

## STATE OF MINNESOTA

## EIGHTY-SEVENTH SESSION — 2012

## EIGHTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 1, 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 Kevin M. McDonough, St. Peter Claver 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	Davids	Hamilton	Kriesel	Moran	Sanders
Allen	Davnie	Hancock	Laine	Morrow	Scalze
Anderson, B.	Dean	Hansen	Lanning	Mullery	Schomacker
Anderson, D.	Dill	Hausman	Leidiger	Murdock	Scott
Anderson, P.	Dittrich	Hilstrom	LeMieur	Murphy, E.	Shimanski
Anderson, S.	Doepke	Hilty	Lenczewski	Murphy, M.	Simon
Anzelc	Downey	Holberg	Lesch	Murray	Slawik
Atkins	Drazkowski	Hoppe	Liebling	Myhra	Slocum
Banaian	Eken	Hornstein	Lillie	Nelson	Smith
Barrett	Erickson	Hortman	Loeffler	Nornes	Stensrud
Beard	Fabian	Hosch	Lohmer	Norton	Swedzinski
Benson, J.	Falk	Howes	Loon	O'Driscoll	Thissen
Benson, M.	Franson	Huntley	Mack	Paymar	Torkelson
Bills	Fritz	Johnson	Mahoney	Pelowski	Urdahl
Brynaert	Garofalo	Kahn	Mariani	Peppin	Vogel
Buesgens	Gauthier	Kath	Marquart	Persell	Wagenius
Carlson	Gottwalt	Kelly	Mazorol	Petersen, B.	Ward
Champion	Greene	Kieffer	McDonald	Peterson, S.	Wardlow
Clark	Greiling	Kiel	McElfratrick	Poppe	Winkler
Cornish	Gruenhagen	Kiffmeyer	McFarlane	Quam	Woodard
Crawford	Gunther	Knuth	McNamara	Rukavina	Spk. Zellers
Daudt	Hackbarth	Koenen	Melin	Runbeck	

A quorum was present.

Tillberry and Westrom were excused.

Dettmer was excused until 3:25 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

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

H. F. No. 518, A bill for an act relating to transportation; governing rulemaking and permits; amending rulemaking authority for state-aid program; amending allocation of funds from certain overdimension motor vehicle permits; requiring a legislative report on water permitting process for transportation projects; making clarifying and technical changes; amending Minnesota Statutes 2010, sections 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 162.155; 169.86, by adding a subdivision; 169.865, subdivision 4; Minnesota Statutes 2011 Supplement, section 169.86, subdivision 5.

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

The report was adopted.

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

H. F. No. 578, A bill for an act relating to eminent domain; providing for discharge of a portion of an easement acquired by condemnation; amending Minnesota Statutes 2010, section 117.225.

Reported the same back with the following amendments:

Page 1, line 11, after the first period, insert "An application for an order discharging a portion of an easement may be made no sooner than five years after the granting of the easement."

Page 1, after line 20, insert:

"Sec. 2. **DISCHARGE OF PORTION OF EASEMENT; DOUGLAS COUNTY.**

Notwithstanding any provision of Minnesota Statutes, section 117.225, to the contrary, where the Department of Transportation has granted a limited use permit to Douglas County for a public swimming area on a portion of land over which it has acquired by condemnation an easement for highway purposes, the underlying fee owner may apply to the district court for an order on terms that are just and equitable, discharging any or all portions of the easement that are not subject to the limited use permit.

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

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. 1738, A bill for an act relating to local government; providing for detachment from a municipality; amending Minnesota Statutes 2010, section 414.06, subdivisions 1, 2, 3, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 2, delete "township" and insert "town" and delete "affected by the detachment" and after "to" insert "the county recorder in"

Page 2, line 6, delete "Township" and insert "Town"

Page 2, line 7, delete "annexed" and insert "attached"

Page 2, line 26, delete "court having jurisdiction over the matter" and insert "Office of Administrative Hearings"

Page 3, line 11, strike "township" and insert "town" in both places

Page 3, line 12, strike "townships" and insert "towns"

Page 3, lines 14, 16, and 19, strike "township" and insert "town"

With the recommendation that when so amended the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2080, A bill for an act relating to human services; modifying persons ineligible for MFIP; modifying MFIP sanctions; modifying MFIP time limits; modifying the MFIP exit level; regulating use of electronic benefit transfer cards; amending Minnesota Statutes 2010, sections 256J.08, subdivisions 34b, 51b; 256J.24, subdivision 10; 256J.26, subdivision 1; 256J.32, subdivisions 4, 6; 256J.415; 256J.42, subdivisions 1, 4, 5, 6; 256J.425, subdivisions 1, 4, 4a, 5, 6; 256J.45, subdivision 2; 256J.46, subdivision 1; 256J.50, subdivisions 6, 10; 256J.575, subdivision 3; 256J.621; 256J.626, subdivision 2; 256J.751, subdivision 1; Minnesota Statutes 2011 Supplement, section 256.987, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 24, reinstate everything after the stricken "(1)"

Page 2, line 25, reinstate the stricken language

Page 3, line 6, reinstate everything after the stricken period

Page 3, line 7, reinstate the stricken language

Page 3, line 8, reinstate the stricken "the disqualified participant."

Page 4, delete section 6

Page 5, delete section 7

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 2169, A bill for an act relating to state government; providing methods for certain review of, and reporting on, agency rules; amending Minnesota Statutes 2010, sections 3.842, subdivision 4a; 14.05, subdivision 1; 14.116; 14.131; 14.388, subdivision 2; 14.389, subdivision 2; Minnesota Statutes 2011 Supplement, sections 3D.06; 3D.10; 3D.11.

Reported the same back with the following amendments:

Page 1, line 17, delete "unnecessary" and insert "obsolete, unnecessary,"

Page 1, line 18, delete "redundant" and insert "duplicative"

Page 2, line 13, delete the new language

Page 2, delete lines 14 to 19 and insert "The commission or committee that files an objection must, as soon as practical, provide notice of the objection to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the rule or proposed rule."

Page 3, delete lines 12 to 20 and insert "the rule; (iii) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need and reasonableness of each difference; (iv) the reports filed under section 14.05, subdivision 5, for the preceding ten years; (v) the rulemaking dockets prepared under section 14.366 for the preceding ten years; (vi) a list of any rules that the agency recommends for repeal; (vii) a list and brief rationale for rules that the agency believes should remain in effect; (viii) any changes that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties; and (ix) a summary of the means to better coordinate rulemaking between state agencies and other local, state, and federal agencies; and"

Page 4, delete line 22 and insert:

"(iii) are obsolete, unnecessary, or duplicative; or"

Page 4, line 23, delete "fail to meet" and insert "are not justified given"

Page 6, after line 5, insert:

"Sec. 6. Minnesota Statutes 2010, section 14.05, is amended by adding a subdivision to read:

**Subd. 1a. Limitation regarding certain policies, guidelines, and other nonbinding interpretive statements.** Except as specifically authorized by law, an agency shall not seek to implement or enforce against any person a policy, guideline, or other nonbinding interpretive statement that meets the definition of a rule if the policy, guideline, or other nonbinding interpretive statement has not been adopted as a rule in accordance with this chapter."

Page 6, after line 7, insert:

"(a) By January 15 each year, each agency proposing to adopt, amend, or repeal a rule that calendar year must give notice of its rulemaking docket required under section 14.366 to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule."

Page 6, line 8, before "When" insert "(b)"

Page 6, line 13, before "In" insert "(c)"

Page 7, delete lines 18 to 19 and insert:

"For purposes of clause (8), "cumulative effect" means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what local, state, or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time."

Page 8, delete section 10 and insert:

"Sec. 11. **REPORTS.**

By January 15, 2013, the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Environmental Quality Board, and Department of Agriculture must each report to the governor, the Legislative Coordinating Commission, and the policy and funding committees and divisions with jurisdiction over the agency. Each report must: (1) list any rules that the agency recommends for repeal; (2) list and briefly describe the rationale for rules that the agency believes should remain in effect; (3) suggest any changes in rules that would improve the agency's ability to meet the regulatory objectives prescribed by the legislature, while reducing any unnecessary burdens on regulated parties; and (4) include a summary of the means to better coordinate rulemaking between state agencies and other local, state, and federal agencies. Any costs of preparing this report must be absorbed within funds otherwise appropriated to the agency."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

The report was adopted.

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

H. F. No. 2308, A bill for an act relating to mortgages; modifying provisions relating to foreclosure consultants; amending Minnesota Statutes 2010, section 325N.01.

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

The report was adopted.

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

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.

Reported the same back with the following amendments:

Page 1, line 11, delete "(a)"

Page 1, delete lines 17 to 25

Page 2, delete lines 1 and 2

Page 2, line 32, after "facility." insert "and, if available." and strike ", and if available," and insert "and"

Page 5, after line 24, insert:

**"EFFECTIVE DATE. This section is effective June 15, 2012."**

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

The report was adopted.

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

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.

Reported the same back with the following amendments:

Page 2, line 18, before "may" insert "recognized by the Internal Revenue Service as a 501(c)(6) exempt organization"

Page 4, lines 20 to 29, delete the new language

Page 8, line 3, strike the period and insert "; or"

Page 8, after line 3, insert:

"(18) intentionally, and without claim of right, drives a motor vehicle from the premises of a motor fuel retailer without having paid for motor fuel dispensed into the vehicle.

Proof that the driver of a motor vehicle into which motor fuel was dispensed drove the vehicle from the premises of the retailer without having paid for the fuel permits the factfinder to infer that the driver acted intentionally and without claim of right, and that the driver intended to deprive the retailer permanently of possession of the fuel.

This paragraph does not apply if: (i) the vehicle or the vehicle's license plate has been reported stolen before the theft of the fuel; or (ii) payment has been made to the retailer within 30 days of the receipt of notice of nonpayment under section 604.15."

With the recommendation that when so amended the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2373, A bill for an act relating to public safety; extending the felony of fraudulent or other improper finance statements to include retaliation against a sheriff or county recorder for performance of official duties regarding real property; amending Minnesota Statutes 2010, section 609.7475, subdivision 3.

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. 2441, A bill for an act relating to insurance; modifying defensive driving refresher course requirements; amending Minnesota Statutes 2010, section 65B.28, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 9, delete "55" and insert "58"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

S. F. No. 1073, A bill for an act relating to education; proposing a transitions plan for high school students to successfully pursue postsecondary education and employment; appropriating money; amending Minnesota Statutes 2010, section 120B.125; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the following amendments:

Amend the title as follows:

Page 1, line 3, delete "appropriating"

Page 1, line 4, delete "money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 1738, 2333, 2373 and 2441 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 1073 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Abeler and Fritz introduced:

H. F. No. 2617, A bill for an act relating to health-related occupations; requiring the boards to post certain information on regulated individuals; proposing coding for new law in Minnesota Statutes, chapter 214.

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

Howes; Murphy, E.; Thissen; Fritz; Abeler and Anzelc introduced:

H. F. No. 2618, A bill for an act relating to health; requiring hospitals to develop staffing levels for direct care registered nurses; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Kriesel introduced:

H. F. No. 2619, A bill for an act relating to transportation; motor vehicles; adding service branch designs to special veterans' plates; amending Minnesota Statutes 2010, section 168.123, subdivision 2; Minnesota Statutes 2011 Supplement, section 168.123, subdivision 1.

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

Howes, Smith, Cornish, Nornes and Ward introduced:

H. F. No. 2620, A bill for an act relating to capital improvements; appropriating money for an invasive species research center at the University of Minnesota; 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.

Kelly; Garofalo; Woodard; Erickson; Petersen, B.; Fabian; Myhra and Anderson, P., introduced:

H. F. No. 2621, A bill for an act relating to education; making certain special or independent school districts subject to mayoral control; amending Minnesota Statutes 2010, section 128D.02; proposing coding for new law in Minnesota Statutes, chapter 123A; repealing Minnesota Statutes 2010, sections 128D.05; 128D.08, subdivisions 1, 3, 4; 128D.14.

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

Howes, Hausman, Hancock, Ward and Nornes introduced:

H. F. No. 2622, A bill for an act relating to capital investment; appropriating money for Bemidji State University; authorizing the sale and issuance of state bonds.

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

Smith, Cornish and Johnson introduced:

H. F. No. 2623, A bill for an act relating to public safety; extending the time period for a continuance without adjudication in a juvenile delinquency case; amending Minnesota Statutes 2010, section 260B.198, subdivision 7.

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

Beard and Hoppe introduced:

H. F. No. 2624, A bill for an act relating to transportation; appropriating money for local bridge; authorizing the sale and issuance of state bonds.

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

Peppin, Kiffmeyer and Abeler introduced:

H. F. No. 2625, A bill for an act relating to education finance; adjusting equity revenue for Independent School District No. 728, Elk River, by the metro equity region factor for students residing in the region.

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

Lohmer and Abeler introduced:

H. F. No. 2626, A bill for an act relating to health; authorizing automated drug distribution systems; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Gottwalt introduced:

H. F. No. 2627, A bill for an act relating to health; changing a requirement for electronic claims and electronic transactions; amending Minnesota Statutes 2010, section 62J.536, subdivision 1.

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

Gottwalt; Abeler; Liebling; Benson, M.; Mack and Huntley introduced:

H. F. No. 2628, A bill for an act relating to health; modifying requirements for provider peer grouping; amending Minnesota Statutes 2010, sections 62U.04, subdivisions 1, 2, 4, 5; 256B.0754, subdivision 2; Minnesota Statutes 2011 Supplement, section 62U.04, subdivisions 3, 9.

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

Anderson, B., introduced:

H. F. No. 2629, A resolution memorializing Congress and the President of the United States to formally recognize the Khmer Freedom Fighters.

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

Drazkowski introduced:

H. F. No. 2630, A bill for an act relating to eminent domain; providing for compensation in regulatory takings that do not arise to the level of a taking under constitutional analysis; authorizing payment of attorney fees; proposing coding for new law in Minnesota Statutes, chapter 557.

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

Shimanski and Beard introduced:

H. F. No. 2631, A bill for an act relating to transportation; providing contingent appropriations for county state-aid highways and municipal state-aid streets, construction support, and finance operations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 162.

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

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1599 and 1656.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1599, A bill for an act relating to veterans affairs; permitting a preference for private employers to hire and promote veterans; permitting a preference for private employers to hire and promote the spouse of a disabled or deceased veteran; proposing coding for new law in Minnesota Statutes, chapter 197.

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

S. F. No. 1656, A bill for an act relating to education; requiring the legislature to authorize any cyclical revisions of academic standards and high school graduation requirements; amending Minnesota Statutes 2011 Supplement, section 120B.023, subdivision 2.

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

### CALENDAR FOR THE DAY

H. F. No. 545 was reported to the House.

Davnie moved to amend H. F. No. 545, the first engrossment, as follows:

Page 1, line 8, before "Each" insert "(a)"

Page 1, after line 21, insert:

"(b) Each executive agency that develops an analysis under paragraph (a) must report to the legislature, in the manner specified in section 3.195, on the cost of developing the analysis. The report under this paragraph must be filed when the detailed agency budget presentation is submitted to the legislature."

A roll call was requested and properly seconded.

The question was taken on the Davnie amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Winkler offered an amendment to H. F. No. 545, the first engrossment.

#### POINT OF ORDER

Holberg raised a point of order pursuant to rule 4.05 relating to Amendment Limits that the Winkler amendment was not in order. The Speaker ruled the point of order well taken and the Winkler amendment out of order.

Thissen appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 71 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 545, A bill for an act relating to state government; requiring state budget documents to include federal funding contingency planning; amending Minnesota Statutes 2010, section 16A.10, by adding a subdivision.

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. There were 74 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

H. F. No. 1560, A bill for an act relating to state government; providing for disposition of contested case hearings by the Office of Administrative Hearings; amending Minnesota Statutes 2010, section 14.57.

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. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

H. F. No. 1812 was reported to the House.

Winkler moved to amend H. F. No. 1812, the first engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2010, section 16C.08, subdivision 4, is amended to read:

Subd. 4. **Reports.** (a) The commissioner shall submit to the governor, the chairs and ranking minority members of the house of representatives Ways and Means and senate Finance Committees, and the Legislative Reference Library a yearly listing of all contracts for professional or technical services executed. The report must identify the contractor, contract amount, duration, and services to be provided. The commissioner shall also issue yearly reports summarizing the contract review activities of the department by fiscal year.

(b) The fiscal year report must be submitted by September 1 of each year and must:

(1) be sorted by agency and by contractor;

(2) show the aggregate value of contracts issued by each agency and issued to each contractor;

(3) distinguish between contracts that are being issued for the first time and contracts that are being extended;

(4) state the termination date of each contract;

(5) identify services by commodity code, including topics such as contracts for training, contracts for research and opinions, and contracts for computer systems; and

(6) identify which contracts were awarded without following the solicitation process in this chapter because it was determined that there was only a single source for the services.

(c) Within 30 days of final completion of a contract over \$25,000 covered by this subdivision, the head of the agency entering into the contract must submit a report to the commissioner who must make the report publicly available online and submit a copy to the Legislative Reference Library. The report must:

(1) summarize the purpose of the contract, including why it was necessary to enter into a contract;

(2) state the amount spent on the contract;

(3) if the contract was awarded without following the solicitation process in this chapter because it was determined that there was only a single source for the services, explain why the agency determined there was only a single source for the services; ~~and~~

(4) specify the extent to which work under the contract was performed in Minnesota, was performed in the United States but outside Minnesota, or was performed outside the United States; and

(5) include a written performance evaluation of the work done under the contract. The evaluation must include an appraisal of the contractor's timeliness, quality, cost, and overall performance in meeting the terms and objectives of the contract. Contractors may request copies of evaluations prepared under this subdivision and may respond in writing. Contractor responses must be maintained with the contract file."

Page 1, after line 11, insert:

"Sec. 3. **[16C.175] RESPONSE TO DISCLOSE WHERE WORK WILL BE PERFORMED.**

A response from a vendor in regard to a solicitation for a contract for professional or technical services or nonprofessional or nontechnical services must disclose the extent to which the vendor anticipates that work under the contract will be performed in Minnesota, in the United States but outside Minnesota, or outside the United States."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Winkler amendment and the roll was called. There were 64 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H. F. No. 1812, A bill for an act relating to state government; permitting the Department of Administration to contract for waste hauling without determining whether state employees are able to do the work; proposing coding for new law in Minnesota Statutes, chapter 16C.

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. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson, M.	Dettmer	Gottwalt	Kelly	Lohmer
Anderson, B.	Bills	Doepke	Gruenhagen	Kieffer	Loon
Anderson, D.	Buesgens	Downey	Gunther	Kiel	Mack
Anderson, P.	Cornish	Drazkowski	Hackbarth	Kiffmeyer	Mazorol
Anderson, S.	Crawford	Erickson	Hamilton	Kriesel	McDonald
Banaian	Daudt	Fabian	Hancock	Lanning	McElfratrick
Barrett	Davids	Franson	Holberg	Leidiger	McFarlane
Beard	Dean	Garofalo	Hoppe	LeMieur	McNamara

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

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.

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. There were 77 yeas and 55 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Allen	Champion	Falk	Hausman	Johnson	Liebling
Anzelc	Clark	Fritz	Hilstrom	Kath	Loeffler
Atkins	Davnie	Gauthier	Hilty	Koenen	Mariani
Benson, J.	Dill	Greene	Hornstein	Laine	Marquart
Brynaert	Dittrich	Greiling	Hortman	Lenczewski	Melin
Carlson	Eken	Hansen	Hosch	Lesch	Moran

Morrow	Nelson	Peterson, S.	Simon	Wagenius
Mullery	Norton	Poppe	Slawik	Ward
Murphy, E.	Paymar	Rukavina	Slocum	Winkler
Murphy, M.	Persell	Scalze	Thissen	

The bill was passed and its title agreed to.

Anzelc and Hosch were excused for the remainder of today's session.

The Speaker called Davids to the Chair.

H. F. No. 1850, A bill for an act relating to state government; increasing the maximum award amount in the state employee gainsharing program; amending Minnesota Statutes 2011 Supplement, section 16A.90.

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. There were 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hancock	LeMieur	Nornes	Smith
Anderson, D.	Dean	Hilty	Lenczewski	O'Driscoll	Stensrud
Anderson, P.	Dettmer	Holberg	Loeffler	Pelowski	Swedzinski
Anderson, S.	Dittrich	Hoppe	Lohmer	Peppin	Thissen
Atkins	Doepke	Hortman	Loon	Petersen, B.	Torkelson
Banaian	Downey	Howes	Mack	Peterson, S.	Urdahl
Barrett	Drazkowski	Kath	Mahoney	Poppe	Vogel
Beard	Erickson	Kelly	Mazorol	Quam	Wardlow
Benson, J.	Fabian	Kieffer	McDonald	Runbeck	Winkler
Benson, M.	Franson	Kiel	McElfatrick	Sanders	Woodard
Bills	Garofalo	Kiffmeyer	McFarlane	Scalze	Spk. Zellers
Brynaert	Gottwalt	Knuth	McNamara	Schomacker	
Cornish	Gruenhagen	Kriesel	Morrow	Scott	
Crawford	Gunther	Laine	Murdock	Shimanski	
Daudt	Hackbarth	Lanning	Murray	Simon	
Davids	Hamilton	Leidiger	Myhra	Slocum	

Those who voted in the negative were:

Allen	Eken	Hausman	Lesch	Mullery	Rukavina
Anderson, B.	Falk	Hilstrom	Liebling	Murphy, E.	Slawik
Buesgens	Fritz	Hornstein	Lillie	Murphy, M.	Wagenius
Carlson	Gauthier	Huntley	Mariani	Nelson	Ward
Champion	Greene	Johnson	Marquart	Norton	
Clark	Greiling	Kahn	Melin	Paymar	
Dill	Hansen	Koenen	Moran	Persell	

The bill was passed and its title agreed to.

H. F. No. 1903, A bill for an act relating to veterans; honor guard stipends; amending Minnesota Statutes 2010, section 197.231.

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, Crawford was excused from voting on the final passage of H. F. No. 1903.

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1213, A bill for an act relating to education; modifying adult education tracking system; amending Minnesota Statutes 2010, section 124D.52, subdivision 7.

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. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, D.	Atkins	Beard	Bills	Carlson
Allen	Anderson, P.	Banaian	Benson, J.	Brynaert	Champion
Anderson, B.	Anderson, S.	Barrett	Benson, M.	Buesgens	Clark

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

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.

### MOTIONS AND RESOLUTIONS

Nelson moved that the name of Beard be added as an author on H. F. No. 869. The motion prevailed.

Runbeck moved that the name of Murdock be added as an author on H. F. No. 1587. The motion prevailed.

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

Bills moved that the name of Gottwalt be added as an author on H. F. No. 2139. The motion prevailed.

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

Gottwalt moved that the name of Poppe be added as an author on H. F. No. 2237. The motion prevailed.

Daudt moved that the name of Erickson be added as an author on H. F. No. 2246. The motion prevailed.

Anzels moved that the name of McElfrick be added as an author on H. F. No. 2248. The motion prevailed.

Mariani moved that the name of Erickson be added as an author on H. F. No. 2291. The motion prevailed.

Kieffer moved that the name of Slocum be added as an author on H. F. No. 2308. The motion prevailed.

Howes moved that the name of McElfrick be added as an author on H. F. No. 2343. The motion prevailed.

McElfrick moved that the name of Torkelson be added as an author on H. F. No. 2393. The motion prevailed.

Hoppe moved that the names of Kiel and Erickson be added as authors on H. F. No. 2475. The motion prevailed.

Loon moved that the name of Slocum be added as an author on H. F. No. 2506. The motion prevailed.

Shimanski moved that the name of Hausman be added as an author on H. F. No. 2517. The motion prevailed.

Winkler moved that the name of Slocum be added as an author on H. F. No. 2534. The motion prevailed.

Knuth moved that the name of Slocum be added as an author on H. F. No. 2543. The motion prevailed.

Liebling moved that the name of Slocum be added as an author on H. F. No. 2561. The motion prevailed.

Torkelson moved that the name of Hausman be added as an author on H. F. No. 2574. The motion prevailed.

Garofalo moved that the name of Ward be added as an author on H. F. No. 2587. The motion prevailed.

Mahoney moved that the name of Simon be added as an author on H. F. No. 2614. The motion prevailed.

Beard moved that H. F. No. 2169 be recalled from the Committee on Environment, Energy and Natural Resources Policy and Finance and be re-referred to the Committee on State Government Finance. The motion prevailed.

#### ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, March 5, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 3:00 p.m., Monday, March 5, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

