

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2012

SEVENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 16, 2012

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

A quorum was present.

Beard, Huntley, Murdock and Slocum were excused.

Persell was excused until 4:00 p.m.

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

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1134, A bill for an act relating to insurance; regulating annuity products; enacting a model regulation adopted by the National Association of Insurance Commissioners relating to suitability in annuity transactions; amending Minnesota Statutes 2010, sections 60A.06, subdivision 3; 60K.46, subdivision 4; 72A.20, subdivision 34; proposing coding for new law in Minnesota Statutes, chapter 72A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1595, 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.

Reported the same back with the following amendments:

Page 1, lines 12 and 19, delete "the day following final enactment" and insert "August 1, 2012"

Page 2, line 6, after "number" insert "in the case of a vehicle or serial number in the case of a manufactured home"

Page 2, lines 21 and 27, delete "the day following final enactment" and insert "August 1, 2012"

Page 3, lines 4, 15, and 31, delete "the day following final enactment" and insert "August 1, 2012"

Page 5, lines 2 and 6, delete "affidavit" and insert "opinion"

Page 5, line 9, delete "and"

Page 5, line 12, after the semicolon, insert "and"

Page 5, after line 12, insert:

"(v) that the person signing the opinion has reviewed all provisions of the affidavit of severance and certifies that they are correct and complete to the best of the knowledge of the person signing this opinion;"

Page 5, delete lines 19 to 24

Page 5, line 25, delete "(c)" and insert "(b)"

Page 5, line 29, delete "(d)" and insert "(c)" and delete "(c)" and insert "(b)"

Page 5, delete line 32 and insert:

"(d) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the department under this section, so long as the documents presented appear to satisfy the requirements of this section. The department has no obligation to investigate the accuracy of statements contained in the documents."

Page 5, line 33, delete "the day following final enactment" and insert "August 1, 2012"

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

The report was adopted.

Anderson, B., from the Veterans Services Division to which was referred:

H. F. No. 1821, A bill for an act relating to veterans; changing the small business set-aside program for veteran-owned small businesses; authorizing county set-aside programs for veteran-owned small businesses; changing reporting requirements; amending Minnesota Statutes 2010, section 161.321, subdivisions 2, 5, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 375.

Reported the same back with the following amendments:

Page 2, line 19, delete "goods and" and insert "professional and technical"

Page 2, line 23, delete "support services and other" and insert "and technical services."

Page 2, delete line 24

Page 2, delete line 25

Page 2, line 26, delete everything after "(c)" and insert "The commissioner must strive to ensure that contracts under this subdivision will be awarded on a proportional basis with contracts awarded under subdivision 2."

Page 2, delete lines 27 and 28

Page 2, line 31, before the period, insert ", except when prohibited by federal law or rule as a condition of receiving federal funds"

Page 2, line 33, delete "must" and insert "may"

Page 2, line 35, delete "and" and insert ", as well as" and after "who" insert "have not been granted a waiver and"

Page 3, line 3, delete "must" and insert "may" and after "award" insert "only"

Page 3, line 4, delete "only" and insert a comma

Page 3, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2010, section 161.321, subdivision 8, is amended to read:

Subd. 8. ~~Report by commissioner~~ **Reporting.** (a) The commissioner of ~~transportation~~ shall report to the commissioner of administration on compliance with this section. The information must be reported at the time and in the manner requested by the commissioner of administration.

(b) By February 1 of each even-numbered year, the commissioner of transportation shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation policy and finance and veterans policy and finance concerning contract awards during the preceding biennium under this section. At a minimum, the report must include:

(1) a summary of the program;

(2) a review of the use of preferences for contracting during the preceding biennium, including frequency of establishment of a preference and frequency and amount of contract awards to:

(i) small targeted group businesses; and

(ii) veteran-owned small businesses;

(3) a review of goals and good faith efforts to use small targeted group businesses and veteran-owned small businesses in subcontracts, including analysis of methods used for, and effectiveness of, good faith efforts;

(4) a summary of any financial incentives used or sanctions imposed;

(5) agency commentary on any perceived impediments, whether statutory, administrative, or otherwise, that may be limiting the participation of small targeted group businesses and veteran-owned small businesses in the agency's contract preference program; and

(6) any recommendations for legislative or programmatic changes."

Page 4, delete section 6

Page 6, line 9, before "The" insert "At the request of the county board,"

Renumber the sections in sequence

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

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

H. F. No. 1974, A bill for an act relating to public employment; providing that certain contract terms do not continue in effect after expiration of a collective bargaining agreement; forbidding certain retroactive provisions; amending Minnesota Statutes 2010, section 179A.20, subdivision 6, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1992, A bill for an act relating to transportation; motor carriers; prohibiting indemnity provisions in motor carrier contracts; proposing coding for new law in Minnesota Statutes, chapter 221.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

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

H. F. No. 2078, A bill for an act relating to education finance; expanding use of nonpublic pupil textbook aid; amending Minnesota Statutes 2010, sections 123B.41, by adding a subdivision; 123B.42; Minnesota Statutes 2011 Supplement, section 123B.41, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2087, A bill for an act relating to labor and industry; making changes to the State Building Code; amending Minnesota Statutes 2010, sections 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; Minnesota Statutes 2011 Supplement, sections 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules, parts 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; 3801.3800.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2010, section 178.01, is amended to read:

178.01 PURPOSES.

The purposes of this chapter are: to open to ~~young~~ all people regardless of race, sex, creed, color or national origin, the opportunity to obtain training and on-the-job learning that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved ~~apprentice~~ apprenticeship agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade or occupation, with concurrent, supplementary instruction in related subjects; to promote apprenticeship opportunities under conditions providing adequate training and on-the-job learning and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Board and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Labor Standards and Apprenticeship within the Department of Labor and Industry; to provide for reports to the legislature regarding the status of apprentice training in the state; to establish a procedure for the determination of ~~apprentice~~ apprenticeship agreement controversies; and to accomplish related ends.

Sec. 2. Minnesota Statutes 2010, section 178.03, subdivision 3, is amended to read:

Subd. 3. **Duties and functions.** The director, under the supervision of the commissioner, and with the advice and consultation of the Apprenticeship Board, is authorized: to administer the provisions of this chapter; to promote apprenticeship and other forms of on-the-job learning; to establish, in cooperation and consultation with the Apprenticeship Board and with the apprenticeship committees, conditions, training, and learning standards for the approval of apprenticeship programs and agreements, which conditions and standards shall in no case be lower than those (1) prescribed by this chapter, and (2) established under Code of Federal Regulations, title 29, part 29; to promote equal employment opportunity in apprenticeship and other on-the-job learning and to establish a Minnesota plan for equal employment opportunity in apprenticeship which shall be consistent with standards established under Code of Federal Regulations, title 29, part 30, as amended; to issue certificates of registration to sponsors of approved apprenticeship programs; to act as secretary of the Apprenticeship Board; to approve, if of the opinion that approval is for the best interest of the apprentice, any apprenticeship agreement which meets the standards established hereunder; to terminate any apprenticeship agreement in accordance with the provisions of such agreement; to keep a record of apprenticeship agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as the commissioner deems necessary to carry out the intent of this chapter; provided, that the administration and supervision of supplementary instruction in related subjects for apprentices; coordination of instruction on a concurrent basis with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the function of state and local boards responsible for vocational education. The director shall have the authority to make wage determinations applicable to the graduated schedule of wages and ~~journeyman~~ journeyworker wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeymen that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

Sec. 3. Minnesota Statutes 2010, section 178.03, subdivision 4, is amended to read:

Subd. 4. **Reciprocity approval.** The director, if requested by a sponsoring entity, shall grant reciprocity approval to apprenticeship programs of employers and unions who jointly form a sponsoring entity on a multistate basis in other than the building construction industry if such programs are in conformity with this chapter and have been registered in compliance with Code of Federal Regulations, title 29, part 29, by a state apprenticeship council recognized by or registered with the ~~Bureau of Apprenticeship and Training~~, United States Department of Labor, Office of Apprenticeship, when such approval is necessary for federal purposes under Code of Federal Regulations, title 29, section 29.13(a) or 29.13(b)(7).

Sec. 4. Minnesota Statutes 2010, section 178.05, subdivision 1, is amended to read:

Subdivision 1. **Establishment of committees.** Apprenticeship committees may be established by the director to supervise the operation of apprenticeship programs. Establishment of a committee may be considered justified if either of the following conditions are met:

(a) When the employers and employees in a trade or occupation or trades or occupations are parties to a collective bargaining agreement requiring joint participation in program operation; or

(b) When five or more apprentices are enrolled under a program.

Sec. 5. Minnesota Statutes 2010, section 178.05, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The total number of members on a committee may range from four to twelve.

(b) In joint participation there shall be equal representation of employers and employees.

(c) Members shall be selected by the group or groups they represent subject to approval by the director.

~~(d) A committee may have as one of its employee representatives, an active apprentice of record, provided that the apprentice has completed a minimum of 6,000 hours of an apprenticeship term or has entered the fourth year of the term.~~

Sec. 6. Minnesota Statutes 2010, section 178.06, is amended to read:

178.06 APPRENTICE.

The term "apprentice," as used herein, means a person at least 16 years of age who has entered into a written agreement, hereinafter called an ~~apprentice~~ apprenticeship agreement, with a committee, an employer, an association of employers, or an organization of employees, which ~~apprentice agreement~~ provides for learning consistent with this chapter and Code of Federal Regulations, title 29, section 29.5(b)(1) and (b)(2):

(1) a time-based approach involving not less than 2,000 hours or one year of reasonably continuous employment for such person and for participation in an approved program of on-the-job learning through employment and through concurrent, supplementary education in related subjects;

(2) a competency-based approach involving successful demonstration of acquired skills and knowledge by an apprentice plus on-the-job learning; or

(3) a hybrid approach involving the completion of a specified minimum number of hours plus the successful demonstration of competency.

Whenever a minimum age exceeding 16 years is prescribed by federal or state law to apply to workers in certain hazardous occupations, the minimum age so prescribed shall be applicable to apprentices.

Sec. 7. Minnesota Statutes 2010, section 178.07, is amended to read:

178.07 ~~APPRENTICE~~ APPRENTICESHIP AGREEMENTS.

Every ~~apprentice~~ apprenticeship agreement entered into under this chapter shall contain:

(1) the names of the contracting parties;

(2) the date of birth, and information as to the race and sex of the apprentice;

(3) a statement of the trade, craft, occupation, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end;

(4) a statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in concurrent, supplementary instruction in related subjects, which instruction shall be not less than 144 hours during each year of the apprenticeship term. The maximum number of hours of work per week not including time spent in related and supplemental instruction for any apprentice shall not exceed either the number prescribed by law or the customary regular number of hours per week for the employees of the company by which the apprentice is employed. An apprentice may be allowed to work overtime provided that the overtime work does not conflict with supplementary instruction course attendance. All time in excess of the number of hours of work per week as specified in the apprenticeship agreement shall be considered overtime. For overtime, the apprentice's rate of pay shall be increased by the same percentage as the ~~journeyman's~~ journeyworker's rate of pay for overtime is increased in the same industry or establishment;

(5) a statement setting forth a schedule of the processes in the trade, occupation, or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process;

(6) a statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

(7) a statement providing for a period of probation of not more than 500 hours of employment and instruction extending over not more than four months, during which time the ~~apprentice~~ apprenticeship agreement shall be terminated by the director upon written request of either party, and providing that after such probationary period the ~~apprentice~~ apprenticeship agreement may be terminated by the director by mutual agreement of all parties thereto, or terminated by the director for good and sufficient reason;

(8) a provision that controversies or differences concerning the terms of the ~~apprentice~~ apprenticeship agreement which cannot be resolved by the parties thereto, or which are not covered by a collective bargaining agreement, may be submitted to the director for determination as provided for in section 178.09;

(9) a provision that an employer who is unable to fulfill an obligation under the ~~apprentice~~ apprenticeship agreement may, with the approval of the director, transfer such contract to any other employer, provided that the apprentice consents and that such other employer agrees to assume the obligations of the ~~apprentice~~ apprenticeship agreement; and

(10) such additional terms and conditions as may be prescribed or approved by the director not inconsistent with the provisions of this chapter.

Sec. 8. Minnesota Statutes 2010, section 178.08, is amended to read:

178.08 DIRECTOR TO APPROVE ~~APPRENTICE~~ APPRENTICESHIP AGREEMENTS.

Every ~~apprentice~~ apprenticeship agreement is subject to approval by the director and shall be signed by the committee, the employer, an association of employers, or an organization of employees, and by the apprentice, and if the apprentice is a minor, by a parent or legal guardian. When a minor enters into an ~~apprentice~~ apprenticeship agreement under this chapter for a period of learning extending into majority the ~~apprentice~~ apprenticeship agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Sec. 9. Minnesota Statutes 2010, section 178.09, subdivision 1, is amended to read:

Subdivision 1. **Complaint.** Upon the complaint of any interested person or upon the director's own initiative the director may investigate to determine if there has been a violation of the terms of an ~~apprentice~~ apprenticeship agreement made under this chapter. The director may conduct such proceedings as are necessary for that investigation and determination. All such proceedings shall be on a fair and impartial basis and shall be conducted according to rules promulgated under section 178.041.

Sec. 10. Minnesota Statutes 2010, section 178.09, subdivision 2, is amended to read:

Subd. 2. **Determination; appeal.** The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected by it. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the ~~council~~ apprenticeship board appointed under section 178.02, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the

general public. The board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons for it. Within 30 days after submission, the commissioner may adopt the recommended decision of the board, or disregard the recommended decision of the board and prepare a decision based on the findings of fact and accompanied by a memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected by it. Any person aggrieved or affected by any determination or order of the commissioner may appeal from it to the district court having jurisdiction at any time within 30 days after the date of the order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the court administrator of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after its service, file it, with proof of service, with the court administrator of the court to which the appeal is taken. The district court shall then have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal as in other civil cases."

Page 2, line 36, delete "paragraph (e)"

Page 3, line 3, strike "produce or"

Page 5, line 1, after "parts" insert "1300.0230, subpart 4:"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, before "amending" insert "apprenticeship training;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2173, A bill for an act relating to consumer protection; clarifying the definition of home solicitation sale; amending Minnesota Statutes 2010, section 325G.06, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Peppin from the Committee on Government Operations and Elections to which was referred:

S. F. No. 134, A bill for an act relating to employment; modifying definition of public employee; amending Minnesota Statutes 2010, section 179A.03, subdivision 14.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1134, 1992, 2078, 2087 and 2173 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 134 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Westrom introduced:

H. F. No. 2324, A bill for an act relating to real property; reducing the limitations period for actions affecting title to real estate; amending Minnesota Statutes 2010, sections 365.27, subdivision 3; 541.023, subdivisions 1, 2, 2a, 6, 7.

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

Doepke, Norton, Erickson, Loon, Wagenius, Shimanski, Gunther, Moran, Mariani, Liebling, Lohmer, Downey, Kieffer, O'Driscoll, Stensrud, McDonald, Drazkowski, Buesgens, Kahn, Greene, Knuth, Hausman and Gauthier introduced:

H. F. No. 2325, A bill for an act relating to education; prohibiting school districts from holding school on the Thursday and Friday before Labor Day; amending Minnesota Statutes 2010, section 120A.40.

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

Downey introduced:

H. F. No. 2326, A bill for an act relating to local government; providing for a longer public notice period in a zoning ordinance or amendment for large projects; amending Minnesota Statutes 2010, section 462.357, subdivision 3, by adding a subdivision.

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

Benson, M., and Simon introduced:

H. F. No. 2327, A bill for an act relating to elections; modifying certain election administration procedures for individuals who have been convicted of a felony; amending Minnesota Statutes 2010, sections 201.054, subdivision 2, by adding a subdivision; 201.157; 201.275; 204C.14; 241.065, subdivision 2; Minnesota Statutes 2011 Supplement, section 203B.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 244.

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

Beard, Davids, Dill, Eken, Sanders and Vogel introduced:

H. F. No. 2328, A bill for an act relating to taxation; modifying provisions relating to air flight property tax levies, aircraft fuel taxes, and aircraft registration taxes and filing fees; amending Minnesota Statutes 2010, sections 270.075, by adding a subdivision; 296A.09, subdivision 2; 296A.17, subdivision 3; 297A.94; 360.511, by adding a subdivision; 360.531, subdivisions 1, 2, by adding a subdivision; 360.532; 360.57.

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

Holberg, Dettmer, Mariani, Greiling, Murdock, Kieffer and Tillberry introduced:

H. F. No. 2329, A bill for an act relating to education; clarifying CPR training and instruction requirements; amending Minnesota Statutes 2010, section 120B.236.

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

Westrom and Nornes introduced:

H. F. No. 2330, A bill for an act relating to energy; extending the date for allocation of funding to the University of Minnesota for renewable energy research; amending Minnesota Statutes 2011 Supplement, section 116C.779, subdivision 3.

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

Slawik and Abeler introduced:

H. F. No. 2331, A bill for an act relating to human services; providing an exception to the absent days limit for certain children; amending Minnesota Statutes 2011 Supplement, section 119B.13, subdivision 7.

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

Murray introduced:

H. F. No. 2332, A bill for an act relating to taxation; small business investment credit; providing a higher credit percentage for certain investments; amending Minnesota Statutes 2010, section 116J.8737, subdivisions 5, 7; Minnesota Statutes 2011 Supplement, section 116J.8737, subdivisions 1, 2.

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

Swedzinski, Cornish and Johnson introduced:

H. F. No. 2333, A bill for an act relating to public safety; specifically including theft of motor fuel in the theft crime; creating a permissive inference regarding theft of motor fuel; modifying the drive-off gas civil liability law; amending Minnesota Statutes 2010, sections 171.175; 332.32; 604.15, subdivision 3, by adding a subdivision; 609.52, subdivisions 1, 2.

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

Laine, Abeler and Sanders introduced:

H. F. No. 2334, A bill for an act relating to public employees; authorizing employees of local units of government to participate in group long-term care insurance program; amending Minnesota Statutes 2010, section 43A.318, subdivision 1.

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

Sanders, Hoppe, Daudt, Simon and Loon introduced:

H. F. No. 2335, A bill for an act relating to debt collectors; amending procedures for licensure of debt collection agencies and registration of individual debt collectors; amending Minnesota Statutes 2010, sections 332.33, subdivisions 4, 7, 8; 332.35; 332.40, subdivision 1.

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

Downey introduced:

H. F. No. 2336, A bill for an act relating to job creation; reducing business property taxes; creating a small business regulatory review board; imposing a moratorium on rulemaking by state agencies except in certain specified instances; amending Minnesota Statutes 2010, section 275.025, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Dauids introduced:

H. F. No. 2337, A bill for an act relating to property taxes; reducing and eliminating the state general levy; modifying the additional property tax refund; appropriating money; amending Minnesota Statutes 2010, sections 275.025, subdivision 1, by adding a subdivision; 290A.04, subdivision 2h; repealing Minnesota Statutes 2010, section 275.025, subdivisions 1, 2, 4; Minnesota Statutes 2011 Supplement, section 275.025, subdivision 3.

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

Garofalo; Gunther; Dittrich; Hosch; Kath; Woodard; Benson, J.; Cornish; Beard; Buesgens; Lanning; Anderson, S.; McFarlane; Hamilton; Anderson, P.; Drazkowski; Erickson; Kieffer; McDonald; Torkelson; Bills; Kriesel; Hoppe; Runbeck; Shimanski; Murray; Leidiger; Barrett; Franson; Kiel and Petersen, B., introduced:

H. F. No. 2338, A bill for an act relating to gambling; authorizing the director of the State Lottery to establish gaming machines at a licensed racetrack; imposing a fee on gaming machine revenue; providing powers and duties to the director; dedicating money for education; amending Minnesota Statutes 2010, sections 240.03; 240.13, by adding a subdivision; 240.14, by adding a subdivision; 240.28, subdivision 2; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A; repealing Minnesota Statutes 2010, section 240.30, subdivision 8.

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

Gottwalt; Abeler; Gruenhagen; Franson; Lohmer; Barrett; Drazkowski; Kiffmeyer; Woodard; McDonald; Benson, M.; Wardlow; Beard; Swedzinski; Erickson; Vogel; Quam; Urdahl; Fabian; Anderson, P.; Sanders; Davids; Downey; Runbeck; Torkelson; Banaian and Mack introduced:

H. F. No. 2339, A bill for an act relating to health care; creating a health care compact; proposing coding for new law as Minnesota Statutes, chapter 143.

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

Holberg; Zellers; Fritz; Gottwalt; Dean; Kiffmeyer; Torkelson; Vogel; Gruenhagen; Dettmer; Quam; Benson, M.; Erickson; Anderson, B.; Urdahl; Gunther; Crawford; Cornish; Myhra; Leidiger; Abeler; Scott; Swedzinski; Ward; Shimanski; Bills; Murdock; Pelowski; Marquart; Koenen; Hosch; Murphy, M.; Eken; LeMieur and Wardlow introduced:

H. F. No. 2340, A bill for an act relating to health; requiring licensure of certain facilities that perform abortions; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Peppin; Gottwalt; Hosch; Abeler; Shimanski; Ward; Gruenhagen; Scott; Crawford; Dettmer; Eken; LeMieur; Wardlow; Anderson, D.; Leidiger; McDonald; Murray; Nornes; Cornish; Bills; Drazkowski; Kiffmeyer; Swedzinski; Woodard; Beard; Kiel; O'Driscoll; Marquart; Benson, M.; Pelowski; Fritz; Anderson, B.; Torkelson and Holberg introduced:

H. F. No. 2341, A bill for an act relating to health; requiring a prescribing physician be physically present when certain abortion-inducing drugs are administered; providing for criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Davids, Pelowski, Sanders, Hilty, O'Driscoll, Shimanski and Koenen introduced:

H. F. No. 2342, A bill for an act relating to insurance; regulating township mutual fire insurance company combination policies; amending Minnesota Statutes 2010, section 67A.191.

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

Howes, Hackbarth, Dill and McNamara introduced:

H. F. No. 2343, A bill for an act relating to natural resources; enacting the Freedom to Hunt and Fish Act of 2012; requiring the availability of game and fish licenses by electronic transaction; appropriating money; amending Minnesota Statutes 2010, section 84.027, subdivision 15.

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

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 amendments the concurrence of the House is respectfully requested:

H. F. No. 392, A bill for an act relating to education; modifying provisions relating to school bus safety and standards; amending Minnesota Statutes 2010, sections 169.4501, subdivisions 1, 2; 169.4503, subdivisions 5, 20, by adding subdivisions; repealing Minnesota Statutes 2010, section 169.454, subdivision 10.

CAL R. LUDEMAN, Secretary of the Senate

Howes moved that the House refuse to concur in the Senate amendments to H. F. No. 392, that the Speaker appoint a Conference Committee of 3 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 hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 576.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 576, A bill for an act relating to agriculture; repealing obsolete provisions on county seed and feed loans; repealing Minnesota Statutes 2010, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24.

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

CALENDAR FOR THE DAY

H. F. No. 1870 was reported to the House.

Kath moved that H. F. No. 1870 be re-referred to the Committee on Education Reform.

A roll call was requested and properly seconded.

The question was taken on the Kath motion and the roll was called. There were 60 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Allen	Eken	Hortman	Lillie	Nelson	Thissen
Anzelc	Falk	Hosch	Loeffler	Norton	Tillberry
Atkins	Fritz	Johnson	Mahoney	Paymar	Wagenius
Benson, J.	Gauthier	Kahn	Mariani	Pelowski	Ward
Brynaert	Greene	Kath	Marquart	Persell	Winkler
Carlson	Greiling	Knuth	Melin	Peterson, S.	
Champion	Hansen	Koenen	Moran	Poppe	
Clark	Hausman	Laine	Morrow	Rukavina	
Davnie	Hilstrom	Lenczewski	Mullery	Scalze	
Dill	Hilty	Lesch	Murphy, E.	Simon	
Dittrich	Hornstein	Liebling	Murphy, M.	Slawik	

Those who voted in the negative were:

Abeler	Daudt	Gruenhagen	Kriesel	Murray	Smith
Anderson, B.	Davids	Gunther	Lanning	Myhra	Stensrud
Anderson, D.	Dean	Hackbarth	Leidiger	Nornes	Swedzinski
Anderson, P.	Dettmer	Hamilton	LeMieur	O'Driscoll	Torkelson
Anderson, S.	Doepke	Hancock	Lohmer	Peppin	Urdahl
Banaian	Downey	Holberg	Loon	Petersen, B.	Vogel
Barrett	Drazkowski	Hoppe	Mack	Quam	Wardlow
Benson, M.	Erickson	Howes	Mazorol	Runbeck	Westrom
Bills	Fabian	Kelly	McDonald	Sanders	Woodard
Buesgens	Franson	Kieffer	McElpatrick	Schomacker	Spk. Zellers
Cornish	Garofalo	Kiel	McFarlane	Scott	
Crawford	Gottwalt	Kiffmeyer	McNamara	Shimanski	

The motion did not prevail.

Davids and Petersen, B., moved to amend H. F. No. 1870, the first engrossment, as follows:

Page 3, after line 2, insert:

"(d) Nothing in this subdivision permits a school board to use a teacher's remuneration as a basis for making unrequested leave of absence or discharge decisions."

Page 7, line 5, after the period, insert "Nothing in this subdivision permits a school board to use a teacher's remuneration as a basis for making discharge or demotion decisions."

The motion prevailed and the amendment was adopted.

H. F. No. 1870, A bill for an act relating to education; allowing school districts to base unrequested leave of absence and certain discharge and demotion decisions on teacher evaluation outcomes; amending Minnesota Statutes 2010, sections 122A.40, subdivisions 10, 11, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Gunther	Kriesel	Murray	Stensrud
Anderson, B.	Dean	Hackbarth	Lanning	Myhra	Swedzinski
Anderson, D.	Dettmer	Hamilton	Leidiger	Nornes	Torkelson
Anderson, P.	Doepke	Hancock	LeMieur	O'Driscoll	Vogel
Anderson, S.	Downey	Holberg	Lohmer	Peppin	Wardlow
Banaian	Draskowski	Hoppe	Loon	Petersen, B.	Westrom
Barrett	Erickson	Howes	Mack	Quam	Woodard
Benson, M.	Fabian	Kelly	Mazorol	Runbeck	Spk. Zellers
Bills	Franson	Kieffer	McDonald	Sanders	
Buesgens	Garofalo	Kiel	McElfatrick	Schomacker	
Cornish	Gottwalt	Kiffmeyer	McFarlane	Scott	
Crawford	Gruenhagen	Knuth	McNamara	Shimanski	

Those who voted in the negative were:

Allen	Dittrich	Hornstein	Lillie	Norton	Thissen
Anzelc	Eken	Hortman	Loeffler	Paymar	Tillberry
Atkins	Falk	Hosch	Mahoney	Pelowski	Urdahl
Benson, J.	Fritz	Johnson	Marquart	Persell	Wagenius
Brynaert	Gauthier	Kahn	Melin	Peterson, S.	Ward
Carlson	Greene	Kath	Moran	Poppe	Winkler
Champion	Greiling	Koenen	Morrow	Rukavina	
Clark	Hansen	Laine	Mullery	Scalze	
Davids	Hausman	Lenczewski	Murphy, E.	Simon	
Davnie	Hilstrom	Lesch	Murphy, M.	Slawik	
Dill	Hilty	Liebling	Nelson	Smith	

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

S. F. No. 247 was reported to the House.

Hoppe moved to amend S. F. No. 247, the second engrossment, as follows:

Page 3, after line 4, insert:

"If a service cooperative refunds any portion of a health insurance premium to a member entity, the member entity must distribute the refund according to the provisions contained in the entity's collective bargaining agreements."

The motion prevailed and the amendment was adopted.

S. F. No. 247, A bill for an act relating to insurance; regulating service cooperative refunds; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 123A.21, by adding a subdivision; 471.611, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 71 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Abeler	Crawford	Gottwalt	Kiel	McFarlane	Schomacker
Anderson, B.	Daudt	Greiling	Kiffmeyer	McNamara	Scott
Anderson, D.	Dean	Gruenhagen	Kriesel	Murray	Shimanski
Anderson, P.	Dettmer	Gunther	Lanning	Myhra	Stensrud
Anderson, S.	Dittrich	Hackbarth	Leidiger	Nornes	Swedzinski
Banaian	Doepke	Hamilton	LeMieur	Norton	Torkelson
Barrett	Downey	Hancock	Lohmer	O'Driscoll	Vogel
Benson, M.	Drazkowski	Holberg	Loon	Peppin	Wardlow
Bills	Erickson	Hoppe	Mack	Petersen, B.	Westrom
Brynaert	Fabian	Howes	Mazorol	Quam	Woodard
Buesgens	Franson	Kelly	McDonald	Runbeck	Spk. Zellers
Cornish	Garofalo	Kieffer	McElfrick	Sanders	

Those who voted in the negative were:

Allen	Eken	Hortman	Liebling	Murphy, E.	Slawik
Anzelc	Falk	Hosch	Lillie	Nelson	Smith
Atkins	Fritz	Johnson	Loeffler	Paymar	Thissen
Benson, J.	Gauthier	Kahn	Mahoney	Pelowski	Tillberry
Carlson	Greene	Kath	Mariani	Persell	Urdahl
Champion	Hansen	Knuth	Marquart	Peterson, S.	Wagenius
Clark	Hausman	Koenen	Melin	Poppe	Ward
Davids	Hilstrom	Laine	Moran	Rukavina	Winkler
Davnie	Hilty	Lenczewski	Morrow	Scalze	
Dill	Hornstein	Lesch	Mullery	Simon	

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

H. F. No. 1926, A bill for an act relating to agriculture; providing for voluntary certification of good manufacturing practices for commercial feed and feed ingredients; authorizing fees for voluntary certification; modifying rule provisions relating to animal feed; appropriating money; amending Minnesota Statutes 2010, section 25.40, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 25; repealing Minnesota Rules, parts 1510.2220; 1510.2230.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, Woodard was excused from voting on the final passage of H. F. No. 1926.

There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Dean moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 392:

Howes, Sanders and Ward.

MOTIONS AND RESOLUTIONS

Clark moved that the name of Allen be added as an author on H. F. No. 307. The motion prevailed.

Smith moved that the names of Liebling and Lesch be added as authors on H. F. No. 876. The motion prevailed.

Hortman moved that the name of Morrow be added as an author on H. F. No. 1429. The motion prevailed.

Gunther moved that the name of Westrom be added as an author on H. F. No. 1721. The motion prevailed.

Melin moved that the name of Smith be added as an author on H. F. No. 1793. The motion prevailed.

Cornish moved that the name of Smith be added as an author on H. F. No. 1829. The motion prevailed.

Clark moved that the name of Allen be added as an author on H. F. No. 1885. The motion prevailed.

Clark moved that the name of Allen be added as an author on H. F. No. 1886. The motion prevailed.

Clark moved that the name of Allen be added as an author on H. F. No. 1887. The motion prevailed.

Hilstrom moved that the name of Smith be added as an author on H. F. No. 1958. The motion prevailed.

Downey moved that the name of Lohmer be added as an author on H. F. No. 2002. The motion prevailed.

Nornes moved that the name of Westrom be added as an author on H. F. No. 2008. The motion prevailed.

Kriesel moved that the name of Smith be added as an author on H. F. No. 2100. The motion prevailed.

Atkins moved that the name of Smith be added as an author on H. F. No. 2137. The motion prevailed.

Simon moved that the name of Smith be added as an author on H. F. No. 2149. The motion prevailed.

Beard moved that the name of Woodard be added as an author on H. F. No. 2190. The motion prevailed.

Slawik moved that the name of Greiling be added as an author on H. F. No. 2219. The motion prevailed.

Torkelson moved that the name of Fritz be added as an author on H. F. No. 2229. The motion prevailed.

O'Driscoll moved that the names of Anderson, S., and Rukavina be added as authors on H. F. No. 2244. The motion prevailed.

Mahoney moved that the name of Marquart be added as an author on H. F. No. 2277. The motion prevailed.

Laine moved that the name of Knuth be added as an author on H. F. No. 2281. The motion prevailed.

Loon moved that the name of Knuth be added as an author on H. F. No. 2286. The motion prevailed.

Franson moved that H. F. No. 1556 be recalled from the Committee on Health and Human Services Reform and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Peppin moved that H. F. No. 2097 be recalled from the Committee on Health and Human Services Reform and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Abeler moved that H. F. No. 2116 be recalled from the Committee on Health and Human Services Reform and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Abeler moved that H. F. No. 2230 be recalled from the Committee on Health and Human Services Reform and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, February 20, 2012. 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 20, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives