

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 31, 2011

The House of Representatives convened at 12:00 noon and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by the Reverend Matt Anderson, Calvary Lutheran Church, Golden Valley, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Atkins, Erickson, Laine and Ward were excused.

Buesgens was excused until 12:35 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

Davids from the Committee on Taxes to which was referred:

S. F. No. 887, A bill for an act relating to state government; appropriating money for jobs, economic development, and housing; modifying certain programs; modifying fees and licensing, registration, and continuing education provisions; amending Minnesota Statutes 2010, sections 116J.035, by adding a subdivision; 116J.8737, subdivisions 1, 2, 4; 116L.04, subdivision 1; 181.723, subdivision 5; 182.6553, subdivision 6; 326B.04, subdivision 2; 326B.091; 326B.098; 326B.13, subdivision 8; 326B.148, subdivision 1; 326B.42, subdivisions 8, 9, 10, by adding subdivisions; 326B.435, subdivision 2; 326B.438; 326B.46, subdivisions 1a, 1b, 2, 3; 326B.47, subdivisions 1, 3; 326B.49, subdivision 1; 326B.56, subdivision 1; 326B.58; 326B.82, subdivisions 2, 3, 7, 9; 326B.821, subdivisions 1, 5, 5a, 6, 7, 8, 9, 10, 11, 12, 15, 16, 18, 19, 20, 22, 23; 326B.865; 326B.89, subdivisions 6, 8; 327.32, subdivisions 1a, 1b, 1e; 327.33, subdivisions 1, 2; 341.321; Laws 2009, chapter 78, article 1, section 18; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2010, sections 326B.82, subdivisions 4, 6; 326B.821, subdivision 3.

Reported the same back with the following amendments to the unofficial engrossment:

Pages 16 to 19, delete sections 2 to 4

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 887 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Falk, Koenen, Persell, Anzelc and Howes introduced:

H. F. No. 1342, A bill for an act relating to *Canis latrans*; providing a coyote conflict management option for counties; 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.

Dettmer; Westrom; Hoppe; Murray; Nelson; Peterson, S.; Scalze; Mahoney; Norton; Barrett and Anderson, P., introduced:

H. F. No. 1343, A bill for an act relating to civil actions; providing immunity in certain cases involving the use of school facilities for recreational activities; amending Minnesota Statutes 2010, section 466.03, subdivision 6e, by adding a subdivision.

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

Torkelson; Drazkowski; Swedzinski; Shimanski; Gunther; Dettmer; O'Driscoll; Quam; Fabian; Kiel; Anderson, P.; Schomacker; Vogel; Dill; Urdahl and LeMieur introduced:

H. F. No. 1344, A bill for an act relating to natural resources; requiring certain procedures for an entity using state money to acquire land for designation as a wildlife management area or a scientific and natural area; amending Minnesota Statutes 2010, sections 84.033, subdivision 3; 97A.145, subdivision 2.

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

Champion introduced:

H. F. No. 1345, A bill for an act relating to transportation; modifying provisions relating to contract bid preferences for highway construction projects; making clarifying changes; amending Minnesota Statutes 2010, section 161.321.

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

Nelson introduced:

H. F. No. 1346, A bill for an act relating to state land; authorizing private sale of certain lands; repealing Laws 2006, chapter 272, sections 1; 2.

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

Anderson, P.; Torkelson; Eken; Swedzinski; Urdahl; Shimanski and Ward introduced:

H. F. No. 1347, A bill for an act relating to agriculture; establishing the Dairy Research, Teaching, and Consumer Education Authority; specifying duties and procedures; proposing coding for new law as Minnesota Statutes, chapter 32C.

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

Beard and Koenen introduced:

H. F. No. 1348, A bill for an act relating to railroads; exempting certain railroad property from storm sewer or storm water utility assessments, levies, or charges; amending Minnesota Statutes 2010, sections 444.075, by adding a subdivision; 444.20; proposing coding for new law in Minnesota Statutes, chapter 429.

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

Hamilton introduced:

H. F. No. 1349, A bill for an act relating to the State Building Code; adding a definition of residential programs; amending Minnesota Statutes 2010, sections 245A.11, subdivision 2; 326B.103, by adding a subdivision.

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

Kath introduced:

H. F. No. 1350, A bill for an act relating to the arts; appropriating money for the Waseca Art Center.

The bill was read for the first time and referred to the Legacy Funding Division.

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. 1010, A bill for an act relating to state government; appropriating money for environment, natural resources, commerce, and energy; creating accounts; modifying disposition of certain receipts; modifying responsibilities and authorities; creating an advisory committee; modifying Petroleum Tank Release Cleanup Act; modifying cooperative electric association petition provisions; repealing definitions and requirements; requiring rulemaking on wild rice standards; amending Minnesota Statutes 2010, sections 85.052, subdivision 4; 89.21; 97A.055, by adding a subdivision; 97A.071, subdivision 2; 97A.075; 103G.271, subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2; 115A.1314; 115A.1320, subdivision 1; 115C.09, subdivision 3c; 115C.13; 116P.04, by adding a subdivision; 116P.05, subdivision 2; 216B.026, subdivision 1; 290.431; 290.432; 357.021, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 16E; 84; 89; 97A; 103G; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84.027, subdivision 11; 116P.09, subdivision 4; 116P.14.

CAL R. LUDEMAN, Secretary of the Senate

McNamara moved that the House refuse to concur in the Senate amendments to H. F. No. 1010, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1016, A bill for an act relating to state government; appropriating money for agriculture, the Board of Animal Health, and the Agricultural Utilization Research Institute; modifying certain fees; modifying certain restrictions on farm disposal; clarifying the authority of certain entities; amending Minnesota Statutes 2010, sections 17.135; 18B.03, subdivision 1; 18C.005, by adding a subdivision; 18C.111, by adding a subdivision; 18C.131; 18C.425, by adding a subdivision; 18D.201, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 27.041, by adding a subdivision; 38.01; 373.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Senators Magnus, Kubly, Dahms, Nienow and Miller.

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

Hamilton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 1016. The motion prevailed.

Mr. Speaker:

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

S. F. No. 760.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 760, A bill for an act relating to state government; establishing the health and human services budget; modifying provisions related to continuing care, chemical and mental health, children and family services, human services licensing, health care programs, the Department of Health, and health licensing boards; appropriating money to the departments of health and human services and other health-related boards and councils; making forecast adjustments; requiring reports; imposing fees; imposing criminal penalties; amending Minnesota Statutes 2010, sections 8.31, subdivisions 1, 3a; 62E.14, by adding a subdivision; 62J.04, subdivision 3; 62J.17, subdivision 4a; 62J.692, subdivisions 4, 7; 103I.005, subdivisions 2, 8, 12, by adding a subdivision; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivision 8; 103I.205, subdivision 4; 103I.208, subdivision 2; 103I.501; 103I.531, subdivision 5; 103I.535, subdivision 6; 103I.641; 103I.711, subdivision 1; 103I.715, subdivision 2; 119B.011, subdivision 13; 119B.09, subdivision 10, by adding subdivisions; 119B.125, by adding a subdivision; 119B.13, subdivisions 1, 1a, 7; 144.125, subdivisions 1, 3; 144.128; 144.396, subdivisions 5, 6; 145.925, subdivision 1; 145.928, subdivisions 7, 8; 148.108, by adding a subdivision; 148.191, subdivision 2; 148.212, subdivision 1; 148.231; 151.07; 151.101; 151.102, by adding a subdivision; 151.12; 151.13, subdivision 1; 151.19; 151.25; 151.47,

subdivision 1; 151.48; 152.12, subdivision 3; 245A.10, subdivisions 1, 3, 4, by adding subdivisions; 245A.11, subdivision 2b; 245A.143, subdivision 1; 245C.10, by adding a subdivision; 254B.03, subdivision 4; 254B.04, by adding a subdivision; 254B.06, subdivision 2; 256.01, subdivisions 14, 24, 29, by adding a subdivision; 256.969, subdivision 2b; 256B.04, subdivision 18; 256B.056, subdivisions 1a, 3; 256B.057, subdivision 9; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 8b, 8c, 12, 13e, 17, 17a, 18, 19a, 25, 31a, by adding subdivisions; 256B.0651, subdivision 1; 256B.0652, subdivision 6; 256B.0653, subdivisions 2, 6; 256B.0911, subdivision 3a; 256B.0913, subdivision 4; 256B.0915, subdivisions 3a, 3b, 3e, 3h, 6, 10; 256B.14, by adding a subdivision; 256B.431, subdivisions 2r, 32, 42, by adding a subdivision; 256B.437, subdivision 6; 256B.441, subdivisions 50a, 59; 256B.48, subdivision 1; 256B.49, subdivision 16a; 256B.69, subdivisions 4, 5a, by adding a subdivision; 256B.76, subdivision 4; 256D.02, subdivision 12a; 256D.031, subdivisions 6, 7, 9; 256D.44, subdivision 5; 256D.47; 256D.49, subdivision 3; 256E.30, subdivision 2; 256E.35, subdivisions 5, 6; 256J.12, subdivisions 1a, 2; 256J.37, by adding a subdivision; 256J.38, subdivision 1; 256L.04, subdivision 7; 256L.05, by adding a subdivision; 256L.11, subdivision 7; 256L.12, subdivision 9; 297F.10, subdivision 1; 393.07, subdivision 10; 402A.10, subdivisions 4, 5; 402A.15; 518A.51; Laws 2008, chapter 363, article 18, section 3, subdivision 5; Laws 2010, First Special Session chapter 1, article 15, section 3, subdivision 6; article 25, section 3, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 1; 145; 148; 151; 214; 256; 256B; 256L; proposing coding for new law as Minnesota Statutes, chapter 256N; repealing Minnesota Statutes 2010, sections 62J.17, subdivisions 1, 3, 5a, 6a, 8; 62J.321, subdivision 5a; 62J.381; 62J.41, subdivisions 1, 2; 103I.005, subdivision 20; 144.1464; 144.147; 144.1487; 144.1488, subdivisions 1, 3, 4; 144.1489; 144.1490; 144.1491; 144.1499; 144.1501; 144.6062; 145.925; 145A.14, subdivisions 1, 2a; 245A.10, subdivision 5; 256.979, subdivisions 5, 6, 7, 10; 256.9791; 256B.055, subdivision 15; 256B.0625, subdivision 8e; 256B.0653, subdivision 5; 256B.0756; 256D.01, subdivisions 1, 1a, 1b, 1e, 2; 256D.03, subdivisions 1, 2, 2a; 256D.031, subdivisions 5, 8; 256D.05, subdivisions 1, 2, 4, 5, 6, 7, 8; 256D.0513; 256D.053, subdivisions 1, 2, 3; 256D.06, subdivisions 1, 1b, 2, 5, 7, 8; 256D.09, subdivisions 1, 2, 2a, 2b, 5, 6; 256D.10; 256D.13; 256D.15; 256D.16; 256D.35, subdivision 8b; 256D.46; Laws 2010, First Special Session chapter 1, article 16, sections 6; 7; Minnesota Rules, parts 3400.0130, subpart 8; 4651.0100, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 16a, 18, 19, 20, 20a, 21, 22, 23; 4651.0110, subparts 2, 2a, 3, 4, 5; 4651.0120; 4651.0130; 4651.0140; 4651.0150; 9500.1243, subpart 3.

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

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 958.

S. F. No. 958 was reported to the House.

Cornish moved to amend S. F. No. 958, the unofficial engrossment, as follows:

Page 25, line 14, after the semicolon, insert:

"(10) a representative of the Minnesota Police and Peace Officers Association;"

Page 25, line 15, delete "(10)" and insert "(11)"

The motion prevailed and the amendment was adopted.

S. F. No. 958, A bill for an act relating to public safety; acquiring an easement for the correctional facility in Faribault; appropriating money for the courts, public defenders, public safety, corrections, certain other criminal justice agencies, boards, and commissions; amending Minnesota Statutes 2010, section 297I.06, subdivision 3.

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 59 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

CALENDAR FOR THE DAY

H. F. No. 460, A bill for an act relating to State Fire Code; prohibiting sprinkler requirements in single-family dwellings; amending Minnesota Statutes 2010, section 299F.011, 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 90 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Greene	Koenen	Moran	Sanders
Anderson, B.	Davids	Gruenhagen	Kriesel	Morrow	Schomacker
Anderson, D.	Davnie	Gunther	Lanning	Murdock	Scott
Anderson, P.	Dean	Hackbarth	Leidiger	Murray	Shimanski
Anderson, S.	Dettmer	Hamilton	LeMieur	Myhra	Simon
Anzelc	Dill	Hancock	Lohmer	Nelson	Stensrud
Banaian	Dittrich	Holberg	Loon	Nornes	Swedzinski
Barrett	Doepke	Hoppe	Mack	Norton	Torkelson
Beard	Downey	Hosch	Marquart	O'Driscoll	Urdahl
Benson, M.	Drazkowski	Howes	Mazorol	Peppin	Vogel
Bills	Eken	Kath	McDonald	Petersen, B.	Wardlow
Buesgens	Fabian	Kelly	McElfrick	Peterson, S.	Westrom
Clark	Franson	Kieffer	McFarlane	Quam	Winkler
Cornish	Garofalo	Kiel	McNamara	Rukavina	Woodard
Crawford	Gottwalt	Kiffmeyer	Melin	Runbeck	Spk. Zellers

Those who voted in the negative were:

Benson, J.	Greiling	Hortman	Liebling	Murphy, M.	Slocum
Brynaert	Hansen	Huntley	Lillie	Paymar	Smith
Carlson	Hausman	Johnson	Loeffler	Pelowski	Thissen
Champion	Hayden	Kahn	Mahoney	Persell	Tillberry
Falk	Hilstrom	Knuth	Mariani	Poppe	Wagenius
Fritz	Hilty	Lenczewski	Mullery	Scalze	
Gauthier	Hornstein	Lesch	Murphy, E.	Slawik	

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

Myhra moved that her name be stricken as an author on H. F. No. 91. The motion prevailed.

Smith moved that the name of Cornish be added as an author on H. F. No. 440. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 12:

LeMieur, Hamilton, Daudt, Davids and Eken.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1010:

McNamara, Hackbarth, Torkelson, Hoppe and Dill.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1016:

Hamilton; Anderson, P.; Shimanski; LeMieur and Eken.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, April 4, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, April 4, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

