

## STATE OF MINNESOTA

## EIGHTY-SEVENTH SESSION — 2012

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 ONE HUNDRED FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 18, 2012

The House of Representatives convened at 10:00 a.m. and was called to order by Greg Davids, Speaker pro tempore.

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

A quorum was present.

Atkins and Slawik were excused until 11:35 a.m. Falk and Greene were excused until 11:50 a.m. Howes was excused until 12:10 p.m. Kelly was excused until 1:00 p.m. Clark was excused until 1:35 p.m. Doepke was excused until 1:50 p.m. Mariani was excused until 2:05 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 CHIEF CLERK**

S. F. No. 1573 and H. F. No. 2065, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Nornes moved that the rules be so far suspended that S. F. No. 1573 be substituted for H. F. No. 2065 and that the House File be indefinitely postponed. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S. F. No. 1573 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House File was introduced:

Fritz introduced:

H. F. No. 3003, A bill for an act relating to state government; requiring preference for purchasing from local growers or distributors when purchasing fresh produce for consumption in state correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

**ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1974:

Drazkowski, Benson, M., and Downey.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 288:

Kelly, Abeler and Huntley.

Dean moved that the House recess subject to the call of the Chair. The motion prevailed.

### RECESS

### RECONVENED

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

Wagenius was excused between the hours of 11:25 a.m. and 1:05 p.m.

### 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. 795, A bill for an act relating to child support; instructing the commissioner to initiate a foreign reciprocal agreement.

CAL R. LUDEMAN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Hoppe moved that the House concur in the Senate amendments to H. F. No. 795 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 795, A bill for an act relating to child support; instructing the commissioner to initiate a foreign reciprocal agreement.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Barrett	Bills	Champion	Dauids
Allen	Anderson, S.	Beard	Brynaert	Cornish	Dean
Anderson, B.	Anzelc	Benson, J.	Buesgens	Crawford	Dettmer
Anderson, D.	Banaian	Benson, M.	Carlson	Daudt	Dill

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

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 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.

CAL R. LUDEMAN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Downey moved that the House concur in the Senate amendments to H. F. No. 1850 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 105 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Banaian	Bills	Daudt	Dill	Erickson
Anderson, D.	Barrett	Brynaert	Davids	Dittrich	Fabian
Anderson, P.	Beard	Carlson	Davnie	Downey	Franson
Anderson, S.	Benson, J.	Cornish	Dean	Drazkowski	Fritz
Anzelc	Benson, M.	Crawford	Dettmer	Eken	Garofalo

Gottwalt	Huntley	Lesch	Moran	Peterson, S.	Thissen
Gruenhagen	Johnson	Lillie	Morrow	Poppe	Tillberry
Gunther	Kahn	Loeffler	Murdock	Quam	Torkelson
Hackbarth	Kath	Lohmer	Murphy, E.	Runbeck	Urdahl
Hamilton	Kieffer	Loon	Murphy, M.	Sanders	Vogel
Hancock	Kiel	Mack	Murray	Scalze	Wardlow
Hilstrom	Kiffmeyer	Mahoney	Myhra	Schomacker	Westrom
Hilty	Knuth	Marquart	Nelson	Scott	Winkler
Holberg	Kriesel	Mazorol	Nornes	Shimanski	Woodard
Hoppe	Laine	McDonald	O'Driscoll	Simon	Spk. Zellers
Hornstein	Lanning	McElfrick	Pelowski	Smith	
Hortman	Leidiger	McFarlane	Peppin	Stensrud	
Hosch	LeMieur	McNamara	Petersen, B.	Swedzinski	

Those who voted in the negative were:

Allen	Champion	Hansen	Melin	Paymar	Slocum
Anderson, B.	Gauthier	Lenczewski	Mullery	Persell	Ward
Buesgens	Greiling	Liebling	Norton	Rukavina	

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 2506, A bill for an act relating to education; striking the requirement to allocate portions of reserved staff development revenue for particular purposes; amending Minnesota Statutes 2010, section 122A.61, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Loon moved that the House concur in the Senate amendments to H. F. No. 2506 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2506, A bill for an act relating to education; clarifying CPR training and instruction requirements; striking the requirement to allocate portions of reserved staff development revenue for particular purposes; amending Minnesota Statutes 2010, sections 120B.236; 122A.61, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Barrett	Bills	Daudt	Dettmer
Anderson, B.	Anderson, S.	Beard	Cornish	Dauids	Dittrich
Anderson, D.	Banaian	Benson, M.	Crawford	Dean	Downey

Drazkowski	Hamilton	Leidiger	Morrow	Runbeck	Urdahl
Erickson	Hancock	LeMieur	Mullery	Sanders	Vogel
Fabian	Holberg	Lohmer	Murdock	Scalze	Wardlow
Franson	Hoppe	Loon	Murray	Schomacker	Woodard
Garofalo	Kath	Mack	Myhra	Scott	Spk. Zellers
Gottwalt	Kieffer	Mazorol	Nornes	Shimanski	
Greiling	Kiel	McDonald	O'Driscoll	Smith	
Gruenhagen	Kiffmeyer	McElpatrick	Peppin	Stensrud	
Gunther	Kriesel	McFarlane	Petersen, B.	Swedzinski	
Hackbarth	Lanning	McNamara	Quam	Torkelson	

Those who voted in the negative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

S. F. No. 1694.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1694, A bill for an act relating to public safety; regulating the manufacture, sale, and use of fireworks; amending Minnesota Statutes 2010, section 624.20, subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

### CALENDAR FOR THE DAY

H. F. No. 2341 was reported to the House.

Kahn moved to amend H. F. No. 2341 as follows:

Page 1, line 3, delete "abortion-inducing"

Page 1, line 6, delete "**ABORTION REGULATION;**"

Page 1, line 23, after the comma, insert "or when Viagra or any other drug is used for the purpose of treating penile erectile dysfunction,"

Page 2, line 2, after "abortion" insert "or treating the erectile dysfunction"

Page 2, line 3, after "abortion" insert "or treating the erectile dysfunction"

Page 2, line 4, after "(mifepristone)" insert ", Viagra,"

Page 2, line 6, after "terminated" insert "or that the erectile dysfunction has been successfully treated"

Page 2, line 10, after "abortion" insert "or treats erectile dysfunction"

Page 2, line 12, after the period, insert "No penalty may be assessed against the male treated for erectile dysfunction."

Page 2, after line 20, insert:

"(b) For any male who has been treated for penile erectile dysfunction, the woman who potentially could be impregnated and who was married to the man at the time a drug was given, or either parent of the man (potential future grandparent) being treated for erectile dysfunction, may maintain an action against the person who attempted to treat the erectile dysfunction in knowing or reckless violation of this section for actual and punitive damages. Any male upon whom treatment for erectile dysfunction was performed in knowing or reckless violation of this section may maintain an action against the person who attempted to treat erectile dysfunction for actual and punitive damage."

Page 2, line 21, delete "(b)" and insert "(c)"

Page 2, line 23, after the second "performed" insert ", or maintained by the man upon whom treatment for erectile dysfunction has been performed or attempted,"

Page 2, line 26, after "section" insert ", or the man upon whom treatment for erectile dysfunction has been performed or attempted"

Page 2, line 33, after "woman" insert "or impotent man" and after the period, insert "(a)"

Page 2, after line 36, insert:

"(b) No impotent man who obtains or possesses Viagra or other drug or chemical for the purpose of inducing an erection shall be subject to any action brought under subdivision 4."

Page 3, line 3, after "attempted" insert ", or the male upon whom treatment for erectile dysfunction has been performed or attempted,"

Page 3, line 5, after "her" insert "or his"

Page 3, line 8, after "her" insert "or his"

Page 3, line 9, after "female" insert "or male"

Page 3, line 13, after "attempted." insert "or the male upon whom treatment for erectile dysfunction has been performed or attempted."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 28 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Allen	Falk	Hornstein	Lesch	Moran	Slocum
Anzelc	Greene	Hortman	Liebling	Murphy, E.	Tillberry
Benson, J.	Greiling	Kahn	Lillie	Norton	Winkler
Brynaert	Hilstrom	Knuth	Loeffler	Persell	
Davnie	Hilty	Laine	Melin	Slawik	

Those who voted in the negative were:

Abeler	Daudt	Gruenhagen	Lanning	Murdock	Schomacker
Anderson, B.	Davids	Gunther	Leidiger	Murphy, M.	Scott
Anderson, D.	Dean	Hackbarth	LeMieur	Murray	Shimanski
Anderson, P.	Dettmer	Hamilton	Lenczewski	Myhra	Simon
Anderson, S.	Dill	Hancock	Lohmer	Nornes	Smith
Atkins	Dittrich	Hansen	Loon	O'Driscoll	Stensrud
Banaian	Downey	Holberg	Mack	Pelowski	Swedzinski
Barrett	Drazkowski	Hoppe	Mahoney	Peppin	Torkelson
Beard	Eken	Hosch	Marquart	Petersen, B.	Urdahl
Benson, M.	Erickson	Howes	Mazorol	Peterson, S.	Vogel
Bills	Fabian	Huntley	McDonald	Poppe	Ward
Buesgens	Franson	Kath	McElfatrick	Quam	Wardlow
Carlson	Fritz	Kieffer	McFarlane	Rukavina	Westrom
Champion	Garofalo	Kiel	McNamara	Runbeck	Woodard
Cornish	Gauthier	Kiffmeyer	Morrow	Sanders	Spk. Zellers
Crawford	Gottwalt	Kriesel	Mullery	Scalze	

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

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

The bill was read for the 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 80 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Barrett	Bills	Crawford	Dean
Anderson, B.	Anderson, S.	Beard	Buesgens	Daudt	Dettmer
Anderson, D.	Banaian	Benson, M.	Cornish	Davids	Dill

Downey	Hackbarth	Kriesel	McElfatrick	Petersen, B.	Urdahl
Drazkowski	Hamilton	Lanning	McFarlane	Quam	Vogel
Eken	Hancock	Leidiger	McNamara	Runbeck	Ward
Erickson	Holberg	LeMieur	Murdock	Sanders	Wardlow
Fabian	Hoppe	Lenczewski	Murphy, M.	Schomacker	Westrom
Franson	Hosch	Lohmer	Murray	Scott	Woodard
Fritz	Howes	Loon	Myhra	Shimanski	Spk. Zellers
Garofalo	Kath	Mack	Nornes	Smith	
Gottwalt	Kieffer	Marquart	O'Driscoll	Stensrud	
Gruenhagen	Kiel	Mazorol	Pelowski	Swedzinski	
Gunther	Kiffmeyer	McDonald	Peppin	Torkelson	

Those who voted in the negative were:

Allen	Dittrich	Hilty	Lesch	Mullery	Rukavina
Anzelc	Falk	Hornstein	Liebling	Murphy, E.	Scalze
Atkins	Gauthier	Hortman	Lillie	Nelson	Simon
Benson, J.	Greene	Huntley	Loeffler	Norton	Slawik
Brynaert	Greiling	Johnson	Mahoney	Paymar	Slocum
Carlson	Hansen	Kahn	Melin	Persell	Thissen
Champion	Hausman	Knuth	Moran	Peterson, S.	Tillberry
Davnie	Hilstrom	Laine	Morrow	Poppe	Winkler

The bill was passed and its title agreed to.

H. F. No. 2789, A bill for an act relating to public safety; amending the definitions of drug paraphernalia and methamphetamine paraphernalia; amending Minnesota Statutes 2010, sections 152.01, subdivision 18; 152.137, subdivision 1.

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 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Gottwalt	Kath	Mack	Nelson
Allen	Crawford	Greene	Kieffer	Mahoney	Nornes
Anderson, B.	Daudt	Greiling	Kiel	Marquart	Norton
Anderson, D.	Davids	Gruenhagen	Kiffmeyer	Mazorol	Paymar
Anderson, P.	Davnie	Gunther	Knuth	McDonald	Pelowski
Anderson, S.	Dettmer	Hackbarth	Kriesel	McElfatrick	Peppin
Anzelc	Dittrich	Hancock	Laine	McFarlane	Persell
Atkins	Downey	Hansen	Lanning	McNamara	Peterson, S.
Banaian	Drazkowski	Hilstrom	Leidiger	Melin	Poppe
Barrett	Eken	Hilty	LeMieur	Moran	Quam
Beard	Erickson	Hoppe	Lenczewski	Morrow	Runbeck
Benson, J.	Fabian	Hornstein	Lesch	Mullery	Sanders
Benson, M.	Falk	Hosch	Liebling	Murdock	Scalze
Bills	Franson	Howes	Lillie	Murphy, E.	Schomacker
Brynaert	Fritz	Huntley	Loeffler	Murphy, M.	Scott
Carlson	Garofalo	Johnson	Lohmer	Murray	Shimanski
Champion	Gauthier	Kahn	Loon	Myhra	Simon

Slawik	Stensrud	Tillberry	Vogel	Westrom	Spk. Zellers
Slocum	Swedzinski	Torkelson	Ward	Winkler	
Smith	Thissen	Urdahl	Wardlow	Woodard	

Those who voted in the negative were:

Buesgens	Petersen, B.	Rukavina
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The bill was passed and its title agreed to.

S. F. No. 1675 was reported to the House.

Abeler, Gottwalt, Huntley and Liebling moved to amend S. F. No. 1675, the unofficial engrossment, as follows:

Page 56, line 8, delete "24-hour"

Page 56, line 24, delete "24-hour"

Page 122, line 33, delete everything after "shall"

Page 122, delete line 34 and insert "provide notary services for parents who complete the recognition of parentage form; and"

Page 123, line 1, before the period, insert "unless otherwise instructed by the Office of the State Registrar of Vital Statistics"

Page 154, line 10, after "Biennially" insert a comma

Page 155, line 27, delete "licensing or" and delete "and"

Page 155, line 28, delete everything before the semicolon and insert ", until the agency determines those violations have been corrected"

Page 155, after line 28, insert:

"(4) the provider is operating after receipt of an order of suspension or an order of revocation of the provider's license, or the provider has been issued an order citing violations of licensing standards that affect the health and safety of children in care due to the nature, chronicity, or severity of the licensing violations, until the licensing agency determines those violations have been corrected;"

Page 155, line 29, delete "(4)" and insert "(5)"

Page 155, line 31, delete "(5)" and insert "(6)"

Page 157, delete sections 4 and 5

Page 158, delete section 6

Page 159, delete section 7

Page 160, delete section 8

Page 162, line 10, after the third comma, insert "or" and strike ", (9), or (10)"

Page 176, line 32, after "chairs" insert "and ranking minority members"

Page 189, after line 2, insert:

"Sec. 19. Minnesota Statutes 2010, section 256B.0659, subdivision 20, is amended to read:

Subd. 20. **Personal care assistance choice option; administration.** (a) Before services commence under the personal care assistance choice option, and annually thereafter, the personal care assistance choice provider agency and the recipient or responsible party shall enter into a written agreement. The annual agreement must be provided to the recipient or responsible party, each personal care assistant, and the qualified professional when completed, and include at a minimum:

(1) duties of the recipient, qualified professional, personal care assistant, and personal care assistance choice provider agency;

(2) salary and benefits for the personal care assistant and the qualified professional;

(3) administrative fee of the personal care assistance choice provider agency and services paid for with that fee, including background study fees;

(4) grievance procedures to respond to complaints;

(5) procedures for hiring and terminating the personal care assistant; and

(6) documentation requirements including, but not limited to, time sheets, activity records, and the personal care assistance care plan.

(b) Effective January 1, 2010, except for the administrative fee of the personal care assistance choice provider agency as reported on the written agreement, the remainder of the rates paid to the personal care assistance choice provider agency must be used to pay for the salary and benefits for the personal care assistant or the qualified professional. The provider agency must use a minimum of 72.5 percent of the revenue generated by the medical assistance rate for personal care assistance services for employee personal care assistant wages and benefits. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation.

(c) The commissioner shall deny, revoke, or suspend the authorization to use the personal care assistance choice option if:

(1) it has been determined by the qualified professional or public health nurse that the use of this option jeopardizes the recipient's health and safety;

(2) the parties have failed to comply with the written agreement specified in this subdivision;

(3) the use of the option has led to abusive or fraudulent billing for personal care assistance services; or

(4) the department terminates the personal care assistance choice option.

(d) The recipient or responsible party may appeal the commissioner's decision in paragraph (c) according to section 256.045. The denial, revocation, or suspension to use the personal care assistance choice option must not affect the recipient's authorized level of personal care assistance services."

Page 190, line 12, after "providers" insert ". The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation"

Page 191, after line 11, insert:

"Sec. 20. Minnesota Statutes 2010, section 256B.0659, subdivision 24, is amended to read:

Subd. 24. **Personal care assistance provider agency; general duties.** A personal care assistance provider agency shall:

(1) enroll as a Medicaid provider meeting all provider standards, including completion of the required provider training;

(2) comply with general medical assistance coverage requirements;

(3) demonstrate compliance with law and policies of the personal care assistance program to be determined by the commissioner;

(4) comply with background study requirements;

(5) verify and keep records of hours worked by the personal care assistant and qualified professional;

(6) not engage in any agency-initiated direct contact or marketing in person, by phone, or other electronic means to potential recipients, guardians, or family members;

(7) pay the personal care assistant and qualified professional based on actual hours of services provided;

(8) withhold and pay all applicable federal and state taxes;

(9) effective January 1, 2010, document that the agency uses a minimum of 72.5 percent of the revenue generated by the medical assistance rate for personal care assistance services for employee personal care assistant wages and benefits. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation;

(10) make the arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(11) enter into a written agreement under subdivision 20 before services are provided;

(12) report suspected neglect and abuse to the common entry point according to section 256B.0651;

(13) provide the recipient with a copy of the home care bill of rights at start of service; and

(14) request reassessments at least 60 days prior to the end of the current authorization for personal care assistance services, on forms provided by the commissioner."

Page 196, after line 20, insert:

"Sec. 29. Minnesota Statutes 2011 Supplement, section 626.557, subdivision 9a, is amended to read:

Subd. 9a. **Evaluation and referral of reports made to common entry point unit.** The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals as follows:

(1) if the common entry point determines that there is an immediate need for adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

(2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

(3) the common entry point shall refer all reports of alleged or suspected maltreatment to the appropriate lead investigative agency as soon as possible, but in any event no longer than two working days; ~~and~~

(4) if the report involves services licensed by the Department of Human Services and subject to chapter 245D, the common entry point shall refer the report to the county as the lead agency according to clause (3), but shall also notify the Department of Human Services of the report; and

~~(4)~~ (5) if the report contains information about a suspicious death, the common entry point shall immediately notify the appropriate law enforcement agencies, the local medical examiner, and the ombudsman for mental health and developmental disabilities established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law."

Page 197, after line 12, insert:

"Sec. 30. Laws 2008, chapter 338, section 3, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** (a) The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall develop and implement, beginning July 1, 2009, a ~~three-year~~ five-year demonstration project for older adult services community consortiums. An older adult services community consortium may consist of health care and social service providers, county agencies, health plan companies, and other community stakeholders within a demonstration site that have established a process for joint decision making. Demonstration sites may include a portion of a county, an entire county, or multiple counties.

(b) Each community consortium seeking to participate as a demonstration site must submit an application to the commissioner. The application must include:

(1) a description of the entities participating in the consortium, the scope of collaboration, and the process to be used for joint-decision making;

(2) the methods by which the consortium plans to achieve the goals specified in subdivision 2;

(3) a description of the proposed demonstration site; and

(4) other information the commissioner determines to be necessary to evaluate proposals.

(c) The commissioner of human services shall establish a process to review and consider applicants. The commissioner shall designate up to three community consortiums as demonstration projects.

(d) Each community consortium selected to participate shall establish a local group to assist in planning, designing, implementing, and evaluating the coordinated service delivery system within the demonstration site. Planning for each consortium shall build upon current planning processes developed by county gaps analyses and Elder Care Development Partnerships under Minnesota Statutes, section 256B.0917.

Sec. 31. Laws 2008, chapter 338, section 3, subdivision 8, is amended to read:

Subd. 8. **Evaluation and report.** The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall evaluate the demonstration project, and report preliminary findings and recommendations to the legislature by November 15, 2011, on whether the demonstration project should be continued and whether the number of demonstration project sites increased. The final report of findings and recommendations shall be delivered to the legislature by January 15, ~~2013~~ 2015. The preliminary and final evaluation and report must include:

(1) a comparison of the performance of demonstration sites relative to nonconsortium communities on the quality measures specified in subdivision 5;

(2) an assessment of the extent to which the demonstration project can be successfully expanded to other parts of the state;

(3) legislative changes necessary to improve the effectiveness of the demonstration project and to expand the projects to other parts of the state; and

(4) any actions taken by the commissioner of health under subdivision 5.

The commissioner of human services may withhold up to \$50,000 of the funding provided to each participating community consortium under this section to fund the evaluation and report."

Page 203, line 17, after the semicolon, insert "and"

Page 203, strike lines 18 and 19

Page 203, line 20, strike "(4)" and insert "(3)"

Page 224, line 31, strike "paragraph (b)" and insert "paragraphs (a) and (c)"

Page 272, delete section 16

Page 279, delete section 19

Page 283, delete section 22

Page 290, line 20, delete "and status"

Page 294, line 11, after "245A" insert ", 245B,"

Page 297, line 2, delete everything after the first "a" and insert "notarized signature of the applicant."

Page 297, delete line 3

Page 297, delete lines 4 to 13 and insert:

"(g) When an applicant is a nonindividual, the applicant must provide the applicant's Minnesota tax identification number, the first, middle, and last name, and address for all individuals who will be controlling individuals, including all officers, owners, and managerial officials as defined in section 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant for each controlling individual. The applicant must also provide the first, middle, and last name, mailing address, and notarized signature of the agent authorized by the applicant to accept service on behalf of the controlling individuals."

Page 301, delete section 6

Page 313, lines 26 and 27, delete "180" and insert "90"

Page 317, delete section 24

Page 318, delete section 25

Page 321, delete section 29

Page 332, delete lines 15 to 36

Page 333, delete lines 1 to 3 and insert:

"Subd. 3. **Implementation.** (a) The commissioner shall implement the responsibilities of this chapter according to the timelines in paragraphs (b) and (c) only within the limits of available appropriations or other administrative cost recovery methodology.

(b) The licensure of home and community-based services according to this section shall be implemented January 1, 2014. License applications shall be received and processed on a phased-in schedule as determined by the commissioner beginning July 1, 2013. Licenses will be issued thereafter upon the commissioner's determination that the application is complete according to section 245A.04.

(c) Within the limits of available appropriations or other administrative cost recovery methodology, implementation of compliance monitoring must be phased in after January 1, 2014.

(1) Applicants who do not currently hold a license issued under this chapter must receive an initial compliance monitoring visit after 12 months of the effective date of the initial license for the purpose of providing technical assistance on how to achieve and maintain compliance with the applicable law or rules governing the provision of home and community-based services under chapter 245D. If during the review the commissioner finds that the license holder has failed to achieve compliance with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the commissioner may issue a licensing review report with recommendations for achieving and maintaining compliance.

(2) Applicants who do currently hold a license issued under this chapter must receive a compliance monitoring visit after 24 months of the effective date of the initial license.

(d) Nothing in this subdivision shall be construed to limit the commissioner's authority to suspend or revoke a license or issue a fine at any time under section 245A.07, or make correction orders and make a license conditional for failure to comply with applicable laws or rules under section 245A.06, based on the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

Subd. 4. **Stakeholder consultation.** The commissioner shall consult with the existing stakeholder group established as part of the provider standards process to gather input related to the development of an administrative cost recovery methodology to implement the provisions in chapter 245D."

Page 352, line 1, delete everything after "(e)"

Page 352, line 2, delete "information."

Page 352, line 6, delete "discovery of the death."

Page 353, line 16, before "The" insert "(a)"

Page 353, line 18, after the period, insert "(b)"

Page 353, line 21, after the period, insert "Applicants and license holders who have reason to believe they may be serving an individual who will need emergency use of restraints or seclusion, may request a variance on the application or reapplication, and the commissioner shall automatically review the request for a variance as part of the application or reapplication process. License holders may also request the variance any time after issuance of a license. In the event a license holder uses restraint or seclusion for any reason without first obtaining a variance as required, the license holder must report the unauthorized use of restraint or seclusion to the commissioner within 24 hours of the occurrence and request the required variance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Davids to the Chair.

S. F. No. 1675, A bill for an act relating to human services; modifying provisions related to children and family services; reforming adoptions under guardianship of the commissioner; modifying statutory provisions related to child support, child care, child safety, and MFIP; amending Minnesota Statutes 2010, sections 13.46, subdivision 2; 13.461, subdivision 17; 13.465, by adding a subdivision; 119B.09, subdivision 7; 119B.12, subdivisions 1, 2; 119B.125, subdivisions 1a, 2, 6; 119B.13, subdivision 6; 145.902, subdivisions 1, 3; 256.998, subdivisions 1, 5; 256J.08, subdivision 11; 256J.24, subdivisions 2, 5; 256J.32, subdivision 6; 256J.621; 256J.68, subdivision 7; 256J.95, subdivision 3; 257.01; 257.75, subdivision 7; 259.22, subdivision 2; 259.23, subdivision 1; 259.24, subdivisions 1, 3, 5, 6a, 7; 259.29, subdivision 2; 259.69; 259.73; 260.012; 260C.001; 260C.007, subdivision 4, by adding subdivisions; 260C.101, subdivision 2; 260C.150, subdivision 1; 260C.157, subdivision 1; 260C.163, subdivisions 1, 4; 260C.178, subdivisions 1, 7; 260C.193, subdivisions 3, 6; 260C.201, subdivisions 2, 10, 11a; 260C.212, subdivisions 1, 2, 5, 7; 260C.215, subdivisions 4, 6; 260C.217; 260C.301, subdivisions 1, 8; 260C.317, subdivisions 3, 4; 260C.325, subdivisions 1, 3, 4; 260C.328; 260C.451; 260D.08; 518C.205; 541.04; 548.09, subdivision 1; 609.3785; 626.556, subdivisions 2, 10, 10e, 10f, 10i, 10k, 11; Minnesota Statutes 2011 Supplement, sections 119B.13, subdivision 1; 256.01, subdivision 14b; proposing coding for new law in Minnesota Statutes, chapters 260C; 611; proposing coding for new law as Minnesota Statutes, chapter 259A; repealing Minnesota Statutes 2010, sections 256.022; 259.67; 259.71; 260C.201, subdivision 11; 260C.215, subdivision 2; 260C.456; Minnesota Rules, parts 9560.0071; 9560.0082; 9560.0083; 9560.0091; 9560.0093, subparts 1, 3, 4; 9560.0101; 9560.0102.

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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

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

S. F. No. 1717 was reported to the House.

LeMieur moved to amend S. F. No. 1717, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2087, the second engrossment:

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

**178.01 PURPOSES.**

The purposes of this chapter are: to open to ~~young~~ all people regardless of race, sex, creed, color or national origin, the opportunity to obtain training and on-the-job learning that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved ~~apprentice~~

apprenticeship agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade or occupation, with concurrent, supplementary instruction in related subjects; to promote apprenticeship opportunities under conditions providing adequate training and on-the-job learning and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Board and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Labor Standards and Apprenticeship within the Department of Labor and Industry; to provide for reports to the legislature regarding the status of apprentice training in the state; to establish a procedure for the determination of ~~apprentice~~ apprenticeship agreement controversies; and to accomplish related ends.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **178.06 APPRENTICE.**

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

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

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

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

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

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

#### **178.07 ~~APPRENTICE~~ APPRENTICESHIP AGREEMENTS.**

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

(1) the names of the contracting parties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. **Determination; appeal.** The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected by it. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the ~~council~~ apprenticeship board appointed under section 178.02, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the general public. The board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons for it. Within 30 days after submission, the commissioner may adopt the recommended decision of the board, or disregard the recommended decision of the board and prepare a decision based on the findings of fact and accompanied by a memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected by it. Any person aggrieved or affected by any determination or order of the commissioner may appeal from it to the district court having jurisdiction at any time within 30 days after the date of the order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the court administrator of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after its service, file it, with proof of service, with the court administrator of the court to which the appeal is taken. The district court shall then have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal as in other civil cases.

Sec. 11. Minnesota Statutes 2010, section 326B.092, subdivision 2, is amended to read:

Subd. 2. **Licenses not requiring examination administered by commissioner.** If the applicant for a license is not required to pass an examination in order to obtain the license, or is required to pass an examination that is not administered by the commissioner, then the license fee must accompany the application for the license. If the application is for a license issued under sections 326B.802 to 326B.885 and is not an application for license renewal, then the contractor recovery fund fee required under section 326B.89, subdivision 3, is due ~~after the department has determined that the applicant meets the qualifications for licensing and~~ before the license is issued.

Sec. 12. Minnesota Statutes 2010, section 326B.092, subdivision 7, is amended to read:

Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license ~~except a renewed license shall be the base license fee plus any applicable board fee, as set forth in this subdivision. The license renewal fee for each renewed license~~ is the base license fee plus any applicable board fee, continuing education fee, and contractor recovery fund fee and additional assessment, as set forth in this subdivision.

(b) For purposes of this section, "license duration" means the number of years for which the license is issued except that:

(1) if the initial license is not issued for a whole number of years, the license duration shall be rounded up to the next whole number; and

(2) if the department receives an application for license renewal after the renewal deadline, license duration means the number of years for which the renewed license would have been issued if the renewal application had been submitted on time and all other requirements for renewal had been met.

(c) The base license fee shall depend on whether the license is classified as an entry level, master, journeyman, or business license, and on the license duration. The base license fee shall be:

License Classification	License Duration		
	1 Year	2 Years	3 Years
Entry level	\$10	\$20	\$30
Journeyman	\$20	\$40	\$60
Master	\$40	\$80	\$120
Business	\$90	\$180	\$270

(d) If there is a continuing education requirement for renewal of the license, then a continuing education fee must be included in the renewal license fee. The continuing education fee for all license classifications shall be: \$10 if the renewal license duration is one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license duration is three years.

(e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.93, then a board fee must be included in the license fee and the renewal license fee. The board fee for all license classifications shall be: \$4 if the license duration is one year; \$8 if the license duration is two years; and \$12 if the license duration is three years.

(f) If the application is for the renewal of a license issued under sections 326B.802 to 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision 3, and any additional assessment required under section 326B.89, subdivision 16, must be included in the license renewal fee.

Sec. 13. Minnesota Statutes 2010, section 326B.103, subdivision 3, is amended to read:

Subd. 3. **Agricultural building.** "Agricultural building" means a structure that is:

(1) on agricultural land as ~~defined in~~ determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;

(2) designed, constructed, and used to house farm implements, livestock, or agricultural ~~produce or~~ products under section 273.13, subdivision 23; and

(3) used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural ~~produce or~~ products.

Sec. 14. Minnesota Statutes 2011 Supplement, section 326B.46, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible individual. The responsible individual must be a master plumber or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, a restricted master plumber. The certificate must be signed by the responsible individual and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with sections 326B.41 to 326B.49,

all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible individual with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible individual, the employer must resubmit a certificate of responsible individual, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible individual does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as ~~a plumber's apprentice~~ an unlicensed individual.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

(d) A person may perform and offer to perform building sewer or water service installation without a contractor's license if the person is in compliance with the bond and insurance requirements of subdivision 2.

Sec. 15. Minnesota Statutes 2011 Supplement, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master and journeyman plumber's licenses shall be made to the commissioner, with all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness.

(b) All initial journeyman plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber and restricted journeyman plumber; and

(4) the registration of ~~a plumber's apprentice~~ an unlicensed individual under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible individual by an employer, the fee is \$100.

(f) The commissioner shall charge each person giving bond under section 326B.46, subdivision 2, paragraph (b), a biennial bond filing fee of \$100, unless the person is a licensed contractor.

Sec. 16. **REPEALER.**

Minnesota Rules, parts 1300.0230, subpart 4; 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; and 3801.3800, are repealed."

Delete the title and insert:

"A bill for an act relating to labor and industry; making changes to the State Building Code; apprenticeship training; amending Minnesota Statutes 2010, sections 178.01; 178.03, subdivisions 3, 4; 178.05, subdivisions 1, 2; 178.06; 178.07; 178.08; 178.09, subdivisions 1, 2; 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; Minnesota Statutes 2011 Supplement, sections 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules, parts 1300.0230, subpart 4; 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; 3801.3800."

The motion prevailed and the amendment was adopted.

S. F. No. 1717, A bill for an act relating to labor and industry; making changes to the State Building Code; amending Minnesota Statutes 2010, sections 178.01; 178.03, subdivisions 3, 4; 178.05, subdivisions 1, 2; 178.06; 178.07; 178.08; 178.09, subdivisions 1, 2; 299F.011, by adding a subdivision; 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; 326B.809; Minnesota Statutes 2011 Supplement, sections 326B.0981, subdivision 4; 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules, parts 1300.0230, subpart 4; 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; 3801.3800.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Smith	Thissen	Urdahl	Wardlow	Woodard
Stensrud	Tillberry	Vogel	Westrom	Spk. Zellers
Swedzinski	Torkelson	Ward	Winkler	

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

S. F. No. 2379, A bill for an act relating to courts; removing limitation on voter list data received by courts for jury selection; amending Minnesota Statutes 2010, section 201.091, subdivision 9.

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

The bill was passed and its title agreed to.

## FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of H. F. No. 322.

H. F. No. 322 was reported to the House.

Hortman moved to amend H. F. No. 322, the third engrossment, as follows:

Page 10, line 10, after the period, insert "Upon making a finding or findings, the court shall report those findings pursuant to the Reporting of Maltreatment of Minors Act, section 626.556."

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 322, the third engrossment, as amended, as follows:

Page 8, line 24, after "child" insert ", the sole exception to the presumption of joint physical custody being when the mother is breastfeeding the child"

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 51 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Allen	Eken	Hornstein	Lenczewski	Murphy, M.	Smith
Anzelc	Falk	Hortman	Liebling	Nelson	Thissen
Benson, J.	Fritz	Hosch	Loeffler	Paymar	Tillberry
Brynaert	Gauthier	Johnson	Loon	Persell	Wagenius
Carlson	Greene	Kahn	Mack	Poppe	Ward
Champion	Greiling	Kath	Melin	Rukavina	Winkler
Davnie	Hansen	Kieffer	Moran	Simon	
Dill	Hilstrom	Knuth	Morrow	Slawik	
Dittrich	Hilty	Laine	Murphy, E.	Slocum	

Those who voted in the negative were:

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

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

Lesch moved to amend H. F. No. 322, the third engrossment, as amended, as follows:

Page 12, after line 10, insert:

"Sec. 12. Minnesota Statutes 2010, section 518.1705, subdivision 2, is amended to read:

Subd. 2. **Plan elements.** (a) A parenting plan must include the following:

- (1) a schedule of the time each parent spends with the child;
- (2) a designation of decision-making responsibilities regarding the child; ~~and~~
- (3) a method of dispute resolution; and
- (4) virtual parenting time, if the equipment necessary for virtual parenting time is reasonably available.

(b) A parenting plan may include other issues and matters the parents agree to regarding the child.

(c) Parents voluntarily agreeing to parenting plans may substitute other terms for physical and legal custody, including designations of joint or sole custody, provided that the terms used in the substitution are defined in the parenting plan.

(d) For purposes of this subdivision, "virtual parenting time" means reasonable and uncensored time during which a parent and the parent's child communicate during reasonable hours by using communication tools such as a telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or other medium of communication. Virtual parenting time may only be used to supplement parenting time with the child. Virtual parenting time may not be used as a replacement or as a substitute for parenting time with the child.

Page 12, after line 26, insert:

"(f) If the parents cannot agree on whether virtual parenting time equipment is reasonably available for purposes of subdivision 2, paragraph (a), clause (4), the court shall decide whether the equipment is reasonably available, taking into consideration:

- (1) the best interests of the child;
- (2) each parent's ability to handle any additional expenses for virtual parenting time; and
- (3) any other factors the court considers material."

Page 13, delete section 14 and insert:

"Sec. 15. Minnesota Statutes 2010, section 518.1705, subdivision 9, is amended to read:

Subd. 9. **Modification of parenting plans.** (a) Parents may modify by agreement:

- (1) the schedule of the time each parent spends with the child ~~or~~;
- (2) the decision-making provisions of a parenting plan ~~by agreement; or~~
- (3) the parenting plan by adding virtual parenting time.

To be enforceable, modifications must be confirmed by court order. A motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by section 518.18.

(b) The parties may agree, but the court must not require them, to apply the best interests standard in section 518.17 or 257.025, as applicable, or another standard for deciding a motion for modification that would change the child's primary residence or the physical custodial arrangement for the child, provided that:

(1) both parties were represented by counsel when the parenting plan was approved; or

(2) the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.

(c) If the parties do not agree to apply the best interests standard or another standard, section 518.18, paragraph (d), applies."

Page 14, delete lines 5 to 8 and insert:

"~~(e)~~ (e) Upon request of either party, to the extent practicable an order for parenting time must include:

(1) a specific schedule for parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless parenting time is restricted, denied, or reserved; and

(2) virtual parenting time, as defined in section 518.1705, subdivision 2, paragraph (d), at reasonable hours and for a reasonable duration, unless parenting time is restricted, denied, or reserved, and if the equipment is reasonably available, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parenting time is reasonably available, taking into consideration:

(i) the best interests of the child;

(ii) each parent's ability to handle any additional expenses for virtual parenting time; and

(iii) any other factors the court considers material."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 322, A bill for an act relating to family law; changing certain custody and parenting time provisions; amending Minnesota Statutes 2010, sections 257.541; 518.003, subdivision 3; 518.091; 518.131, subdivisions 1, 7; 518.155; 518.156; 518.167, subdivision 2; 518.17, subdivisions 1, 3; 518.1705, subdivisions 2, 3, 5, 9; 518.175, subdivision 1; 518.179, subdivision 1; 518.18; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2010, section 518.17, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeler	Dauids	Gottwalt	Leidiger	Nornes	Stensrud
Anderson, B.	Davnie	Gruenhagen	LeMieur	Norton	Swedzinski
Anderson, D.	Dean	Gunther	Lesch	O'Driscoll	Torkelson
Anderson, P.	Dettmer	Hackbarth	Lohmer	Peppin	Urdahl
Anderson, S.	Dill	Hamilton	Mahoney	Petersen, B.	Vogel
Banaian	Dittrich	Hancock	Mazorol	Peterson, S.	Ward
Barrett	Doepke	Hansen	McDonald	Quam	Wardlow
Beard	Downey	Hoppe	McElfatrick	Rukavina	Westrom
Benson, M.	Drazkowski	Howes	McFarlane	Runbeck	Woodard
Bills	Eken	Kelly	McNamara	Sanders	Spk. Zellers
Buesgens	Erickson	Kiel	Murdock	Scalze	
Cornish	Fabian	Kiffmeyer	Murray	Schomacker	
Crawford	Franson	Kriesel	Myhra	Scott	
Daudt	Garofalo	Lanning	Nelson	Shimanski	

Those who voted in the negative were:

Allen	Fritz	Hortman	Lenczewski	Moran	Simon
Anzelc	Gauthier	Hosch	Liebling	Morrow	Slawik
Atkins	Greene	Huntley	Lillie	Mullery	Slocum
Benson, J.	Greiling	Johnson	Loeffler	Murphy, E.	Smith
Brynaert	Hausman	Kahn	Loon	Murphy, M.	Thissen
Carlson	Hilstrom	Kath	Mack	Paymar	Tillberry
Champion	Hilty	Kieffer	Mariani	Pelowski	Wagenius
Clark	Holberg	Knuth	Marquart	Persell	Winkler
Falk	Hornstein	Laine	Melin	Poppe	

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

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 248.

S. F. No. 248, A bill for an act relating to health; establishing criteria that must be met before a new radiation therapy facility can be constructed; requiring a study of radiation therapy facilities capacity; amending Minnesota Statutes 2010, section 144.5509.

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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Buesgens	Crawford	Dettmer
Allen	Anzelc	Benson, J.	Carlson	Daudt	Dill
Anderson, B.	Atkins	Benson, M.	Champion	Dauids	Dittrich
Anderson, D.	Banaian	Bills	Clark	Davnie	Doepke
Anderson, P.	Barrett	Brynaert	Cornish	Dean	Downey

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

Those who voted in the negative were:

Liebling

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 2324.

S. F. No. 2324, A bill for an act relating to occupational licensing; modifying electrical licenses; amending Minnesota Statutes 2010, sections 326B.31, subdivision 14, by adding subdivisions; 326B.33, subdivisions 17, 19, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson, M.	Dean	Fritz	Hausman	Kath
Allen	Bills	Dettmer	Garofalo	Hilstrom	Kelly
Anderson, B.	Brynaert	Dill	Gauthier	Hilty	Kieffer
Anderson, D.	Buesgens	Dittrich	Gottwalt	Holberg	Kiel
Anderson, P.	Carlson	Doepke	Greene	Hoppe	Kiffmeyer
Anderson, S.	Champion	Downey	Greiling	Hornstein	Knuth
Anzelc	Clark	Drazkowski	Gruenhagen	Hortman	Kriesel
Atkins	Cornish	Eken	Gunther	Hosch	Laine
Banaian	Crawford	Erickson	Hackbarth	Howes	Lanning
Barrett	Daudt	Fabian	Hamilton	Huntley	Leidiger
Beard	Davids	Falk	Hancock	Johnson	LeMieur
Benson, J.	Davnie	Franson	Hansen	Kahn	Lenczewski

Lesch	McDonald	Murray	Peterson, S.	Slawik	Ward
Liebling	McElfatrick	Myhra	Poppe	Slocum	Wardlow
Lillie	McFarlane	Nelson	Quam	Smith	Westrom
Loeffler	McNamara	Nornes	Rukavina	Stensrud	Winkler
Lohmer	Melin	Norton	Runbeck	Swedzinski	Woodard
Loon	Moran	O'Driscoll	Sanders	Thissen	Spk. Zellers
Mack	Morrow	Paymar	Scalze	Tillberry	
Mahoney	Mullery	Pelowski	Schomacker	Torkelson	
Mariani	Murdock	Peppin	Scott	Urdahl	
Marquart	Murphy, E.	Persell	Shimanski	Vogel	
Mazorol	Murphy, M.	Petersen, B.	Simon	Wagenius	

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 1678.

S. F. No. 1678, A bill for an act relating to public defenders; amending provisions related to public defender representation, appointment, and reimbursement obligations; outlining financial responsibility for public defender costs, cost for counsel in CHIPS cases, pretrial appeals costs, and standby counsel costs; amending Minnesota Statutes 2010, sections 244.052, subdivision 6; 257.69, subdivision 1; 260B.163, subdivision 4; 260B.331, subdivision 5; 260C.163, subdivision 3; 260C.331, subdivision 5; 609.115, subdivision 4; 609.131, subdivision 1; 611.14; 611.16; 611.17; 611.18; 611.20, subdivision 4; 611.25, subdivision 1; 611.26, subdivision 6; 611.27, subdivision 5, by adding a subdivision; repealing Minnesota Statutes 2010, section 611.20, subdivision 6.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Swedzinski	Torkelson	Wagenius	Westrom	Spk. Zellers
Thissen	Urdahl	Ward	Winkler	
Tillberry	Vogel	Wardlow	Woodard	

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

### 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:

H. F. No. 2160, A bill for an act relating to public safety; permitting law enforcement to take fingerprints of an offender interacting with the criminal justice system for any offense to eliminate a suspense record; amending Minnesota Statutes 2011 Supplement, section 299C.10, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2174, A bill for an act relating to local government finance; authorizing certain investments; providing for designated depositories; amending Minnesota Statutes 2010, sections 123B.14, subdivision 3; 366.01, subdivision 4; 385.07; 427.06.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

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.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 247.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

CAL R. LUDEMAN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 247

A bill for an act relating to insurance; regulating service cooperative refunds; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 123A.21, by adding a subdivision; 471.611, subdivision 2.

April 2, 2012

The Honorable Michelle L. Fischbach  
President of the Senate

The Honorable Kurt Zellers  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 247 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request the adoption of this report and repassage of the bill.

Senate Conferees: GARY H. DAHMS, CLAIRE A. ROBLING and KATHY SHERAN.

House Conferees: JOE HOPPE, KATHY BRYNAERT and MINDY GREILING.

Hoppe moved that the report of the Conference Committee on S. F. No. 247 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 76 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was repassed, as amended by Conference, and its title agreed to.

The Speaker resumed the Chair.

Mr. Speaker:

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

S. F. Nos. 1921, 1199 and 2187.

CAL R. LUDEMAN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1921, A bill for an act relating to health; requiring licensure of certain facilities that perform abortions; requiring a licensing fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time.

Holberg moved that S. F. No. 1921 and H. F. No. 2340, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1199, A bill for an act relating to labor and employment; modifying prevailing wage provisions; amending Minnesota Statutes 2010, sections 177.42, subdivision 4; 177.43, subdivision 7.

The bill was read for the first time.

Scott moved that S. F. No. 1199 and H. F. No. 1476, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2187, A resolution memorializing the President and Congress to enact legislation and take other federal government action related to interim storage of used nuclear fuel.

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

### CALENDAR FOR THE DAY

H. F. No. 358 was reported to the House.

H. F. No. 358 was read for the third time.

The Speaker called Davids to the Chair.

Fritz and Allen were excused for the remainder of today's session.

### POINT OF ORDER

Winkler raised a point of order pursuant to rule 4.13 relating to Bills Affecting State Government Powers and Structure.

Speaker pro tempore Davids submitted the following question to the House: "Is it the judgment of the House that the Winkler point of order is well taken?"

A roll call was requested and properly seconded.

The vote was taken on the question "Is it the judgment of the House that the Winkler point of order is well taken?" and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anzelc	Clark	Falk	Hilstrom	Johnson	Lenczewski
Atkins	Davnie	Gauthier	Hilty	Kahn	Lesch
Benson, J.	Dill	Greene	Hornstein	Kath	Liebling
Brynaert	Dittrich	Greiling	Hortman	Knuth	Lillie
Carlson	Downey	Hansen	Hosch	Laine	Loeffler
Champion	Eken	Hausman	Huntley	Lanning	Loon

Mahoney	Moran	Nelson	Petersen, B.	Simon	Wagenius
Mariani	Morrow	Norton	Peterson, S.	Slawik	Ward
Marquart	Mullery	Paymar	Poppe	Slocum	Winkler
Mazorol	Murphy, E.	Pelowski	Rukavina	Thissen	
Melin	Murphy, M.	Persell	Scalze	Tillberry	

Those who voted in the negative were:

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

So it was the judgment of the House that the Winkler point of order was not well taken.

The Speaker resumed the Chair.

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

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

The bill was 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 52 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

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

### FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of H. F. No. 2580.

H. F. No. 2580 was reported to the House.

Loon moved to amend H. F. No. 2580, the second engrossment, as follows:

Page 1, line 18, after "arrangement" insert "in this paragraph" and delete "under section"

Page 1, delete line 19

Page 1, line 20, delete everything before the fourth comma

Page 2, line 24, delete "persistently lowest performing" and insert ""Priority""

Page 2, line 29, delete "persistently low-performing" and insert ""Priority""

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2580, A bill for an act relating to education; empowering parents to request a school district intervene in a "Priority" school; proposing coding for new law in Minnesota Statutes, chapter 120B.

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 72 yeas and 57 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	Westrom
Buesgens	Franson	Kieffer	McElpatrick	Sanders	Woodard
Cornish	Garofalo	Kiel	McFarlane	Schomacker	Spk. Zellers

Those who voted in the negative were:

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

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

### CALENDAR FOR THE DAY, Continued

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

### REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved*, by the House of Representatives of the State of Minnesota, that it retains the use of the Speaker's parking place in front of the capitol building just east of the porte-cochère and parking lots B, C, D, N, O and the state office building parking ramp for members and employees of the House of Representatives during the time between adjournment in 2012 and the convening of the House of Representatives in 2013. The Sergeant at Arms is directed to manage the use of the lots and ramp while the House of Representatives is adjourned. The Controller of the House may continue to deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege.

The motion prevailed and the resolution was adopted.

Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved*, by the House of Representatives of the State of Minnesota, that the Chief Clerk is directed to correct and approve the Journal of the House for the last day of the 2012 Regular Session.

*Be It Further Resolved* that the Chief Clerk is authorized to include in the Journal for the last day of the 2012 Regular Session any proceedings, including subsequent proceedings and any legislative interim committees or commissions created or appointments made to them by legislative action or by law.

The motion prevailed and the resolution was adopted.

Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved*, by the House of Representatives of the State of Minnesota, that during the time between adjournment in 2012 and the convening of the House of Representatives in 2013, the Chief Clerk and Chief Sergeant at Arms under the direction of the Speaker shall maintain House facilities in the Capitol Complex. The House chamber, retiring room, hearing and conference rooms, and offices shall be set up and made ready for legislative use and reserved for the House and its committees. Those rooms may be reserved for use by others that are not in conflict with use by the House. The House Chamber, retiring room, and hearing rooms may be used by YMCA Youth in Government, Girls' State, Young Leaders Organization, and 4-H Leadership Conference.

The motion prevailed and the resolution was adopted.

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Holberg announced her intention to place S. F. No. 506; H. F. Nos. 2729, 2958, 2754, 1721 and 2786; S. F. No. 1573; and H. F. No. 1284 on the Fiscal Calendar for Thursday, April 19, 2012.

#### MOTIONS AND RESOLUTIONS

Leidiger moved that the name of Kiffmeyer be added as an author on H. F. No. 518. The motion prevailed.

Clark moved that the names of Moran and Allen be added as authors on H. F. No. 1902. The motion prevailed.

Atkins moved that his name be stricken as an author on H. F. No. 2500. The motion prevailed.

Liebling moved that the name of Abeler be added as an author on H. F. No. 2713. The motion prevailed.

Loon moved that the name of Mack be added as an author on H. F. No. 2729. The motion prevailed.

Mahoney moved that the name of McNamara be added as an author on H. F. No. 2995. The motion prevailed.

Quam moved that the name of Rukavina be added as an author on H. F. No. 3001. The motion prevailed.

Kriesel moved that S. F. No. 1856 be recalled from the Committee on Commerce and Regulatory Reform and be re-referred to the Committee on Taxes. The motion prevailed.

#### ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 19, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, April 19, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives