

FIFTY-FIFTH DAY

St. Paul, Minnesota, Monday, May 13, 2013

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Senator Bakk 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. Dennis Morreim.

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

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

Anderson	Eaton	Johnson	Osmek	Sieben
Bakk	Eken	Kent	Pappas	Skoe
Benson	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Bonoff	Franzen	Koenen	Petersen, B.	Stumpf
Brown	Gazelka	Latz	Pratt	Thompson
Carlson	Goodwin	Limmer	Reinert	Tomassoni
Chamberlain	Hall	Lourey	Rest	Torres Ray
Champion	Hann	Marty	Rosen	Weber
Clausen	Hawj	Metzen	Ruud	Westrom
Cohen	Hayden	Miller	Saxhaug	Wiger
Dahle	Hoffman	Nelson	Scalze	Wiklund
Dahms	Housley	Newman	Schmit	
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	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

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1183.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 10, 2013

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1183: A bill for an act relating to state government; appropriating money from constitutionally dedicated legacy funds; modifying provisions of Lessard-Sams Outdoor Heritage Council; establishing certain land acquisition requirements; providing for agricultural water quality certification; modifying provisions for restoration evaluations; requiring use of certain standards for public water access sites; establishing Greater Minnesota Regional Parks and Trails Commission; modifying certain metropolitan area regional park provisions; extending previous appropriation; modifying Clean Water Legacy Act; prohibiting sale and use of coal tar sealant; modifying Mississippi River corridor critical area program; modifying certain grant eligibility; requiring issuance of city license; authorizing certain expenditures; requiring recapture of certain funds previously appropriated; providing for reimbursement of certain costs; requiring reports; amending Minnesota Statutes 2012, sections 3.9741, subdivision 3; 10A.01, subdivision 35; 85.53, subdivision 2; 97A.056, subdivisions 3, 10, 11, by adding subdivisions; 114D.15, by adding a subdivision; 114D.50, subdivisions 4, 6, by adding subdivisions; 116G.15, subdivisions 2, 3, 4, 7; 129D.17, subdivision 2; 129D.19, subdivisions 1, 2; Laws 2001, chapter 193, section 10; Laws 2010, chapter 361, article 3, section 7; proposing coding for new law in Minnesota Statutes, chapters 17; 85; 114D; 116; repealing Minnesota Statutes 2012, section 116.201.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

H.F. No. 694 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.
694	586				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 694 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 694, the first engrossment; and insert the language after the enacting clause of S.F. No. 586; further, delete the title of H.F. No. 694, the first engrossment; and insert the title of S.F. No. 586.

And when so amended H.F. No. 694 will be identical to S.F. No. 586, and further recommends that H.F. No. 694 be given its second reading and substituted for S.F. No. 586, 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.

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

H.F. No. 1792 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:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1792	1629				

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 HOUSE BILLS

H.F. Nos. 694 and 1792 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Westrom, Ingebrigtsen and Fischbach introduced—

S.F. No. 1657: A bill for an act relating to natural resources; providing for permitting of a fishing pier on Long Lake in Stearns County.

Referred to the Committee on Environment and Energy.

MOTIONS AND RESOLUTIONS

Senator Kiffmeyer moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Hoffman be added as chief author to S.F. No. 1060. The motion prevailed.

Senator Bakk moved that H.F. No. 683 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 683: A bill for an act relating to water; creating Legislative Water Commission; providing appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

H.F. No. 683 was read the second time.

Senator Bakk moved that H.F. No. 683 be laid on the table. The motion prevailed.

RECESS

Senator Bakk 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 Bakk 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. 840: Senators Champion, Hayden and Nelson.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated H.F. No. 1054 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1054: A bill for an act relating to marriage; providing for civil marriage between two persons; providing for exemptions and protections based on religious association; amending Minnesota Statutes 2012, sections 363A.26; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09; 518.07; proposing coding for new law in Minnesota Statutes, chapter 517.

