

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 21, 2011

The House of Representatives convened at 4:00 p.m. and was called to order by Kurt Zellers, Speaker of the House.

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

A quorum was present.

Falk, Greene, Hamilton, Laine and Stensrud 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.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2011</i>	<i>Date Filed 2011</i>
139		2	4:35 p.m. February 17	February 17

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Dauids from the Committee on Taxes to which was referred:

H. F. No. 66, A bill for an act relating to the state budget; budget priorities; repealing the political contribution refund; amending Minnesota Statutes 2010, sections 270A.03, subdivision 7; 289A.50, subdivision 1; 290.01, subdivision 6; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

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

The report was adopted.

Holberg from the Committee on Ways and Means 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 following amendments:

Page 2, line 9, after the period, insert "This section expires when federal law no longer allows a three-year lookback period."

With the recommendation that when so amended the bill pass.

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 199, A bill for an act relating to health; providing a statement of public policy declaring that every resident of Minnesota has the freedom of choice in health care; amending Minnesota Statutes 2010, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 1; repealing Minnesota Statutes 2010, sections 256B.055, subdivision 15; 256B.0756; Laws 2010, First Special Session chapter 1, article 16, sections 6; 7; 18; 46; 47.

Reported the same back with the following amendments:

Page 3, delete section 3

Correct the title numbers accordingly

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

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 211, A bill for an act relating to civil actions; modifying remedies related to certain unlawful or deceptive trade practice actions; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 540.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 8.31, subdivision 3a, is amended to read:

Subd. 3a. **Private remedies.** In addition to the remedies otherwise provided by law and subject to subdivision 3d, any person injured by a violation of any of the laws referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may, as appropriate, enter a consent judgment or decree without the finding of illegality. In any action brought by the attorney general pursuant to this section, the court may award any of the remedies allowable under this subdivision.

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

Sec. 2. Minnesota Statutes 2010, section 8.31, is amended by adding a subdivision to read:

Subd. 3d. **Private remedies for Unlawful Trade Practices Act, Prevention of Consumer Fraud Act, and False Statement in Advertisement Act.** To recover damages in a civil action pursuant to subdivision 3a for violations of the Unlawful Trade Practices Act (sections 325D.09 to 325D.16), Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), the False Statement in Advertisement Act (section 325F.67), or other laws against false or fraudulent advertising, detrimental reliance upon the alleged deceptive, false, or misleading act, practice, statement, or omission must be pleaded and proved. No award of damages may be made in an action covered by this subdivision without proof that the person or persons seeking damages suffered an out-of-pocket loss.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to actions that accrue on or after that date.

Sec. 3. **[540.19] CLASS ACTIONS; INTERLOCUTORY APPEAL.**

A court order certifying a class action, refusing to certify a class action, or denying a motion to decertify a class action is appealable as a matter of right. While an appeal under this subdivision is pending, all discovery and other proceedings in the district court are automatically stayed, except that upon the motion of a party the district court may lift the stay, in whole or in part, for good cause shown.

EFFECTIVE DATE. This section is effective July 1, 2011, and applies to orders issued on or after that date."

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

The report was adopted.

Urdahl from the Legacy Funding Division to which was referred:

H. F. No. 245, A bill for an act relating to arts; creating regional capital fund for arts organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129D.

Reported the same back with the following amendments:

Page 1, line 9, before "or" insert "refinancing,"

Page 1, line 12, delete "five" and insert "ten"

With the recommendation that when so amended the bill be re-referred to the Committee on Government Operations and Elections without further recommendation.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 103 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, B., and Shimanski introduced:

H. F. No. 608, A bill for an act relating to the city of Clearwater; modifying local sales tax provisions; amending Laws 2008, chapter 366, article 7, section 19, subdivision 3.

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

Smith, Gauthier, Hilty, Nornes and McDonald introduced:

H. F. No. 609, A bill for an act relating to public safety; authorizing grants from fire safety account to local fire departments; amending Minnesota Statutes 2010, section 299F.012.

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

Hilty; Rukavina; Anderson, P.; Tillberry; Hackbarth; Sanders and Koenen introduced:

H. F. No. 610, A bill for an act relating to transportation; providing for funding of transportation through new regulations governing checkbook money created by state-chartered banks; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Gunther, Howes, Lanning, Mahoney and Urdahl introduced:

H. F. No. 611, A bill for an act relating to economic development; creating a small business loan guarantee program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Howes, Ward, Persell and LeMieur introduced:

H. F. No. 612, A bill for an act relating to natural resources; appropriating money for the upper Mississippi comprehensive plan.

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

Kelly introduced:

H. F. No. 613, A bill for an act relating to local government; providing for terms for members of the Red Wing Port Authority; amending Minnesota Statutes 2010, section 469.081, by adding a subdivision.

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

Kelly and Norton introduced:

H. F. No. 614, A bill for an act relating to health; regulating dental laboratories; proposing coding for new law as Minnesota Statutes, chapter 150B.

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

Buesgens, Simon, Beard, Leidiger and Hausman introduced:

H. F. No. 615, A bill for an act relating to drivers' licenses; modifying driver education requirements for obtaining an instruction permit; amending Minnesota Statutes 2010, section 171.05, subdivision 2.

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

Gunther and Davids introduced:

H. F. No. 616, A bill for an act relating to taxation; providing exemption from property taxation of personal property of an electric generation facility; amending Minnesota Statutes 2010, section 272.02, by adding a subdivision.

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

Woodard, McFarlane and Mariani introduced:

H. F. No. 617, A bill for an act relating to education; aligning AmeriCorps Innovation to federal law; amending Minnesota Statutes 2010, sections 124D.36; 124D.38, subdivision 3; 124D.39; 124D.40; 124D.42, subdivision 6; 124D.44; 124D.45, subdivision 2; repealing Minnesota Statutes 2010, section 124D.38, subdivisions 4, 5, 6.

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

Beard, Dill and Fabian introduced:

H. F. No. 618, A bill for an act relating to energy; modifying and clarifying provisions related to innovative energy projects; amending Minnesota Statutes 2010, section 216B.1694.

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

Dill and Hackbarth introduced:

H. F. No. 619, A bill for an act relating to game and fish; removing deer, moose, and elk stand height restrictions; amending Minnesota Statutes 2010, section 97B.325; repealing Minnesota Statutes 2010, sections 97B.511; 97B.515, subdivision 3.

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

Dill and Hackbarth introduced:

H. F. No. 620, A bill for an act relating to game and fish; allowing use of a drum while baiting bear; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

Dill and Hackbarth introduced:

H. F. No. 621, A bill for an act relating to counties; providing a coyote and beaver conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

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

Morrow introduced:

H. F. No. 622, A bill for an act relating to agriculture; appropriating money for the veterinary diagnostic laboratory at the University of Minnesota.

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

Dill and Hackbarth introduced:

H. F. No. 623, A bill for an act relating to game and fish; modifying bear hunting license drawing provisions; amending Minnesota Statutes 2010, section 97B.405.

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

Dill introduced:

H. F. No. 624, A bill for an act relating to capital improvements; appropriating money for the Clair A. Nelson Memorial Forest; 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.

Anderson, P., introduced:

H. F. No. 625, A bill for an act relating to civil law; providing certain liability protections for those grazing livestock on state land; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Anderson, P., and Swedzinski introduced:

H. F. No. 626, A bill for an act relating to agriculture; appropriating money for ethanol blender pump grants.

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

Howes, Gunther, Anzelc, Zellers, Persell, Ward, LeMieur, Murdock, Hancock, Nornes, Garofalo and Gottwalt introduced:

H. F. No. 627, A bill for an act relating to education; prohibiting pre-Labor Day start date for flexible learning year programs; amending Minnesota Statutes 2010, sections 120A.40; 124D.126, subdivision 2.

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

Smith introduced:

H. F. No. 628, A bill for an act relating to public safety; providing penalties for employers hiring illegal immigrants; adding documents that are included in the crime of aggravated forgery; increasing penalty for aggravated forgery; establishing sex trafficking as a separate crime from the promotion of prostitution; amending Minnesota Statutes 2010, sections 609.281, subdivision 4, by adding subdivisions; 609.282, subdivisions 1, 2; 609.321, subdivision 7a; 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Dettmer introduced:

H. F. No. 629, A bill for an act relating to property taxation; allowing certain expenditures by nonprofit community-service organizations to be considered charitable contributions to qualify for a reduced property tax classification; amending Minnesota Statutes 2010, section 273.13, subdivision 25.

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

Benson, M.; Lenczewski; Runbeck; Quam; Drazkowski and Lanning introduced:

H. F. No. 630, A bill for an act relating to taxation; property; authorizing a valuation exclusion for certain improvements to homestead properties; amending Minnesota Statutes 2010, section 273.11, subdivision 16.

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

Dill introduced:

H. F. No. 631, A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited land.

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

Howes introduced:

H. F. No. 632, A bill for an act relating to labor and industry; allowing limited transfer of restricted plumber licenses; amending Minnesota Statutes 2010, section 326B.475, subdivision 5.

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

Benson, M.; Banaian; Lohmer; Scott and Sanders introduced:

H. F. No. 633, A bill for an act relating to taxation; sales and use; allowing capital equipment exemption at time of purchase; amending Minnesota Statutes 2010, sections 297A.68, subdivision 5; 297A.75.

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

Tillberry introduced:

H. F. No. 634, A bill for an act relating to transportation; appropriating money for trunk highway improvement; authorizing sale of trunk highway bonds.

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

Hackbarth introduced:

H. F. No. 635, A bill for an act relating to natural resources; eliminating Department of Natural Resources programs that duplicate private market activities.

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

Smith introduced:

H. F. No. 636, A bill for an act relating to public safety; expanding the time period in which an offender is considered to be in a position of authority over a victim for purposes of the criminal sexual conduct laws; amending Minnesota Statutes 2010, sections 609.341, subdivision 10; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1.

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

Drazkowski; Kelly; Downey; Urdahl; Benson, M.; Quam and Scott introduced:

H. F. No. 637, A bill for an act relating to health; modifying an exemption to the food, beverage, and lodging establishments statutes; amending Minnesota Statutes 2010, section 157.22.

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

Myhra, Erickson, Garofalo, Crawford, Loon, Barrett and Woodard introduced:

H. F. No. 638, A bill for an act relating to education; creating a school grading system; creating a school recognition program; modifying school report cards; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2010, section 120B.36, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Kiel and Fabian introduced:

H. F. No. 639, A bill for an act relating to capital investment; appropriating money for an aviation maintenance expansion project at Northland Community and Technical College; authorizing the sale and issuance of state bonds.

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

Slocum, Cornish, Smith, Johnson, Slawik and Gauthier introduced:

H. F. No. 640, A bill for an act relating to public safety; requiring background checks for individuals appointed to coroner or medical examiner staff; amending Minnesota Statutes 2010, section 390.05.

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

Slocum; Benson, J.; Slawik; Mariani; Greiling and Gauthier introduced:

H. F. No. 641, A bill for an act relating to education; requiring cultural competency training for teachers and school administrators seeking to renew their professional license; amending Minnesota Statutes 2010, sections 122A.09, subdivision 4; 122A.14, subdivision 3.

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

Slocum, Cornish, Smith, Johnson, Slawik, Gauthier and Fritz introduced:

H. F. No. 642, A bill for an act relating to public safety; providing for a child certified as an adult to be detained in a juvenile facility prior to trial and verdict; amending Minnesota Statutes 2010, section 260B.125, subdivision 8.

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

Slawik introduced:

H. F. No. 643, A bill for an act relating to capital investment; appropriating money for Oak Park Heights pedestrian tunnel; 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.

Simon, Slocum and Murphy, E., introduced:

H. F. No. 644, A bill for an act relating to assisted reproduction; modifying certain provisions related to determinations of paternity and maternity; amending Minnesota Statutes 2010, sections 257.54; 257.541, subdivision 1; 257.55, subdivision 1.

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

Mullery introduced:

H. F. No. 645, A bill for an act relating to economic development; establishing grant program for collaborative activities to reduce unemployment among minority populations; appropriating money.

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

Davnie, Moran, Wagenius, Loeffler, Greiling and Hornstein introduced:

H. F. No. 646, A bill for an act relating to health; establishing a right to reproductive privacy; proposing coding for new law as Minnesota Statutes, chapter 145D.

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 message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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 Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Koch, Rosen and Scheid.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

CAL R. LUDEMAN, Secretary of the Senate

Peppin moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 4. The motion prevailed.

MOTIONS AND RESOLUTIONS

Hortman moved that the name of Tillberry be added as an author on H. F. No. 95. The motion prevailed.

Mahoney moved that the name of McFarlane be added as an author on H. F. No. 102. The motion prevailed.

Murray moved that the name of Lanning be added as an author on H. F. No. 103. The motion prevailed.

Anderson, P., moved that the name of O'Driscoll be added as an author on H. F. No. 106. The motion prevailed.

Downey moved that the names of Anderson, B.; Stensrud and Murray be added as authors on H. F. No. 178. The motion prevailed.

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

Hansen moved that the name of Atkins be added as an author on H. F. No. 277. The motion prevailed.

Scott moved that the name of Cornish be added as an author on H. F. No. 322. The motion prevailed.

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

Kieffer moved that her name be stricken as an author on H. F. No. 333. The motion prevailed.

Kelly moved that the name of Leidiger be added as an author on H. F. No. 387. The motion prevailed.

Benson, J., moved that the name of Greiling be added as an author on H. F. No. 388. The motion prevailed.

Simon moved that the name of Tillberry be added as an author on H. F. No. 406. The motion prevailed.

Runbeck moved that the name of Lenczewski be added as an author on H. F. No. 481. The motion prevailed.

Kieffer moved that the name of Lohmer be added as an author on H. F. No. 532. The motion prevailed.

McFarlane moved that the names of Morrow and Kath be added as authors on H. F. No. 535. The motion prevailed.

Urdahl moved that the names of Koenen, Eken and Anzelc be added as authors on H. F. No. 537. The motion prevailed.

Slawik moved that the name of Persell be added as an author on H. F. No. 541. The motion prevailed.

Buesgens moved that the name of Lohmer be added as an author on H. F. No. 543. The motion prevailed.

Cornish moved that the name of Morrow be added as an author on H. F. No. 549. The motion prevailed.

Greene moved that the name of Tillberry be added as an author on H. F. No. 552. The motion prevailed.

Smith moved that the name of Simon be added as an author on H. F. No. 556. The motion prevailed.

Beard moved that the name of Nelson be added as an author on H. F. No. 561. The motion prevailed.

Smith moved that the name of McElfatrick be added as an author on H. F. No. 565. The motion prevailed.

Kahn moved that the name of Nelson be added as an author on H. F. No. 568. The motion prevailed.

Eken moved that the name of Hancock be added as an author on H. F. No. 572. The motion prevailed.

Ward moved that the name of Morrow be added as an author on H. F. No. 580. The motion prevailed.

Beard moved that the name of Woodard be added as an author on H. F. No. 587. The motion prevailed.

Loon moved that the name of Downey be added as an author on H. F. No. 600. The motion prevailed.

MOTION TO FIX TIME TO CONVENE

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 24, 2011. The motion prevailed.

Abeler was excused for the remainder of today's session.

Dean moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention to elect members of the Board of Regents of the University of Minnesota. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House, as President of the Joint Convention, called the Joint Convention to order.

Prayer was offered by the Reverend Bob Battle, Berean Church of God in Christ, St. Paul, Minnesota.

The roll being called, the following Senators answered to their names: Anderson, Bakk and Benson.

Senator Koch moved that further proceedings of the roll call be suspended. The motion prevailed and a quorum was declared present.

RECOMMENDATIONS FROM THE JOINT LEGISLATIVE COMMITTEE FOR CANDIDATES
FOR VACANCIES ON THE BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA

February 17, 2011

Dear Speaker Zellers, Majority Leader Koch, and Minority Leaders Thissen and Bakk:

Pursuant to Minnesota Statutes 2010, section 137.0246, subdivision 2, the Joint Legislative Committee met on February 16, 2011 to consider candidates for vacancies on the University of Minnesota Board of Regents.

The Joint Legislative Committee allowed all candidates who were recommended by the Regent Candidate Advisory Council an opportunity to address the Joint Committee and respond to questions. A report was received from the Eighth Congressional Caucus that voted to select William Burns as their recommended nominee for the vacancy.

After hearing from all 12 candidates, the Joint Legislative Committee voted. Based on a majority vote of the House members and a majority vote of the Senate members of the Joint Legislative Committee, we respectfully forward the following names to the Joint Convention of the Senate and the House of Representatives:

Steve Sviggum is recommended for the Second Congressional District vacancy;
David Larson is recommended for the Third Congressional District vacancy;
David McMillan is recommended for the Eighth Congressional District vacancy; and
Laura Brod is recommended for the At-Large vacancy.

Respectfully submitted,

REPRESENTATIVE BUD NORNES
Co-Chair of the Joint Legislative Committee

SENATOR MICHELLE L. FISCHBACH
Co-Chair of the Joint Legislative Committee

Thissen moved that the recommendations for candidates to the Board of Regents be returned to the Joint Legislative Committee.

A roll call was requested and properly seconded.

The question was taken on the Thissen motion and the roll was called. There were 87 yeas and 105 nays as follows:

SENATE ROLL CALL

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

HOUSE OF REPRESENTATIVES ROLL CALL

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

Senator Fischbach moved that the recommendations of the Joint Legislative Committee be now accepted. The motion prevailed.

ELECTION OF MEMBERS TO THE BOARD
OF REGENTS OF THE UNIVERSITY OF MINNESOTA

Pursuant to the Joint Rules of the Senate and House of Representatives the Joint Convention proceeded to elect Regents from the three Congressional Districts.

Steve Sviggum was nominated by the Joint Legislative Committee for the Second Congressional District Regent for a term of six years.

Thomas Devine was nominated by Senator Pappas for the Second Congressional District Regent for a term of six years.

David Larson was nominated by the Joint Legislative Committee for the Third Congressional District Regent for a term of six years.

David McMillan was nominated by the Joint Legislative Committee for the Eighth Congressional District Regent for a term of six years.

William Burns was nominated by Representative Gauthier for the Eighth Congressional District Regent for a term of six years.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

SECOND CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for Steve Sviggum:

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

The following member of the House of Representatives voted for Steve Sviggum:

Anderson, D.	Buesgens	Downey	Gunther	Kiel	Loon
Anderson, P.	Cornish	Drazkowski	Hackbarth	Kiffmeyer	Mack
Anderson, S.	Crawford	Erickson	Hancock	Kriesel	Mazorol
Banaian	Daudt	Fabian	Holberg	Lanning	McDonald
Barrett	Dauids	Franson	Howes	Leidiger	McElpatrick
Beard	Dean	Garofalo	Kahn	LeMieur	McFarlane
Benson, M.	Dettmer	Gottwalt	Kelly	Lillie	McNamara
Bills	Doepke	Gruenhagen	Kieffer	Lohmer	Murdock

Murray	Peppin	Sanders	Smith	Vogel	Pres. Zellers
Myhra	Petersen, B.	Schomacker	Swedzinski	Wardlow	
Nornes	Quam	Scott	Torkelson	Westrom	
O'Driscoll	Runbeck	Shimanski	Urdahl	Woodard	

Steve Sviggum received 104 votes.

The following members of the Senate voted for Thomas Devine:

Anderson	Dibble	Kubly	Metzen	Scheid	Stumpf
Bakk	Goodwin	Langseth	Ortman	Sheran	Tomassoni
Berglin	Harrington	Latz	Pappas	Sieben	Torres Ray
Bonoff	Higgins	Lourey	Pogemiller	Skoe	Wiger
Cohen	Kelash	Marty	Rest	Sparks	

The following members of the House of Representatives voted for Thomas Devine:

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

Thomas Devine received 86 votes.

Senator Reinert voted for Laura Brod.

Steve Sviggum, having received 104 votes, a majority of the votes cast, was declared elected Second Congressional District Regent, for a term of six years.

THIRD CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for David Larson:

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

The following members of the House of Representatives voted for David Larson:

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

David Larson received 190 votes.

Representatives Hansen and Poppe voted for Norman Rickeman.

David Larson, having received 190 votes, a majority of the votes cast, was declared elected Third Congressional District Regent, for a term of six years.

EIGHTH CONGRESSIONAL DISTRICT REGENT JOINT ROLL CALL

The following members of the Senate voted for David McMillan:

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

The following members of the House of Representatives voted for David McMillan:

Anderson, B.	Atkins	Benson, M.	Crawford	Dettmer	Drazkowski
Anderson, D.	Banaian	Bills	Daudt	Dill	Erickson
Anderson, P.	Barrett	Buesgens	Davids	Doepke	Fabian
Anderson, S.	Beard	Cornish	Dean	Downey	Franson

Garofalo	Kelly	Lohmer	Myhra	Sanders	Vogel
Gottwalt	Kieffer	Loon	Nornes	Schomacker	Wardlow
Gruenhagen	Kiel	Mack	O'Driscoll	Scott	Westrom
Gunther	Kiffmeyer	Mazorol	Pelowski	Shimanski	Woodard
Hackbarth	Knuth	McDonald	Peppin	Simon	Pres. Zellers
Hancock	Kriesel	McElpatrick	Petersen, B.	Slawik	
Holberg	Lanning	McFarlane	Peterson, S.	Smith	
Hoppe	Leidiger	McNamara	Poppe	Swedzinski	
Huntley	LeMieur	Murdock	Quam	Torkelson	
Kath	Lillie	Murray	Runbeck	Urdahl	

David McMillan received 141 votes.

Senators Lourey, Marty and Pogemiller voted for William Burns.

The following members of the House of Representatives voted for William Burns:

Anzelc	Eken	Hilty	Lesch	Mullery	Scalze
Benson, J.	Fritz	Hornstein	Liebling	Murphy, E.	Slocum
Brynaert	Gauthier	Hortman	Loeffler	Murphy, M.	Thissen
Carlson	Greiling	Hosch	Mahoney	Nelson	Tillberry
Champion	Hansen	Johnson	Mariani	Norton	Wagenius
Clark	Hausman	Kahn	Marquart	Paymar	Winkler
Davnie	Hayden	Koenen	Moran	Persell	
Dittrich	Hilstrom	Lenczewski	Morrow	Rukavina	

William Burns received 49 votes.

Representative Howes voted for Robert Ostlund.

Representative Ward voted for Robert Kennedy.

David McMillan, having received 141 votes, a majority of the votes cast, was declared elected Eighth Congressional District Regent, for a term of six years.

Knuth was excused for the remainder of today's session.

Pursuant to the Joint Rules of the Senate and the House of Representatives the Joint Convention proceeded to elect the At-Large Regent.

Laura Brod was nominated by the Joint Legislative Committee for the At-Large Regent for a term of six years.

Steven Hunter was nominated by Representative Rukavina for the At-Large Regent for a term of six years. The nomination was seconded by Senator Pappas.

There being no further nominations, the President declared the nominations closed.

The Secretary called the roll.

AT-LARGE REGENT JOINT ROLL CALL

The following members of the Senate voted for Brod:

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

The following members of the House of Representatives voted for Brod:

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

Laura Brod received 104 votes.

The following members of the Senate voted for Hunter:

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

The following members of the House of Representatives voted for Hunter:

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

Steven Hunter received 86 votes.

Laura Brod, having received 104 votes, a majority of the votes cast, was declared elected At-Large Regent, for a term of six years.

DECLARATION OF ELECTION

Steve Sviggum, Second Congressional District Regent, Six Years; David Larson, Third Congressional District Regent, Six Years; David McMillan, Eighth Congressional District Regent, Six Years; Laura Brod, At-Large Regent, Six Years; each having received a majority of the votes cast at the Joint Convention were declared by the President of the Joint Convention to be elected to the Board of Regents of the University of Minnesota.

Senator Koch moved that the Joint Convention adjourn. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

The House reconvened and was called to order by the Speaker.

CERTIFICATION

February 21, 2011

To the Governor
State of Minnesota

To the Senate
State of Minnesota

To the House of Representatives
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, February 21, 2011, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold office for the term specified for each to begin upon election by the Joint Convention:

Steve Sviggum, Second Congressional District, Six Years
David Larson, Third Congressional District, Six Years
David McMillan, Eighth Congressional District, Six Years
Laura Brod, At-Large, Six Years.

MICHELLE L. FISCHBACH
President of the Senate

KURT ZELLERS
Speaker of the House of Representatives

ADJOURNMENT

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, February 24, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

