

## STATE OF MINNESOTA

## EIGHTY-SEVENTH SESSION — 2011

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 THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 13, 2011

The House of Representatives convened at 3:00 p.m. and was called to order by Tony Sertich, Speaker pro tempore.

Prayer was offered by the Reverend Grady St. Dennis, House Chaplain.

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

The roll was called and the following members were present:

Abeler	Dean	Hancock	Kriesel	Mullery	Schomacker
Anderson, B.	Dettmer	Hansen	Laine	Murdock	Scott
Anderson, D.	Dill	Hausman	Lanning	Murphy, E.	Sertich
Anderson, P.	Dittrich	Hayden	Leidiger	Murphy, M.	Shimanski
Anzelc	Doepke	Hilstrom	LeMieur	Murray	Simon
Atkins	Downey	Hilty	Lenczewski	Myhra	Slawik
Banaian	Drazkowski	Holberg	Lesch	Nelson	Slocum
Barrett	Eken	Hoppe	Liebling	Nornes	Smith
Beard	Erickson	Hornstein	Lillie	Norton	Stensrud
Benson, J.	Fabian	Hortman	Loeffler	O'Driscoll	Swedzinski
Benson, M.	Falk	Hosch	Lohmer	Paymar	Thissen
Bills	Franson	Howes	Loon	Pelowski	Tillberry
Brynaert	Fritz	Huntley	Mack	Peppin	Torkelson
Buesgens	Garofalo	Johnson	Mahoney	Persell	Urdahl
Carlson	Gauthier	Kahn	Mariani	Petersen, B.	Vogel
Champion	Gottwalt	Kath	Marquart	Peterson, S.	Wagenius
Clark	Greene	Kelly	Mazorol	Poppe	Ward
Cornish	Greiling	Kieffer	McDonald	Quam	Wardlow
Crawford	Gruenhagen	Kiel	McElfrick	Rukavina	Westrom
Daudt	Gunther	Kiffmeyer	McFarlane	Runbeck	Winkler
Davids	Hackbarth	Knuth	Moran	Sanders	Woodard
Davnie	Hamilton	Koenen	Morrow	Scalze	

A quorum was present.

Anderson, S.; McNamara and Zellers were excused.

Speaker pro tempore Sertich called Davids to the Chair.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 9, A bill for an act relating to energy; abolishing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2010, section 216B.243, subdivision 3b.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Commerce and Regulatory Reform.

The report was adopted.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Downey; Benson, M.; Bills; Kieffer; Beard; Anderson, S.; Drazkowski; Kiffmeyer and Erickson introduced:

H. F. No. 67, A bill for an act relating to the state budget; limiting general fund expenditures in the 2012-2013 biennium to forecasted revenues; specifying the use of any forecasted increases in revenues above the level of revenues forecasted for the 2010-2011 biennium.

The bill was read for the first time and referred to the Committee on Taxes.

Garofalo introduced:

H. F. No. 68, A bill for an act relating to crimes; providing that careless driving resulting in death is a gross misdemeanor; amending Minnesota Statutes 2010, section 169.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

Drazkowski introduced:

H. F. No. 69, A bill for an act relating to joint physical custody; establishing a rebuttable presumption; amending Minnesota Statutes 2010, section 518.003, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2010, section 518.17, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Law.

Kiffmeyer introduced:

H. F. No. 70, A bill for an act relating to education finance; authorizing fund transfer for Independent School District No. 726, Becker.

The bill was read for the first time and referred to the Committee on Education Finance.

Simon; Garofalo; Greiling; Benson, J., and Winkler introduced:

H. F. No. 71, A bill for an act relating to education finance; authorizing a school district to use its operating capital for certain costs associated with closing a school; amending Minnesota Statutes 2010, section 126C.10, subdivision 14.

The bill was read for the first time and referred to the Committee on Education Finance.

Beard; Dill; Gruenhagen; Rukavina; O'Driscoll; Vogel; McDonald; LeMieur; Drazkowski; Scott; Wardlow; Franson; Murdock; Swedzinski; Torkelson; Anderson, P.; Schomacker; McNamara; Lohmer; Pelowski and Hackbarth introduced:

H. F. No. 72, A bill for an act relating to energy; removing ban on increased carbon dioxide emissions by utilities; amending Minnesota Statutes 2010, section 216H.02, subdivision 4; repealing Minnesota Statutes 2010, section 216H.03.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Anzels and Rukavina introduced:

H. F. No. 73, A bill for an act relating to finance; providing a grant for a proposed plasma-biomass plant in Lake of the Woods County; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Policy and Finance.

Hansen and Atkins introduced:

H. F. No. 74, A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for grants to metropolitan area cities to address inflow and infiltration in the sewer system.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Hackbarth and Erickson introduced:

H. F. No. 75, A bill for an act relating to energy; modifying provisions relating to public utilities, energy conservation, and renewable energy; amending Minnesota Statutes 2010, sections 3.8851, subdivision 3; 16B.322, subdivisions 5, 7; 16B.325, subdivision 4; 116J.437, subdivision 1; 216B.16, subdivision 6b; 216B.1612,

subdivision 2; 216B.1636, subdivision 1; 216B.1645, subdivision 1; 216B.1691; 216B.241; 216B.243, subdivision 9; 216C.43, subdivision 11; 297A.68, by adding a subdivision; 373.48, subdivision 3; repealing Minnesota Statutes 2010, sections 216B.1612, subdivisions 1, 3, 4, 5, 6, 7, 8, 9; 216B.1681; 216B.1691, subdivision 7; 216B.2401; 216C.03; 216C.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Banaian, Beard, Kiffmeyer and Erickson introduced:

H. F. No. 76, A bill for an act relating to government reform; requiring a system of zero-based budgeting; providing for sunset and review of state agencies; amending Minnesota Statutes 2010, sections 16A.103; 16A.11, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 16A; proposing coding for new law as Minnesota Statutes, chapter 3D; repealing Minnesota Statutes 2010, section 16A.103, subdivisions 1b, 4.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Lanning, Abeler and Hayden introduced:

H. F. No. 77, A bill for an act relating to human services; establishing grant programs to promote healthy communities and the development of circles of support initiatives; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Peterson, S., introduced:

H. F. No. 78, A bill for an act relating to insurance; requiring surcharge disclosure for homeowner's insurance; proposing coding for new law in Minnesota Statutes, chapter 65A.

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform.

Dauids introduced:

H. F. No. 79, A bill for an act relating to taxes; individual income; conforming to the federal extension of the exclusion of dependent health care coverage to adult children through age 26 for tax year 2010; amending Minnesota Statutes 2010, section 290.01, subdivision 19.

The bill was read for the first time and referred to the Committee on Taxes.

Nornes introduced:

H. F. No. 80, A bill for an act relating to transportation; authorizing annual special permits for transporting waterfront structures on trunk highways; amending Minnesota Statutes 2010, section 169.86, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Rukavina and Anzelc introduced:

H. F. No. 81, A bill for an act relating to retirement; general employees retirement plan of Public Employees Retirement Association; authorizing purchase of service and salary credit for certain former employees of Babbitt and Buhl for eligible unreported employment.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Dettmer, Kriesel, O'Driscoll, Lesch, Lohmer, LeMieur and Anderson, B., introduced:

H. F. No. 82, A bill for an act relating to taxation; individual income; providing a phased-in subtraction for military retirement pay; amending Minnesota Statutes 2010, sections 290.01, subdivision 19b; 290.091, subdivision 2.

The bill was read for the first time and referred to the Veterans Services Division.

Paymar introduced:

H. F. No. 83, A bill for an act relating to agriculture; repealing the ethanol producer payment program; repealing Minnesota Statutes 2010, section 41A.09, subdivisions 1a, 2a, 3a, 4, 10.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Policy and Finance.

Morrow introduced:

H. F. No. 84, A bill for an act relating to motor vehicles; authorizing special highway 14 plates; appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Morrow introduced:

H. F. No. 85, A bill for an act relating to crimes; providing penalty for careless driving resulting in death; providing for revocation of violator's driver's license; amending Minnesota Statutes 2010, sections 169.13, by adding a subdivision; 171.17, subdivision 1; 171.30, subdivision 2a.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

Mariani introduced:

H. F. No. 86, A bill for an act relating to education; increasing the compulsory attendance age; amending Minnesota Statutes 2010, sections 120A.22, subdivision 5; 120A.24, subdivision 1; 124D.03, subdivision 12; 260C.007, subdivision 19; 260C.143, subdivision 4; repealing Minnesota Statutes 2010, section 120A.22, subdivision 8.

The bill was read for the first time and referred to the Committee on Education Reform.

Mariani and Slocum introduced:

H. F. No. 87, A bill for an act relating to education; establishing a preservice performance assessment for teacher candidates; establishing an alternative teacher preparation program and limited-term teaching license; amending Minnesota Statutes 2010, section 122A.09, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 122A.

The bill was read for the first time and referred to the Committee on Education Reform.

Doepke; Anderson, S.; Erickson; Runbeck and Gruenhagen introduced:

H. F. No. 88, A bill for an act relating to education; removing set-aside for student health personnel; amending Minnesota Statutes 2010, section 126C.44.

The bill was read for the first time and referred to the Committee on Education Finance.

Benson, M.; Myhra; Dettmer; Quam; Petersen, B.; Lohmer; Murdock; Kelly; Anderson, P.; Kiel; LeMieur; Wardlow; Barrett; Gruenhagen; Vogel and Anderson, S., introduced:

H. F. No. 89, A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; amending Minnesota Statutes 2010, section 204C.10; proposing coding for new law in Minnesota Statutes, chapters 201; 204C.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Hausman, Carlson, Clark and Hayden introduced:

H. F. No. 90, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing a fiber optic infrastructure grant program for schools; reducing prior bond authorizations; authorizing the sale of state bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126C.

The bill was read for the first time and referred to the Committee on Capital Investment.

Howes; Daudt; Ward; Kiffmeyer; Gunther; Gottwalt; Shimanski; Drazkowski; Dettmer; Anderson, B.; Hancock; Woodard; Fabian; Abeler; Benson, M., and Vogel introduced:

H. F. No. 91, A bill for an act relating to motor vehicles; authorizing special "Choose Life" license plates; establishing adoption support account and appropriating funds; proposing coding for new law in Minnesota Statutes, chapter 168.

The bill was read for the first time and referred to the Committee on Transportation Policy and Finance.

Downey; Benson, M.; Banaian; Bills; Beard; Kiel; Shimanski; Petersen, B.; Kieffer; Kelly; Anderson, S.; Myhra; Crawford; Leidiger; Fabian; Kiffmeyer and Barrett introduced:

H. F. No. 92, A bill for an act relating to education; repealing the teacher contract deadline aid penalty; repealing Minnesota Statutes 2010, section 123B.05.

The bill was read for the first time and referred to the Committee on Education Reform.

### **MOTIONS AND RESOLUTIONS**

Fabian moved that the names of Erickson, McNamara, Murray, Lohmer, Quam, Wardlow, McDonald, Urdahl, Lanning, Hancock, Sanders, Dettmer, Crawford, Leidiger, Myhra, Garofalo, Kieffer, Murdock, Barrett, Torkelson and Downey be added as authors on H. F. No. 1. The motion prevailed.

Banaian moved that the names of Crawford, Murray, Lohmer, Erickson, Fabian, McDonald, Myhra, Sanders, Dittrich, Kieffer, Holberg, Hancock, Murdock, Barrett, Torkelson and Downey be added as authors on H. F. No. 2. The motion prevailed.

Mariani moved that the names of McDonald, Dittrich, Kieffer, Champion, Murdock, Dettmer, Slocum and Moran be added as authors on H. F. No. 3. The motion prevailed.

Downey moved that the names of Myhra, Leidiger, McDonald, Hancock, Murdock and Dettmer be added as authors on H. F. No. 4. The motion prevailed.

McNamara moved that the names of Myhra, Holberg, Murdock, Dettmer and Torkelson be added as authors on H. F. No. 5. The motion prevailed.

Cornish moved that the names of Kieffer; Hancock; Gruenhagen; Dettmer; Anderson, S.; Torkelson and Slocum be added as authors on H. F. No. 6. The motion prevailed.

Drazkowski moved that the names of McDonald; Scott; Anderson, B.; Gruenhagen; Hancock; Murdock and Downey be added as authors on H. F. No. 7. The motion prevailed.

Gottwalt moved that the names of Kiffmeyer; Mack; Murdock; Drazkowski; Urdahl; Anderson, P.; McFarlane; Nornes; Dettmer; Gruenhagen; Bills; Scott; Torkelson; Banaian; Downey; Vogel and Fabian be added as authors on H. F. No. 8. The motion prevailed.

Peppin moved that the names of Leidiger, Kelly, McDonald, Lohmer, Garofalo, Kieffer, Nornes, Mack, Holberg and Hancock be added as authors on H. F. No. 9. The motion prevailed.

Loon moved that the names of Kieffer, Mack, Stensrud, Scott, Holberg, Murdock and Dettmer be added as authors on H. F. No. 10. The motion prevailed.

Bills moved that the names of Kieffer, Kath and Urdahl be added as authors on H. F. No. 11. The motion prevailed.

LeMieur moved that the names of Garofalo, Hancock, Murdock, Dettmer and Barrett be added as authors on H. F. No. 12. The motion prevailed.

Kriesel moved that the names of Garofalo and Dettmer be added as authors on H. F. No. 13. The motion prevailed.

Howes moved that the names of Scalze, Champion, Slocum and Brynaert be added as authors on H. F. No. 14. The motion prevailed.

Koenen moved that the name of Kath be added as an author on H. F. No. 15. The motion prevailed.

Hackbarth moved that the names of Hancock and Kath be added as authors on H. F. No. 16. The motion prevailed.

Koenen moved that the name of Kath be added as an author on H. F. No. 18. The motion prevailed.

Dauids moved that the name of Kieffer be added as an author on H. F. No. 21. The motion prevailed.

Dauids moved that the name of Dettmer be added as an author on H. F. No. 25. The motion prevailed.

Gottwalt moved that the names of Garofalo, Kieffer, Hancock, Simon, Dettmer and Downey be added as authors on H. F. No. 29. The motion prevailed.

Dill moved that the name of Quam be added as an author on H. F. No. 31. The motion prevailed.

Dill moved that the name of Slocum be added as an author on H. F. No. 33. The motion prevailed.

Norton moved that the names of Champion and Slocum be added as authors on H. F. No. 37. The motion prevailed.

Norton moved that the names of Kath, Downey and Slocum be added as authors on H. F. No. 40. The motion prevailed.

Dauids moved that the names of Urdahl, LeMieur and Dettmer be added as authors on H. F. No. 42. The motion prevailed.

Fritz moved that the names of Ward and Slocum be added as authors on H. F. No. 43. The motion prevailed.

Mariani moved that the names of Champion, Slocum and Moran be added as authors on H. F. No. 44. The motion prevailed.

Mariani moved that the name of Brynaert be added as an author on H. F. No. 45. The motion prevailed.

Mariani moved that the names of Simon, Champion and Moran be added as authors on H. F. No. 46. The motion prevailed.

Mariani moved that the names of Dittrich, Slocum and Moran be added as authors on H. F. No. 47. The motion prevailed.

Mariani moved that the names of Slocum and Moran be added as authors on H. F. No. 48. The motion prevailed.

Hayden moved that the names of Gauthier, Falk, Hilty, Champion, Hornstein and Slocum be added as authors on H. F. No. 51. The motion prevailed.

Peppin moved that the names of Falk, Simon, Kath and Dettmer be added as authors on H. F. No. 52. The motion prevailed.



Buesgens moved that the names of Crawford, McDonald, Holberg and Downey be added as authors on H. F. No. 53. The motion prevailed.

Dauids moved that the names of Quam and Dettmer be added as authors on H. F. No. 54. The motion prevailed.

Kriesel moved that the names of Crawford, McNamara, Holberg and Dettmer be added as authors on H. F. No. 57. The motion prevailed.

Erickson moved that the names of Nornes, Holberg and Anderson, S., be added as authors on H. F. No. 59. The motion prevailed.

Ward moved that the names of Morrow and Brynaert be added as authors on H. F. No. 61. The motion prevailed.

Garofalo moved that the names of Kieffer, Quam, Dettmer and Downey be added as authors on H. F. No. 63. The motion prevailed.

Drazkowski moved that the names of Scott, Dettmer and Downey be added as authors on H. F. No. 64. The motion prevailed.

Barrett moved that his name be stricken as an author on H. F. No. 65. The motion prevailed.

Drazkowski moved that the names of Scott and Dettmer be added as authors on H. F. No. 65. The motion prevailed.

Drazkowski moved that the names of Holberg and Scott be added as authors on H. F. No. 66. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following appointments and changes in committee assignments:

Judiciary Policy and Finance: Delete the name of Slocum and add the name of Hilstrom.

#### ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Tuesday, January 18, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and Speaker pro tempore Dauids declared the House stands adjourned until 3:00 p.m., Tuesday, January 18, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