Senator Dibble moved that the amendment made to H.F. No. 1054 by the Committee on Rules and Administration in the report adopted May 10, 2013, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Gazelka moved to amend H.F. No. 1054 as follows:

Page 1, after line 23, insert:

"Sec. 2. **[363A.261] FIRST AMENDMENT RIGHTS.**

Subdivision 1. **Religious entities.** (a) No religious association, corporation, society, organization, or other entity supervised or controlled by or in connection with those entities, or individual acting in the scope of employment for a religious entity, or clergy or minister, may be required to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage, or treat any marriage as valid for any purpose, if that action would cause the entity or individual to violate their sincerely held religious beliefs.

(b) The exception in paragraph (a) applies to employees, agents, and volunteers acting within the capacity of their employment or responsibilities with a religious association, religious corporation, or religious society.

Subd. 2. **Private persons.** No person may be required to provide services, accommodations, facilities, goods, or privileges that assist or promote the solemnization, formation, or celebration of any marriage, or that facilitate the development or preservation of any marriage, if that action would cause the person to violate the person's sincerely held religious beliefs.

Subd. 3. **Immunity.** No refusal to provide services, accommodations, facilities, goods, or privileges protected by this section may result in a civil or criminal cause of action or complaint, including an action or proceeding under this chapter, or any action by the state or a

political subdivision to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected person.

Subd. 4. **Liberal construction.** The exemptions in this section further the compelling governmental interest of protecting first amendment rights and must be liberally construed to provide the utmost protection for those rights."

Page 3, delete subdivision 3

Page 4, line 21, delete ", if that" and insert a period

Page 4, delete lines 22 and 23

Page 5, after line 21, insert:

"Sec. 10. **INSEVERABILITY.**

Notwithstanding Minnesota Statutes, section 645.20, if any provision of this act is found to be unconstitutional and void, the remaining provisions are not severable and are void."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Dibble imposed a call of the Senate for the balance of the proceedings on H.F. No. 1054. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 26 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Pederson, J.	Weber
Benson	Hall	Nelson	Pratt	Westrom
Brown	Hann	Newman	Rosen	
Chamberlain	Ingebrigtsen	Nienow	Ruud	
Dahms	Kiffmeyer	Ortman	Senjem	
Fischbach	Limmer	Osmeck	Thompson	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Reinert	Stumpf
Bonoff	Eken	Kent	Rest	Tomassoni
Carlson	Franzen	Koenen	Saxhaug	Torres Ray
Champion	Goodwin	Latz	Scalze	Wiger
Clausen	Hawj	Lourey	Schmit	Wiklund
Cohen	Hayden	Marty	Sheran	
Dahle	Hoffman	Metzen	Sieben	
Dibble	Housley	Pappas	Skoe	
Dziedzic	Jensen	Petersen, B.	Sparks	

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

Senator Westrom moved to amend H.F. No. 1054 as follows:

Page 4, line 29, after the period, insert "For marriages between a man and a woman, the terminology under the law in effect before August 1, 2013, must continue to be used."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Tomassoni
Benson	Hall	Miller	Pratt	Weber
Brown	Hann	Nelson	Rosen	Westrom
Chamberlain	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	
Eken	Kiffmeyer	Ortman	Stumpf	
Fischbach	Koenen	Osmek	Thompson	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Reinert	Sparks
Bonoff	Eaton	Kent	Rest	Torres Ray
Carlson	Franzen	Latz	Saxhaug	Wiger
Champion	Goodwin	Lourey	Scalze	Wiklund
Clausen	Hawj	Marty	Schmit	
Cohen	Hayden	Metzen	Sheran	
Dahle	Hoffman	Pappas	Sieben	
Dibble	Jensen	Petersen, B.	Skoe	

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

H.F. No. 1054 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 37 and nays 30, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Petersen, B.	Skoe
Bonoff	Eaton	Johnson	Reinert	Tomassoni
Carlson	Eken	Kent	Rest	Torres Ray
Champion	Franzen	Latz	Saxhaug	Wiger
Clausen	Goodwin	Lourey	Scalze	Wiklund
Cohen	Hawj	Marty	Schmit	
Dahle	Hayden	Metzen	Sheran	
Dibble	Hoffman	Pappas	Sieben	

Those who voted in the negative were:

Anderson	Gazelka	Koenen	Ortman	Senjem
Benson	Hall	Limmer	Osmek	Sparks
Brown	Hann	Miller	Pederson, J.	Stumpf
Chamberlain	Housley	Nelson	Pratt	Thompson
Dahms	Ingebrigtsen	Newman	Rosen	Weber
Fischbach	Kiffmeyer	Nienow	Ruud	Westrom

So the bill passed and its title was agreed to.

RECESS

Senator Bakk 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.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1307.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2013

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. 489: A bill for an act relating to retirement; Minnesota State Retirement System, Public Employees Retirement Association, and former local police and paid firefighter relief associations; authorizing investments in swaps; clarifying language; removing obsolete language; revising outdated requirements; revising contribution rate revision procedures; revising disability standards and disability benefit administration procedures; merging the elected state officers retirement plan into the legislators retirement plan; revising pension commission standards provision; revising pension plan financial report contents provision; clarifying coverage of student employees and extending duration of excluded work-study positions; revising military service credit purchase provision for consistency with federal code; clarifying average salary for benefit purposes; clarifying MERF division benefit eligibility; adding Lake County Sunrise Home to privatization chapter; removing legislative approval requirements for privatizations; modifying legislative notification requirements for privatizations; clarifying privatized public hospital pension benefit eligibility; making various administrative changes; eliminating the PERA Social Security leveling optional annuity; revising and repealing various statutes to reflect the recent mergers of local police and salaried firefighter relief associations and consolidation accounts with the public employees police and fire retirement plan; streamlining amortization state aid programs; extending the deadline for participation in the voluntary statewide lump-sum volunteer firefighter retirement plan; requiring municipal approval for deferred service pension interest rate changes by volunteer firefighter relief association boards of trustees; authorizing a resumption of the payment of a death benefit to estates of certain White Bear Lake volunteer firefighter relief association retirees; including Minnesota Association of Professional Employees in MSRS-General plan coverage; authorizing the termination of nonspousal survival designations in optional annuity form elections in certain instances; authorizing certain service credit purchases; providing instructions to the revisor of statutes; amending Minnesota Statutes 2012, sections 3.85, subdivision 10; 3A.011; 3A.03, subdivision 3; 3A.07; 3A.115; 3A.13; 3A.15; 6.495, subdivisions 1, 3; 6.67; 11A.24, subdivision 1; 13D.01, subdivision 1; 69.011, subdivisions 1, 2, 3, 4; 69.021, subdivisions 1, 2, 3, 4, 5, 7, 7a, 8, 9, 10, 11; 69.031, subdivisions 1, 3, 5; 69.041; 69.051, subdivisions 1, 1a, 1b, 2, 3, 4; 69.33; 69.77, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 69.771, subdivision 1; 69.774,

subdivision 1; 69.80; 275.70, subdivision 5; 2971.10, subdivision 1; 345.381; 352.01, subdivisions 2a, 17b; 352.029, subdivisions 1, 2a, 2b, 3, 5; 352.03, subdivisions 4, 8; 352.045, by adding subdivisions; 352.113, subdivisions 4, 6, 8, by adding subdivisions; 352.115, subdivision 3; 352.22, subdivision 3; 352.87, subdivision 3; 352.93, subdivision 2; 352.95, subdivision 1; 352.955, subdivisions 1, 3; 352B.011, subdivision 13; 352B.08, subdivision 2; 352B.10, subdivision 1, by adding a subdivision; 352D.04, subdivision 2; 353.01, subdivisions 2a, 2b, 6, 10, 16, 17a, 29; 353.03, subdivision 3; 353.27, subdivision 7; 353.29, subdivision 3; 353.34, subdivisions 1, 2; 353.50, subdivisions 3, 6; 353.64, subdivision 1a; 353.651, subdivision 3; 353.656, subdivisions 1, 1a, 3a; 353.657, subdivisions 2, 2a, 3; 353.659; 353.665, subdivisions 1, 5, 8; 353.71, subdivision 1; 353E.04, subdivision 3; 353E.06, subdivision 1; 353F.02, subdivisions 3, 4, 6, by adding a subdivision; 353F.025, subdivisions 1, 2; 353F.03; 353F.04; 353F.05; 353F.051, subdivision 1; 353F.052; 353F.06; 353F.07; 353F.08; 353G.05, subdivision 2; 354.07, subdivision 1; 354.44, subdivision 6; 354A.021, subdivision 2; 354A.31, subdivisions 4, 4a; 356.20, subdivisions 2, 4; 356.214, subdivision 1; 356.215, subdivisions 1, 8, 18; 356.216; 356.219, subdivisions 1, 2, 8; 356.30, subdivisions 1, 3; 356.315, subdivision 9; 356.401, subdivision 3; 356.406, subdivision 1; 356.415, subdivisions 1, 1a, 1b, 2; 356.48, subdivision 1; 356.635, subdivision 1; 356A.01, subdivision 19; 356A.06, subdivision 4; 356A.07, subdivision 2; 423A.02, subdivisions 1, 1b, 2, 3, 3a, 4, 5; 424A.001, subdivision 4, by adding a subdivision; 424A.01, subdivision 6; 424A.015, subdivisions 1, 4; 424A.016, subdivision 6; 424A.02, subdivisions 7, 9; 424A.10, subdivisions 1, 2; 475.52, subdivision 6; 490.121, subdivision 22; 490.124, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3A; 6; 353F; 356; repealing Minnesota Statutes 2012, sections 3A.02, subdivision 3; 69.021, subdivision 6; 69.77, subdivision 3; 352.955, subdivision 2; 352C.001; 352C.091, subdivision 1; 352C.10; 353.29, subdivision 6; 353.64, subdivision 3; 353.665, subdivisions 2, 3, 4, 6, 7, 9, 10; 353.667; 353.668; 353.669; 353.6691; 353A.01; 353A.02; 353A.03; 353A.04; 353A.05; 353A.06; 353A.07; 353A.08; 353A.081; 353A.083; 353A.09; 353A.10; 353B.01; 353B.02; 353B.03; 353B.04; 353B.05; 353B.06; 353B.07; 353B.08; 353B.09; 353B.10; 353B.11; 353B.12; 353B.13; 353B.14; 353F.02, subdivisions 4, 5; 353F.025, subdivision 3; 356.315, subdivisions 1, 1a, 2, 2a, 2b, 3, 4, 5, 5a, 6, 7, 8; 423A.01; 423A.02, subdivision 1a; 423A.04; 423A.05; 423A.07; 423A.10; 423A.11; 423A.12; 423A.13; 423A.14; 423A.15; 423A.16; 423A.17; 423A.171; 423A.18; 423A.19; 423A.20; 423A.21; 423A.22; 424A.10, subdivision 5.

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

Murphy, M.; Nelson and Davids.

Senate File No. 489 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2013

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. 840: A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2012, section 181.9413.

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

Hansen, Melin and Kieffer.

Senate File No. 840 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2013

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1444:

H.F. No. 1444: A bill for an act relating to government finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, tort claims, and certain contingent appropriations; modifying various provisions related to transportation finance and policy; making technical and clarifying changes; amending Minnesota Statutes 2012, sections 161.20, subdivision 3; 161.44, by adding a subdivision; 168A.01, subdivision 6a; 171.05, subdivision 2, by adding a subdivision; 171.061, subdivision 4; 174.40, by adding a subdivision; 219.1651; 299E.01, subdivisions 2, 3; 398A.10, by adding a subdivision; Laws 2009, chapter 9, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 174; repealing Minnesota Statutes 2012, sections 161.04, subdivision 6; 174.285, subdivision 8.

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

Hornstein, Erhardt, Bernardy, Sundin and Beard have been appointed as such committee on the part of the House.

House File No. 1444 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 13, 2013

Senator Bakk, for Senator Dibble, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1444, and that a Conference Committee of 5 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.

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 335.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 13, 2013

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 335: A bill for an act relating to courts; prohibiting exclusion from jury service on the basis of marital status or sexual orientation; amending Minnesota Statutes 2012, section 593.32, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 41, now on General Orders.

RECESS

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

H.F. No. 1444: Senators Dibble, Jensen, Kent, Champion and Carlson.

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

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Tuesday, May 14, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate