

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 3, 2011

The House of Representatives convened at 3:00 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by Dr. Paul Dovre, President of Concordia College, Moorhead, Minnesota.

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

A quorum was present.

Atkins, Champion, Falk, Laine and Smith were excused.

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

Garofalo from the Committee on Education Finance to which was referred:

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.

Reported the same back with the following amendments:

Amend the title as follows:

Page 1, line 2, delete "removing set-aside for student health personnel" and insert "removing the maintenance of effort and set-aside requirements for school personnel; returning financial decision making to school districts"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Dauids from the Committee on Taxes to which was referred:

H. F. No. 103, A bill for an act relating to unemployment insurance; modifying certain eligibility and extension provisions; amending Minnesota Statutes 2010, section 268.085, subdivision 9.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Atkins, Hoppe, Sanders, Mahoney, Lillie, Murdock and Johnson introduced:

H. F. No. 343, A bill for an act relating to crime; enhancing enforcement capability for identity theft and other fraudulent activities conducted electronically; amending Minnesota Statutes 2010, sections 53B.18; 299L.01; proposing coding for new law in Minnesota Statutes, chapter 299L.

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

Lanning, Gunther, Hausman, Howes, Nelson, Murray and Clark introduced:

H. F. No. 344, A bill for an act relating to capital investment; appropriating money for rehabilitation of public housing; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Greiling; Ward; Brynaert; Thissen; Carlson; Murphy, M.; Peterson, S.; Kahn; Scalze; Slocum; Tillberry; Mariani; Gauthier; Moran; Greene; Paymar; Hausman; Anzelc; Mullery; Hayden; Champion; Nelson; Lillie; Benson, J., and Falk introduced:

H. F. No. 345, A bill for an act relating to education finance; modifying the school finance system; creating a new education funding framework; making changes to income tax schedules; amending Minnesota Statutes 2010, sections 123B.53, subdivision 5; 124D.4531; 124D.59, subdivision 2; 124D.65, subdivision 5; 125A.76, subdivision 5; 125A.79, subdivision 7; 126C.01, by adding subdivisions; 126C.05, subdivisions 1, 3, 5, 6, 8, 16, 17; 126C.10, subdivisions 1, 2, 2a, 3, 4, 6, 13, 14, 18, by adding subdivisions; 126C.13, subdivisions 4, 5; 126C.17, subdivisions 1, 5, 6; 126C.20; 126C.40, subdivision 1; 127A.51; proposing coding for new law in Minnesota Statutes, chapters 123B; 126C; repealing Minnesota Statutes 2010, sections 123B.54; 123B.57, subdivisions 3, 4, 5; 123B.591; 125A.76, subdivision 4; 125A.79, subdivision 6; 126C.10, subdivisions 2b, 13a, 13b, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 31b, 32, 33, 34, 35, 36; 126C.12; 126C.126; 127A.50.

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

McFarlane; Hortman; Doepke; Anderson, S., and Woodard introduced:

H. F. No. 346, A bill for an act relating to education; authorizing a transfer from the reserved for operating capital account to the undesignated general fund; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Howes; Davids; McFarlane; Sanders; Hansen; Murdock; McNamara; Hornstein; Morrow; Gunther; Koenen; Urdahl; Lanning; Huntley; Gauthier; Cornish; Nelson; Slawik; Carlson; Dill; Anderson, P.; Torkelson; Poppe; Nornes; Hamilton; Pelowski; Brynaert; Beard; Abeler; Atkins and Slocum introduced:

H. F. No. 347, A bill for an act relating to motor vehicles; modifying fees for transactions relating to motor vehicles and drivers' licenses; amending Minnesota Statutes 2010, sections 168.33, subdivision 7; 171.06, subdivisions 2, 2a.

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

Hackbarth introduced:

H. F. No. 348, A bill for an act relating to game and fish; modifying decoy restrictions; amending Minnesota Statutes 2010, section 97B.811, subdivision 3; repealing Minnesota Statutes 2010, section 97B.811, subdivision 4.

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

Lillie and Slawik introduced:

H. F. No. 349, A bill for an act relating to capital improvements; appropriating money for a regional public safety training facility in the city of Maplewood; authorizing the sale and issuance of state bonds.

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

Lillie introduced:

H. F. No. 350, A bill for an act relating to taxation; removing a limitation on the duration of a tax exemption for homesteads of surviving spouses of disabled veterans; amending Minnesota Statutes 2010, section 273.13, subdivision 34.

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

Lillie introduced:

H. F. No. 351, A resolution designating the Honor and Remember Flag as the State of Minnesota's emblem of the service and sacrifice by those in the United States armed forces who have given their lives in the line of duty; and urging Congress to pass a House Resolution to designate the Honor and Remember Flag for the same purpose.

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

Eken, Lanning, Kiel, Marquart and Fabian introduced:

H. F. No. 352, A bill for an act relating to capital investment; appropriating money to implement flood damage reduction projects of a capital nature with certain conditions; authorizing the sale and issuance of state bonds.

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

Loon introduced:

H. F. No. 353, A bill for an act relating to taxation; appealing official orders of commissioner of revenue; notice; amending Minnesota Statutes 2010, section 271.06, subdivision 2.

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

Slocum and Lenczewski introduced:

H. F. No. 354, A bill for an act relating to capital improvements; appropriating money for the Lindau Lane Corridor; authorizing the sale and issuance of state bonds.

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

Kiffmeyer; Erickson; Myhra; Draskowski; Woodard; Petersen, B.; Kiel; Abeler and Wardlow introduced:

H. F. No. 355, A bill for an act relating to education; reducing mandates for home schools; relieving superintendents of certain reporting requirements; amending Minnesota Statutes 2010, sections 120A.22, subdivision 11; 120A.24; 121A.15, subdivision 8; 123B.42, subdivision 1; 123B.44, subdivision 1; 171.05, subdivision 2; 171.17, subdivision 1; 171.22, subdivision 1; 181A.05, subdivision 1; repealing Minnesota Statutes 2010, section 120A.26, subdivisions 1, 2.

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

Hilstrom introduced:

H. F. No. 356, A bill for an act relating to civil actions; establishing a cause of action for intentional interference with the expectation of inheritance; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Lenczewski introduced:

H. F. No. 357, A bill for an act relating to taxation; property; repeal of metropolitan fiscal disparities program; repealing Minnesota Statutes 2010, sections 473F.001; 473F.01; 473F.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 21, 22, 23, 24; 473F.03; 473F.05; 473F.06; 473F.07; 473F.08, subdivisions 1, 2, 3, 3a, 3b, 4, 5, 5a, 6, 7a, 8a, 10; 473F.09; 473F.10; 473F.11; 473F.13, subdivision 1.

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

Barrett and Benson, M., introduced:

H. F. No. 358, A bill for an act relating to law enforcement; prohibiting immigration law enforcement noncooperation ordinances and policies; providing for use of immigration-related data; proposing coding for new law in Minnesota Statutes, chapters 13; 299A.

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

Dill, Davids, Gottwalt and Davnie introduced:

H. F. No. 359, A bill for an act relating to taxation; clarifying the imposition of sales tax on motor vehicle paint and supplies; amending Minnesota Statutes 2010, section 297A.61, subdivision 4, by adding a subdivision.

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

Peterson, S.; Brynaert; Anderson, S., and Ward introduced:

H. F. No. 360, A bill for an act relating to education finance; clarifying that a school district is not required to provide educational services to students without disabilities from other states; amending Minnesota Statutes 2010, section 125A.515, by adding a subdivision.

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

Kriesel, Cornish and Lohmer introduced:

H. F. No. 361, A bill for an act relating to crime; modifying crime of fleeing a peace officer; amending Minnesota Statutes 2010, section 609.487, subdivision 4.

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

Kahn introduced:

H. F. No. 362, A bill for an act relating to real property; allowing common interest community unit owners to obtain copies of association records; amending Minnesota Statutes 2010, section 515B.3-118.

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

Lenczewski introduced:

H. F. No. 363, A bill for an act relating to lobbyists; prohibiting former legislators, constitutional officers, agency heads, and certain legislative employees from lobbying for legislative or administrative action for one year after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Lanning and Marquart introduced:

H. F. No. 364, A bill for an act relating to chemical health; providing interstate contracts for detoxification services; amending Minnesota Statutes 2010, section 245.50.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 130, A bill for an act relating to state government finance; making appropriation reductions for fiscal year 2011, policy changes, and appropriation reductions for fiscal years 2012 and 2013; making changes to tax aids and credits and reducing payments; amending Minnesota Statutes 2010, sections 256B.766; 270A.03, subdivision 7; 273.1384, subdivision 6, by adding a subdivision; 289A.02, subdivision 7; 289A.50, subdivision 1; 290.01, subdivisions 6, 19, 19a, 19c, 31; 290A.03, subdivisions 11, 13, 15; 290C.07; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03; Laws 2010, First Special Session chapter 1, article 5, sections 4; 5; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

CAL R. LUDEMAN, Secretary of the Senate

Holberg moved that the House refuse to concur in the Senate amendments to H. F. No. 130, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I have the honor to inform the House of Representatives that the Senate is ready to meet with the House in Joint Convention at 11:45 a.m., Wednesday, February 9, 2011 to receive the message of the Honorable Mark Dayton, Governor of the State of Minnesota, which will be delivered at 12:00 noon.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Mark Dayton, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, February 9, 2011, at 12:00 noon.

Senators Dahms, Nelson, Pederson, Reinert and Sieben have been appointed as members of such committee on the part of the Senate.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 4 and 55.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 4, A bill for an act relating to energy; regulating and monitoring decommissioning of nuclear power plants and disposal of used fuel; abolishing prohibition on issuing certificate of need for new nuclear power plant; amending Minnesota Statutes 2010, section 216B.243, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

S. F. No. 55, A bill for an act relating to education; modifying charter authorizer approval deadline; amending Minnesota Statutes 2010, section 124D.10, subdivision 3.

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 130:

Holberg, Davids, Abeler, Nornes and Gunther.

MOTIONS AND RESOLUTIONS

Dauids moved that the name of Poppe be added as an author on H. F. No. 22. The motion prevailed.

Garofalo moved that the names of Poppe, Dettmer, Peppin and Anderson, P., be added as authors on H. F. No. 68. The motion prevailed.

Beard moved that the name of Lanning be added as an author on H. F. No. 72. The motion prevailed.

Dauids moved that the name of Lanning be added as an author on H. F. No. 79. The motion prevailed.

Dettmer moved that the name of Crawford be added as an author on H. F. No. 82. The motion prevailed.

Downey moved that the name of Crawford be added as an author on H. F. No. 178. The motion prevailed.

Holberg moved that the name of Nornes be added as an author on H. F. No. 235. The motion prevailed.

Anderson, S., moved that the name of Kieffer be added as an author on H. F. No. 255. The motion prevailed.

Dittrich moved that the name of Scott be added as an author on H. F. No. 314. The motion prevailed.

Holberg moved that the name of Scott be added as an author on H. F. No. 329. The motion prevailed.

Drazkowski moved that the name of Westrom be added as an author on H. F. No. 331. The motion prevailed.

Drazkowski moved that the name of Westrom be added as an author on H. F. No. 332. The motion prevailed.

Moran moved that the name of Slocum be added as an author on H. F. No. 333. The motion prevailed.

Greiling moved that the name of Slocum be added as an author on H. F. No. 341. The motion prevailed.

Hackbarth moved that H. F. No. 55, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, February 7, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, February 7, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives