a term expiring on January 5, 2015.

(Referred to the Committee on Agriculture and Rural Economies.)

Sincerely,  
Mark Dayton, Governor

**MESSAGES FROM THE HOUSE**

Madam President:

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

**S.F. No. 170:** A bill for an act relating to education; requiring teacher candidates to pass basic skills exam; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.18, subdivision 2.

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

Kieffer, Erickson and Kath.

Senate File No. 170 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2011

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 509:** A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 13.69, subdivision 1; 135A.17, subdivision 2; 171.01, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.061, subdivisions 1, 3, 4; 171.07, subdivisions 1a, 4, 9, 14, by adding a subdivision; 171.071; 171.11; 171.14; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04, subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision 1; 209.06, subdivision 1; 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C; 299A; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34; 204C.35; 204C.36; 204C.361.

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

Kiffmeyer; Benson, M.; Downey; Sanders and Dittrich.

Senate File No. 509 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2011

Madam President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 626, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 626:** A bill for an act relating to human services; modifying certain nursing facility provisions; amending Minnesota Statutes 2010, sections 12A.10, by adding a subdivision; 144A.071, subdivisions 3, 4a; 144A.073, subdivision 3c, by adding a subdivision; 256B.431, subdivision 26; 256B.437, subdivision 4; 256B.441, by adding a subdivision; repealing Minnesota Statutes 2010, section 144A.073, subdivisions 4, 5.

Senate File No. 626 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2011

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 206, 479, 1326, 247, 537, 724, 763, 873, 874, 1011, 922, 912 and 1138.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 10, 2011

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 206:** A bill for an act relating to the permanent school fund; modifying the membership of the advisory committee; amending Minnesota Statutes 2010, section 127A.30, subdivision 1.

Referred to the Committee on Education.

**H.F. No. 479:** A bill for an act relating to public safety; establishing use of weight of fluid used in a water pipe when determining weight or amount of controlled substance; amending Minnesota Statutes 2010, sections 152.01, subdivisions 9a, 16; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2.

Referred to the Committee on Judiciary and Public Safety.

**H.F. No. 1326:** A bill for an act relating to liquor; authorizing brewer taproom licenses; allowing a bed and breakfast to serve Minnesota beer; making clarifying, technical, and other changes to certain license provisions; authorizing the issuance of certain on-sale and off-sale licenses; amending Minnesota Statutes 2010, sections 340A.301, by adding a subdivision; 340A.4011, subdivision 2; 340A.404, subdivision 7, by adding subdivisions; 340A.412, subdivisions 4, 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 918.

**H.F. No. 247:** A bill for an act relating to taxation; providing for voluntary contributions to the state on the income tax form; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 872, now on General Orders.

**H.F. No. 537:** A bill for an act relating to traffic regulations; providing that speed in excess of ten miles per hour over speed limit of 60 miles per hour does not go on driver's driving record; amending Minnesota Statutes 2010, sections 169.99, subdivision 1b; 171.12, subdivision 6.

Senator Koch moved that H.F. No. 537 be laid on the table. The motion prevailed.

**H.F. No. 724:** A bill for an act relating to highways; removing Route No. 332 from trunk highway

system; repealing Minnesota Statutes 2010, section 161.115, subdivision 263.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 520, now on General Orders.

**H.F. No. 763:** A bill for an act relating to health; removing expiration date on swimming pond exemption; amending Minnesota Statutes 2010, section 144.1222, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 491, now on General Orders.

**H.F. No. 873:** A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2010, section 126C.10, subdivision 13a.

Senator Koch moved that H.F. No. 873 be laid on the table. The motion prevailed.

**H.F. No. 874:** A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2010, section 126C.10, subdivision 2.

Senator Koch moved that H.F. No. 874 be laid on the table. The motion prevailed.

**H.F. No. 1011:** A bill for an act relating to natural resources; providing for disposition of trout and salmon management account; appropriating money; amending Minnesota Statutes 2010, section 97A.075, subdivision 3.

Referred to the Committee on Finance.

**H.F. No. 922:** A bill for an act relating to motor vehicles; allowing collector emergency vehicles to display and use nonconforming colored lights; amending Minnesota Statutes 2010, section 169.64, subdivision 2.

Senator Koch moved that H.F. No. 922 be laid on the table. The motion prevailed.

**H.F. No. 912:** A bill for an act relating to human services; providing a requirement for special family day care homes; amending Minnesota Statutes 2010, section 245A.14, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1169, now on General Orders.

**H.F. No. 1138:** A bill for an act relating to human services; requiring a conference in case management and personal care assistance appeals; amending Minnesota Statutes 2010, section 256.045, subdivision 4a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1170, now on General Orders.

## REPORTS OF COMMITTEES

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

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

**S.F. No. 54:** A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **DEPARTMENT OF CORRECTIONS.**

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2012 for full and final payment under Minnesota Statutes, sections 3.738 and 3.739, of claims against the state for losses suffered while incarcerated in a state correctional facility or for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. This appropriation is available until June 30, 2012.

(a) For sentence-to-service and community work service claims under \$500 and other claims already paid by the department, \$3,472.27.

(b) For payment to MCF-Rush City, as reimbursement for paying Walter S. Rudd for the cost of custom orthotic inserts for his shoes to replace those inadvertently disposed of by staff while he was incarcerated at MCF-Rush City, \$350.

(c) For payment to Mario A. Burciaga for permanent injuries to his right hand suffered while performing sentence-to-service work in Rice County and to refund his filing fee, \$3,755, and for payment to medical providers for treatment of Mr. Burciaga, \$8,653.99.

(d) For payment to medical providers for treatment of Natalie C. Clark, who was injured while performing sentence-to-service work in Hennepin County, \$1,403.18.

(e) For payment to medical providers for treatment of Mary L. Hatcher, who was injured while performing sentence-to-service work in Olmsted County, \$1,035.34.

(f) For payment to medical providers for treatment of Shawn M. Norring, who was injured while performing sentence-to-service work in Aitkin County, \$3,675.10.

(g) For payment to medical providers for treatment of Aaron W. Osten, for permanent injuries to his left forearm suffered while performing assigned duties at MCF-Faribault, \$3,375.

(h) For payment to medical providers for treatment of Christopher A. Pearson, who was injured while performing sentence-to-service work in Isanti County, \$1,139.74.

(i) For payment to medical providers for treatment of Michael J. Proell, who was injured while performing sentence-to-service work in Todd County, \$1,039.85.

(j) For payment to medical providers for treatment of Anthony T. Reller, who was injured while performing sentence-to-service work in Carlton County, \$1,901.17.

(k) For payment to S.B., a minor, for permanent injuries to his left foot suffered while performing sentence-to-service work in Hennepin County, \$3,000, and for payment to medical providers for treatment of S.B., \$1,009.83.

(l) For payment to Nicholas Tobin, for permanent injuries to his left hand suffered while

performing assigned duties at MCF-Faribault, \$4,875.

(m) For payment to Deleon C. Walker, for permanent injuries to his left hand suffered while performing assigned duties while incarcerated at MCF-Moose Lake, \$11,050.

(n) For payment to Nancy Wescott, for permanent injuries suffered while performing sentence-to-service work in Watonwan County and to reimburse her for medical expenses she already paid, \$1,550.41, and for payment to medical providers for treatment of Ms. Wescott, \$8,397.41.

**Sec. 2. DEPARTMENT OF REVENUE.**

\$1,123 is appropriated from the general fund to the commissioner of revenue in fiscal year 2011 for full and final payment of the claim by Renee S. Johnson, of Brooklyn Park, Minnesota, for the amount of an expired property tax refund check she failed to cash for medical reasons and to refund her filing fee.

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

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

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

**S.F. No. 288:** A bill for an act relating to health; regulating dental laboratories; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

Page 1, line 10, delete "includes" and insert "does not include"

Page 1, delete line 11 and insert "dental prosthetic appliances are fabricated or repaired for the exclusive use of the dentist or dentists within the dental practice. Section 150A.25, subdivisions 1 to 5, shall not apply to a dental laboratory that is physically located in a dentist's office where a dental prosthetic appliance is manufactured exclusively for use by patients of record."

Page 2, line 19, after "of" insert "at least one full-time" and delete "technicians" and insert "technician"

Page 2, after line 20, insert:

"Laboratories will have two years from April 1, 2012, to obtain one of the following: Certified Dental Laboratory certification, at least one full-time employee who is a certified dental technician, ISO, or DAMAS certification.

This subdivision is effective April 1, 2012."

Page 3, line 3, delete the comma and insert a period

Page 3, delete line 4

Page 3, after line 19, insert:

"(d) Dentists licensed under this chapter who repair or fabricate a dental prosthetic appliance

or by work order have a dental prosthetic appliance repaired or fabricated by a dental technician within their dental practice and for their patients must place material content information in the patient record."

Page 3, line 24, delete everything after the period

Page 3, delete lines 25 and 26

Page 4, line 15, delete "is" and insert "may not exceed"

Page 4, line 19, delete "\$....." and insert "\$165,000" and delete "\$....." and insert "\$165,000"

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

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

**S.F. No. 918:** A bill for an act relating to liquor; authorizing microdistilleries; authorizing various licenses; amending Minnesota Statutes 2010, sections 340A.101, by adding subdivisions; 340A.301, subdivision 4, by adding subdivisions; 340A.404, by adding subdivisions; 340A.412, subdivision 4.

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

Page 3, line 28, delete "two bottles or less" and insert "two or fewer bottles"

Page 4, after line 2, insert:

"Sec. 8. Minnesota Statutes 2010, section 340A.404, subdivision 7, is amended to read:

Subd. 7. **Airports commission.** On-sale licenses may be issued by the Metropolitan Airports Commission for the sale of intoxicating liquor in major airports owned by the Metropolitan Airports Commission and used as terminals for regularly scheduled air passenger service. Notwithstanding any other law, the license authorized by this subdivision may be issued for space that is not compact and contiguous.

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

Page 6, after line 4, insert:

"Sec. 13. **EFFECTIVE DATE; SUMMER COLLEGIATE BASEBALL LICENSES.**

Laws 2011, chapter 16, is effective April 20, 2011."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 920:** A bill for an act relating to transportation; requiring report on trunk highway fund expenditures; modifying provisions relating to electric-assisted bicycles, special vehicles, conservation officer vehicles and vehicle permits; establishing Mississippi River Trail bikeway;



designating highways; providing for special plates for woman veterans; modifying location requirements for motor vehicle dealer record keeping; clarifying drivers license requirement for train crews; clarifying traffic laws regarding flashing yellow lights and arrows; expanding authority for bus operation on highway shoulders; modifying vehicle equipment provisions; removing exceptions from child passenger restraint law; authorizing gross weight increase for transportation of sweet corn; authorizing drivers education online component; requiring driver education on carbon monoxide poisoning; extending drivers license expiration for certain military members; modifying department of transportation reporting requirements; allowing city of Paynesville to retain certain funds; removing obsolete language; making technical changes; appropriating money; amending Minnesota Statutes 2010, sections 84.777, subdivision 2; 84.92, subdivisions 8, 9, 10; 84.9257; 84.928, subdivision 1; 85.015, by adding a subdivision; 85.018, subdivisions 2, 4; 160.263, subdivision 2; 160.845; 160.93, subdivisions 1, 2; 161.14, subdivision 66, by adding a subdivision; 168.012, subdivision 1; 168.013, subdivisions 1e, 3, 12; 168.017, subdivision 3; 168.123, subdivision 2; 168A.11, subdivision 4; 169.011, subdivision 27; 169.035, by adding a subdivision; 169.045, subdivisions 1, 2, 3, 5, 6, 7, 8; 169.06, subdivisions 5, 7; 169.223, subdivision 5; 169.306; 169.4503, by adding a subdivision; 169.64, subdivision 2; 169.685, subdivisions 6, 7; 169.826, subdivision 1a; 169.85, subdivision 2; 169.86, subdivisions 1, 4, 5, by adding a subdivision; 171.03; 171.05, subdivision 2; 171.0701; 171.13, subdivision 1, by adding a subdivision; 171.27; 174.56; 221.0314, subdivision 3a; 222.50, subdivision 4; 222.51; 222.53; proposing coding for new law in Minnesota Statutes, chapters 160; 171; repealing Minnesota Statutes 2010, sections 160.93, subdivision 2a; 161.08, subdivision 2; 168.012, subdivision 1b; 222.48, subdivision 3a.

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

Page 45, after line 17, insert:

"Sec. 59. Minnesota Statutes 2010, section 239.791, is amended by adding a subdivision to read:

Subd. 16. **Exemption for recreational vehicle manufacturer.** A person responsible for the product may offer for sale, sell, or dispense gasoline that is not oxygenated according to subdivision 1 if the gasoline is intended to be used exclusively for research and development by a manufacturer of snowmobiles, all-terrain vehicles, motorcycles, or recreational vehicles."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after the first semicolon, insert "authorizing the sale of non-oxygenated gasoline for use by a manufacturer in the research and development of certain recreational vehicles;"

Amend the title numbers accordingly

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

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

**H.F. No. 1381** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1381	1167				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1381 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1381, the fourth engrossment; and insert the language after the enacting clause of S.F. No. 1167, the first engrossment; further, delete the title of H.F. No. 1381, the fourth engrossment; and insert the title of S.F. No. 1167, the first engrossment.

And when so amended H.F. No. 1381 will be identical to S.F. No. 1167, and further recommends that H.F. No. 1381 be given its second reading and substituted for S.F. No. 1167, and that the Senate File be indefinitely postponed.

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 54, 288, 918 and 920 were read the second time.

### SECOND READING OF HOUSE BILLS

H.F. No. 1381 was read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### Senator Fischbach introduced—

**S.F. No. 1416:** A bill for an act relating to real estate; providing process for unaffixing manufactured home from real property; amending Minnesota Statutes 2010, sections 168A.01, by adding a subdivision; 168A.02, subdivision 3; 168A.04, subdivision 1; 168A.05, subdivisions 1, 1a, 1b; 168A.141, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168A.

Referred to the Committee on Jobs and Economic Growth.

#### Senator Nelson introduced—

**S.F. No. 1417:** A bill for an act relating to capital investment; appropriating money for expansion and renovation of the city of Stewartville's fire station; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Saxhaug introduced–**

**S.F. No. 1418:** A bill for an act relating to capital investment; appropriating money to acquire land for a regional fire station in Itasca County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senators Dibble and Pogemiller introduced–**

**S.F. No. 1419:** A bill for an act relating to retirement; public employees police and fire retirement plan; providing for a voluntary consolidation of the Minneapolis Firefighters Relief Association and a voluntary consolidation of the Minneapolis Police Relief Association with PERA-P&F; amending Minnesota Statutes 2010, sections 353.01, subdivision 16, by adding subdivisions; 353.65, subdivisions 1, 2, 3; 353.651, subdivision 1; 353.656, subdivisions 1, 1a, 3, 3a; 353.657, subdivision 1; 423A.02, subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 353.

Referred to the Committee on State Government Innovation and Veterans.

**Senators Limmer and Latz introduced–**

**S.F. No. 1420:** A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2010, section 171.306, subdivision 5.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS**

Senator Nienow moved that the name of Senator DeKruif be added as a co-author to S.F. No. 1389. The motion prevailed.

**Senators Latz, Rest, Bonoff, Michel and Hann introduced –**

**Senate Resolution No. 81:** A Senate resolution congratulating Ken Novak Jr. of Hopkins High School on being named the ESPN RISE National Boys Basketball Coach of the Year.

Referred to the Committee on Rules and Administration.

**SPECIAL ORDERS**

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

S.F. Nos. 1308, 731 and 1244.

**SPECIAL ORDER**

**S.F. No. 1308:** A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XIII; recognizing marriage as only a union between one man and one woman.

Senator Limmer moved to amend S.F. No. 1308 as follows:

Page 1, line 12, before "The" insert "(a)"

Page 1, after line 17, insert:

"(b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the question submitted to the people under paragraph (a) shall be "Recognition of Marriage.""

Senator Dibble moved to amend the Limmer amendment to S.F. No. 1308 as follows:

Page 1, line 6, after "Marriage" insert "Solely Between One Man and One Woman"

The question was taken on the adoption of the Dibble amendment to the Limmer amendment.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kubly	Nienow	Sieben
Benson	Gimse	Langseth	Olson	Skoe
Brown	Hall	Lillie	Ortman	Sparks
Carlson	Hann	Limmer	Parry	Stumpf
Chamberlain	Hoffman	Magnus	Pederson	Thompson
Dahms	Howe	Marty	Rest	Tomassoni
Daley	Ingebrigtsen	Michel	Robling	Vandever
DeKruif	Jungbauer	Miller	Rosen	Wiger
Fischbach	Koch	Nelson	Saxhaug	Wolf
Gazelka	Kruse	Newman	Senjem	

Those who voted in the negative were:

Berglin	Harrington	Lourey	Pogemiller
Bonoff	Higgins	McGuire	Reinert
Dibble	Kelash	Metzen	Sheran
Goodwin	Latz	Pappas	Torres Ray

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

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

Senator Goodwin moved to amend S.F. No. 1308 as follows:

Page 1, lines 9 and 15, after "woman" insert "for life"

Amend the title as follows:

Page 1, line 4, after "woman" insert "for life"

The question was taken on the adoption of the amendment.

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

Those who voted in the negative were:

Bakk	Gerlach	Kubly	Newman	Sheran
Benson	Gimse	Langseth	Nienow	Sieben
Berglin	Goodwin	Latz	Olson	Skoe
Bonoff	Hall	Lillie	Ortman	Sparks
Brown	Hann	Limmer	Parry	Stumpf
Carlson	Harrington	Lourey	Pederson	Thompson
Chamberlain	Hoffman	Magnus	Pogemiller	Tomassoni
Dahms	Howe	Marty	Reinert	Torres Ray
Daley	Ingebrigtsen	McGuire	Rest	Vandever
DeKruif	Jungbauer	Metzen	Robling	Wiger
Dibble	Kelash	Michel	Rosen	Wolf
Fischbach	Koch	Miller	Saxhaug	
Gazelka	Kruse	Nelson	Senjem	

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

**CALL OF THE SENATE**

Senator Brown imposed a call of the Senate for the balance of the proceedings on S.F. No. 1308. The Sergeant at Arms was instructed to bring in the absent members.

Senator Latz moved to amend S.F. No. 1308 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section shall be added to article VI, to read:

Sec. 14. The judicial branch has no jurisdiction under this constitution to define marriage. The legislature has the sole power to define marriage.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2012 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to provide that the judicial branch has no jurisdiction under the Minnesota Constitution to define marriage and that only the legislature has this power?"

Yes .....  
No ..... ""

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article VI; restricting the power of the judicial branch to define marriage."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

Bakk	Harrington	Latz	Pappas	Tomassoni
Berglin	Higgins	Lourey	Reinert	Torres Ray
Bonoff	Kelash	McGuire	Rest	Wiger
Dibble	Kubly	Metzen	Saxhaug	
Goodwin	Langseth	Nelson	Senjem	

Those who voted in the negative were:

Benson	Gazelka	Jungbauer	Newman	Sieben
Brown	Gerlach	Koch	Nienow	Skoe
Carlson	Gimse	Kruse	Olson	Sparks
Chamberlain	Hall	Lillie	Ortman	Stumpf
Dahms	Hann	Limmer	Parry	Thompson
Daley	Hoffman	Magnus	Pederson	Vandever
DeKruif	Howe	Michel	Robling	Wolf
Fischbach	Ingebrigtsen	Miller	Rosen	

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

S.F. No. 1308 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 38 and nays 27, as follows:

Those who voted in the affirmative were:

Benson	Gazelka	Jungbauer	Nelson	Rosen
Brown	Gerlach	Koch	Newman	Senjem
Carlson	Gimse	Kruse	Nienow	Stumpf
Chamberlain	Hall	Lillie	Olson	Thompson
Dahms	Hann	Limmer	Ortman	Vandever
Daley	Hoffman	Magnus	Parry	Wolf
DeKruif	Howe	Michel	Pederson	
Fischbach	Ingebrigtsen	Miller	Robling	

Those who voted in the negative were:

Bakk	Higgins	Marty	Rest	Tomassoni
Berglin	Kelash	McGuire	Saxhaug	Torres Ray
Bonoff	Kubly	Metzen	Sheran	Wiger
Dibble	Langseth	Pappas	Sieben	
Goodwin	Latz	Pogemiller	Skoe	
Harrington	Lourey	Reinert	Sparks	

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

### SPECIAL ORDER

**S.F. No. 731:** A bill for an act relating to state government; extending effective date for electronic prescribing requirements for certain providers; establishing an autism spectrum disorder task force; authorizing detoxification services interstate contracts; modifying single-family residential use day care requirements; modifying human services supplemental service contracts; requiring a request for information for an integrated service delivery system for health care programs, food support cash assistance and child care; modifying the nursing licensure requirements; modifying the alcohol and drug counselor requirements; exempting certain organizations from the food, beverage, and lodging establishment requirements; amending Minnesota Statutes 2010, sections

62J.497, subdivision 2; 148.191, subdivision 2; 148.211, subdivision 1; 148.212, subdivision 1; 148.231; 157.15, subdivision 12b; 157.22; 245.50; 245A.04, subdivision 2; 245A.14, subdivisions 1, 4; 256.0112, by adding a subdivision; 462.357, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 148; proposing coding for new law as Minnesota Statutes, chapter 148F; repealing Minnesota Statutes 2010, sections 148C.01, subdivisions 1, 1a, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 4, 4a, 5, 7, 9, 10, 11, 11a, 12, 12a, 13, 14, 15, 16, 17, 18; 148C.015; 148C.03, subdivisions 1, 4; 148C.0351, subdivisions 1, 3, 4; 148C.0355; 148C.04, subdivisions 1, 2, 3, 4, 5a, 6, 7; 148C.044; 148C.045; 148C.05; 148C.055; 148C.07; 148C.075; 148C.08; 148C.09, subdivisions 1, 1a, 2, 4; 148C.091; 148C.093; 148C.095; 148C.099; 148C.10, subdivisions 1, 2, 3; 148C.11; 148C.12, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; Minnesota Rules, parts 4747.0010; 4747.0020; 4747.0030; 4747.0040; 4747.0050; 4747.0060; 4747.0070, subparts 1, 2, 3, 6; 4747.0200; 4747.0400, subpart 1; 4747.0700; 4747.0800; 4747.0900; 4747.1100, subparts 1, 2, 4, 5, 6, 7, 8, 9; 4747.1400; 4747.1500; 6310.3100, subpart 2; 6310.3600; 6310.3700, subpart 1.

Senator Hann moved to amend S.F. No. 731 as follows:

Page 2, after line 23, insert:

"Sec. 2. Minnesota Statutes 2010, section 62J.81, subdivision 1, is amended to read:

Subdivision 1. **Required disclosure of estimated payment.** (a) A health care provider, as defined in section 62J.03, subdivision 8, or the provider's designee as agreed to by that designee, shall, at the request of a consumer, and at no cost to the consumer or the consumer's employer, provide that consumer with a good faith estimate of the allowable payment the provider has agreed to accept from the consumer's health plan company for the services specified by the consumer, specifying the amount of the allowable payment due from the health plan company. Health plan companies must allow contracted providers, or their designee, to release this information. If a consumer has no applicable public or private coverage, the health care provider must give the consumer, and at no cost to the consumer, a good faith estimate of the average allowable reimbursement the provider accepts as payment from private third-party payers for the services specified by the consumer and the estimated amount the noncovered consumer will be required to pay. Payment information provided by a provider, or by the provider's designee as agreed to by that designee, to a patient pursuant to this subdivision does not constitute a legally binding estimate of the allowable charge for or cost to the consumer of services.

(b) A health plan company, as defined in section 62J.03, subdivision 10, shall, at the request of an enrollee intending to receive specific health care services or the enrollee's designee, provide that enrollee with a good faith estimate of the allowable amount the health plan company has contracted for with a specified provider within the network as total payment for a health care service specified by the enrollee and the portion of the allowable amount due from the enrollee and the enrollee's out-of-pocket costs. An estimate provided to an enrollee under this paragraph is not a legally binding estimate of the allowable amount or enrollee's out-of-pocket cost.

**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 Benson moved to amend S.F. No. 731 as follows:

Page 10, line 35, delete "April 30, 2012" and insert "October 31, 2011"

Page 11, line 11, delete "January 15, 2013" and insert "May 15, 2012"

Page 11, line 15, after "must" insert "evaluate," and after "develop" insert a comma

Page 11, line 16, after "following" insert "minimum components"

Page 11, delete line 22

Page 11, line 23, delete "(5)" and insert "(4)"

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

Page 11, line 27, delete "(7)" and insert "(6)"

Page 11, after line 30, insert:

"(f) Subject to a legislative appropriation, the commissioner of human services shall issue a request for proposals for the appropriate phase of an integrated service delivery system for health care programs, food support, cash assistance, and child care."

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend S.F. No. 731 as follows:

Page 2, after line 23, insert:

**"Sec. 2. [256B.768] PATIENT-CENTERED DECISION MAKING.**

(a) Effective January 1, 2012, the commissioner shall require active participation in a patient-centered decision-making process before authorization is approved or payment reimbursement is provided for the following:

(1) a surgical procedure for the following conditions: abnormal uterine bleeding, benign prostate enlargement, chronic back pain, early stage breast and prostate cancers, gastroesophageal reflux disease, hemorrhoids, spinal stenosis, temporomandibular joint dysfunction, ulcerative colitis, urinary incontinence, uterine fibroids, or varicose veins; or

(2) bypass surgery for coronary disease, angioplasty for stable coronary artery disease, and total hip replacement.

(b) A list of these procedures shall be published in the State Register by October 1, 2011. The list shall be reviewed no less than every two years by the commissioner, in consultation with the commissioner of health. The commissioner, in consultation with the Health Services Policy Committee under section 256B.0625, subdivision 3c, may include additional preference-sensitive procedures for which the clinical evidence does not clearly support one treatment option over another and the appropriate course of treatment depends on the values and preferences of the patient. The commissioner shall hold a public forum and receive public comment prior to any changes to the list provided in paragraph (a). Any changes made shall be published in the State Register.



(c) Prior to receiving authorization or reimbursement for the procedures identified under this section, a health care provider must certify that the patient has participated in a patient-centered decision-making process. The format for this certification and the process for coordination between providers shall be developed by the Health Services Policy Committee.

(d) For purposes of this section, "patient-centered decision making" means a process that involves directed interaction between a health care professional and the patient or the patient's legal representative to assist the patient in understanding the patient's health condition, available treatment options, and the benefits and harms of each option, and in deciding what treatment is best for the patient based on the patient's circumstances, values, and preferences. The interaction may be conducted by a health care provider or through the use of patient decision aids, or both.

(e) For purposes of this section, "patient decision aid" means a written, audiovisual, or online tool that provides a balanced presentation of the condition or treatment options, benefits, and harms, and is certified by one or more national certifying organizations.

(f) This section does not apply if any of the procedures identified in this section are performed under an emergency situation.

**Sec. 3. SHARED DECISION-MAKING RESOURCE CENTER.**

(a) The commissioner of human services shall pursue a federal grant for the establishment and support of a shared decision-making resource center to provide technical assistance to providers and to develop and disseminate best practices and the information to support and accelerate to adoption of patient decision aids and shared decision making.

(b) If a shared decision-making resource center is established, the resource center shall review the procedures listed in Minnesota Statutes, section 256B.768, and make recommendations to the commissioner on procedures that should be included in the list."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 731 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Kruse	Nienow	Sieben
Benson	Gimse	Kubly	Olson	Sparks
Berglin	Goodwin	Langseth	Ortman	Stumpf
Brown	Hann	Lillie	Parry	Thompson
Carlson	Hoffman	Magnus	Pederson	Vanderveer
Chamberlain	Howe	Metzen	Reinert	Wiger
Dahms	Ingebrigtsen	Michel	Robling	Wolf
Daley	Jungbauer	Miller	Rosen	
DeKruif	Kelash	Nelson	Senjem	
Fischbach	Koch	Newman	Sheran	

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

**SPECIAL ORDER**

**S.F. No. 1244:** A bill for an act relating to environment; modifying the Wetland Conservation Act; providing for state environmental permit coordination and management; modifying certain environmental review procedures; authorizing consumptive use of water; requiring rulemaking; amending Minnesota Statutes 2010, sections 103G.005, subdivision 10e, by adding a subdivision; 103G.2212; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 2a, 6, 7, 9, 12, 14, by adding a subdivision; 103G.2251; 116D.04, subdivision 2a, as amended; proposing coding for new law in Minnesota Statutes, chapters 103G; 116C.

Senator Goodwin moved to amend S.F. No. 1244 as follows:

Page 17, line 7, delete "200,000,000" and insert "150,000,000"

Page 17, line 8, delete everything after "purposes"

Page 17, line 9, delete "requirements" and after the period, insert "If the flow value of the river is less than the Q90 for five consecutive days, the appropriation must cease until flow levels exceed the Q90 value. The permit shall expire at the end of two years."

Amend the title accordingly

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

S.F. No. 1244 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 48 and nays 13, as follows:

Those who voted in the affirmative were:

Bakk	Gazelka	Kruse	Newman	Sheran
Benson	Gerlach	Langseth	Nienow	Skoe
Bonoff	Gimse	Latz	Olson	Sparks
Brown	Hall	Lillie	Ortman	Stumpf
Carlson	Hann	Limmer	Parry	Thompson
Chamberlain	Hoffman	Magnus	Pederson	Vanderveer
Dahms	Howe	Metzen	Robling	Wiger
Daley	Ingebrigtsen	Michel	Rosen	Wolf
DeKruif	Jungbauer	Miller	Saxhaug	
Fischbach	Koch	Nelson	Senjem	

Those who voted in the negative were:

Berglin	Kelash	McGuire	Reinert	Torres Ray
Dibble	Kubly	Pappas	Rest	
Goodwin	Lourey	Pogemiller	Sieben	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Koch moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

**MESSAGES FROM THE HOUSE**

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 8:

**H.F. No. 8:** A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; requiring the Minnesota Comprehensive Health Association to offer a high-deductible, basic plan; requiring the commissioner of human services to seek federal waivers; amending Minnesota Statutes 2010, sections 62E.08, subdivision 1; 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62E; 256L.

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

Gottwalt, Abeler and Mack have been appointed as such committee on the part of the House.

House File No. 8 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 11, 2011

Senator Hann moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 8, 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.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Koch 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 Fischbach in the chair.

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

S.F. No. 955 and H.F. No. 664, which the committee recommends to pass.

**S.F. No. 742**, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 742.

The roll was called, and there were yeas 47 and nays 14, as follows:

Those who voted in the affirmative were:

Benson	Gimse	Kruse	Newman	Skoe
Brown	Goodwin	Langseth	Nienow	Sparks
Carlson	Hall	Latz	Olson	Stumpf
Chamberlain	Hann	Lillie	Ortman	Thompson
Dahms	Higgins	Limmer	Parry	Vanderveer
Daley	Hoffman	Magnus	Pederson	Wiger
DeKruif	Howe	Metzen	Robling	Wolf
Fischbach	Ingebrigtsen	Michel	Rosen	
Gazelka	Jungbauer	Miller	Senjem	
Gerlach	Koch	Nelson	Sheran	

Those who voted in the negative were:

Berglin	Harrington	Lourey	Pappas	Sieben
Bonoff	Kelash	Marty	Pogemiller	Torres Ray
Dibble	Kubly	McGuire	Rest	

The motion prevailed. So S.F. No. 742 was recommended to pass.

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

### MEMBERS EXCUSED

Senators Cohen and Scheid were excused from the Session of today. Senators Bonoff, Dibble, Lourey, McGuire, Pogemiller, Rest and Saxhaug were excused from the Session of today from 2:15 to 2:30 p.m. Senators Higgins and Pappas were excused from the Session of today from 2:15 to 2:45 p.m. Senator Bakk was excused from the Session of today at 2:40 p.m. Senator Reinert was excused from the Session of today at 2:45 p.m.

### ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 10:30 a.m., Thursday, May 12, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate