

STATE OF MINNESOTA

Journal of the House

EIGHTY-SEVENTH SESSION — 2012

ONE HUNDRED NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 25, 2012

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

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

A quorum was present.

Kelly and Peterson, S., were excused.

Eken was excused until 2:40 p.m. Hortman and Pelowski were excused until 2:45 p.m. Hackbarth and Loon were excused until 2:55 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.

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PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 20, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State, H. F. No. 2132.

Sincerely,

MARK DAYTON
Governor

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

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2012 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2012</i>	<i>Date Filed 2012</i>
2181		196	5:07 p.m. April 20	April 20
753		197	5:08 p.m. April 20	April 20
1416		198	5:08 p.m. April 20	April 20
	2132	199	5:09 p.m. April 20	April 20
1123		200	5:09 p.m. April 20	April 20

2224	201	5:10 p.m. April 20	April 20
2271	202	5:11 p.m. April 20	April 20
396	203	5:18 p.m. April 20	April 20

Sincerely,

MARK RITCHIE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 23, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State, H. F. Nos. 795, 1850, 2506, 2174, 2373, 2160, 1236, 738, 1175, 1813, 2246, 469, 2614, 2335, 2861, 2149 and 2276.

Sincerely,

MARK DAYTON
Governor

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

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2012 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2012</i>	<i>Date Filed 2012</i>
	795	204	11:05 a.m. April 23	April 23
	1850	205	11:06 a.m. April 23	April 23
	2506	206	11:07 a.m. April 23	April 23

1073	207	11:08 a.m. April 23	April 23
2379	208	11:08 a.m. April 23	April 23
	2174	209	11:09 a.m. April 23
	2373	210	11:10 a.m. April 23
	2160	211	11:11 a.m. April 23
1678		212	11:12 a.m. April 23
	1236	215	11:13 a.m. April 23
1675		216	11:14 a.m. April 23
248		217	11:15 a.m. April 23
	738	218	11:17 a.m. April 23
	1175	219	11:17 a.m. April 23
	1813	220	11:20 a.m. April 23
	2246	222	11:21 a.m. April 23
	469	223	11:21 a.m. April 23
	2614	224	11:23 a.m. April 23
	2335	225	11:23 a.m. April 23
	2861	226	11:24 a.m. April 23
	2149	227	11:25 a.m. April 23
	2276	228	11:25 a.m. April 23
2464		229	11:26 a.m. April 23
2316		230	11:26 a.m. April 23
2354		231	11:27 a.m. April 23
2112		232	11:27 a.m. April 23

Sincerely,

MARK RITCHIE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 23, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Zellers:

I have vetoed and am returning H. F. No. 1812, Chapter No. 214, a bill authorizing the Department of Administration to contract for waste hauling without first determining whether there are state employees able and available to do the work.

Current Minnesota law requires the Commissioner of Administration to ensure that no state employees are able and available to perform a service before contracting out the function. This bill would waive the able and available requirement for waste hauling contracts.

Current law allows the Commissioner of Administration to enter into contracts with private providers, if the lack of personnel warrants such action. Presently, that is not the case. State employees who collect state waste also provide support in other Department of Administration functions, enabling the Department to keep multiple business units adequately staffed without additional fulltime employees.

Public employees have done remarkable jobs serving the people of Minnesota during difficult economic times. Unfortunately, there are too many in the legislature, who refuse to either recognize or appreciate the valuable work state employees perform. This bill would send a signal to them that their work is not valued.

Sincerely,

MARK DAYTON
Governor

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Murphy, E., introduced:

H. F. No. 3030, A bill for an act relating to state government; proposing a constitutional amendment to change the method for amending the Minnesota Constitution.

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

Downey and Mazorol introduced:

H. F. No. 3031, A bill for an act relating to education; providing for a student's resident district as a basis for open enrollment decisions; amending Minnesota Statutes 2010, section 124D.03, subdivision 6.

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

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.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1607, A bill for an act relating to the State Capitol; authorizing the State Patrol to provide security and protection to certain government officials; establishing a committee on capitol complex security; amending Minnesota Statutes 2010, section 299D.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299E.

The Senate has appointed as such committee:

Senators Benson, Rest and Higgins.

Said House File is herewith returned to the House.

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:

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

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

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2164, A bill for an act relating to natural resources; providing for apprentice riders; modifying aquatic invasive species provisions; modifying local government trail authority; modifying enforcement provisions; modifying certain bait provisions; modifying prior appropriations; modifying and eliminating certain reporting, plan, and meeting requirements; eliminating loan program; modifying La Salle Lake State Recreation Area administration; prohibiting commissioner of natural resources from purchasing land at more than 20 percent above estimated market value; modifying waste management provisions; clarifying certain environmental review; eliminating certain fees; modifying toxic pollution prevention requirements; modifying certain standards for stationary sources; extending prohibition on new open air swine basins; modifying local water management; modifying acid deposition control requirements; modifying sewage sludge management; modifying Wetland Conservation Act; providing for continued operation of the Minnesota Zoological Garden, and state parks and recreation areas when biennial appropriations have not been enacted; requiring the availability of game and fish licenses by electronic transaction; creating citizen's board; authorizing and clarifying the use of general permits; modifying mineral lease provisions; modifying authority of Executive Council; modifying provisions for Three

Rivers Park District; prohibiting sale of children's products containing formaldehyde; modifying state park permit provisions; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2010, sections 9.071; 84.027, subdivision 15; 84.0272, subdivision 1; 84.0895, subdivision 7; 84.631; 84.67; 84.91, subdivision 1; 84D.05, subdivision 1; 85.018, subdivision 2; 85.052, subdivision 3; 85.053, subdivision 7; 85.055, subdivision 2; 85.20, subdivision 1; 85.46, subdivision 1; 85A.04, subdivision 1; 86B.331, subdivision 1; 90.031, subdivision 4; 92.45; 92.50, subdivision 1; 93.17, subdivision 3; 93.1925, subdivision 1; 93.20, subdivisions 2, 30, 38; 93.2236; 93.25, subdivision 2, by adding a subdivision; 97A.401, subdivision 1; 97A.421, subdivision 4a; 103A.43; 103B.101, subdivisions 2, 7, 10, by adding subdivisions; 103B.311, subdivision 4; 103B.3363, by adding a subdivision; 103B.3369; 103B.355; 103G.2241, subdivision 9; 103G.2242, subdivision 3; 103G.245, subdivision 3; 103G.271, subdivision 1; 103G.301, subdivisions 2, 4, 5, 5a; 103G.611, by adding a subdivision; 103H.175, subdivision 3; 115.01, by adding a subdivision; 115.06, subdivision 4; 115.073; 115.42; 115A.15, subdivision 5; 115A.411; 115A.551, subdivisions 2a, 4; 115A.557, subdivision 4; 115D.08; 116.011; 116.02, subdivisions 1, 2, 3, 4, 6; 116.03, subdivision 1; 116.06, subdivision 22; 116.0714; 116.10; 116C.833, subdivision 2; 116D.04, by adding a subdivision; 216C.055; 216H.07, subdivision 3; 383B.68, subdivisions 1, 4, by adding a subdivision; 473.149, subdivisions 1, 6; 473.846; Minnesota Statutes 2011 Supplement, sections 84.027, subdivision 14a; 84D.01, subdivision 15a; 84D.03, subdivision 3; 84D.09, subdivision 2; 84D.10, subdivisions 1, 4; 84D.105, subdivision 2; 84D.13, subdivision 5; 97C.341; 103G.222, subdivision 1; 103G.615, subdivisions 1, 2; 115A.1320, subdivision 1; 116.03, subdivision 2b; 116D.04, subdivision 2a; Laws 2007, chapter 57, article 1, section 4, subdivision 2, as amended; Laws 2010, chapter 362, section 2, subdivision 7; Laws 2011, First Special Session chapter 2, article 1, section 4, subdivision 7; Laws 2011, First Special Session chapter 6, article 3, section 8, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 84; 86B; 92; 103B; 103G; 115; 115A; 116; 161; 574; repealing Minnesota Statutes 2010, sections 84.946, subdivision 3; 86A.12, subdivision 5; 89.06; 90.042; 97A.4742, subdivision 4; 103G.705; 115.447; 115A.07, subdivision 2; 115A.965, subdivision 7; 116.02, subdivisions 7, 8; 216H.07, subdivision 4; 383B.68, subdivisions 2, 3; Minnesota Statutes 2011 Supplement, sections 86B.508; 86B.811, subdivision 1a; Laws 2011, chapter 107, section 105; Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

The Senate has appointed as such committee:

Senators Ingebrigtsen, Dahms, Gazelka, Pederson and DeKruif.

Said House File is herewith returned to the House.

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:

H. F. No. 2294, A bill for an act relating to state government; making adjustments to health and human services appropriations; making changes to provisions related to health care, the Department of Health, children and family services, continuing care, chemical dependency, child support, background studies, homelessness, and vulnerable children and adults; providing for data sharing; requiring eligibility determinations; requiring the University of Minnesota to request funding for rural primary care training; providing for the release of medical assistance liens; requiring reporting of potential welfare fraud; providing penalties; providing appointments; providing grants; requiring studies and reports; appropriating money; amending Minnesota Statutes 2010, sections 62D.02, subdivision 3; 62D.05, subdivision 6; 62D.12, subdivision 1; 62J.496, subdivision 2; 62Q.80; 62U.04, subdivisions 1, 2, 4, 5; 119B.13, subdivision 3a; 144.1222, by adding a subdivision; 144.292, subdivision 6; 144.293, subdivision 2; 144.298, subdivision 2; 144A.351; 144D.04, subdivision 2; 145.906; 245.697, subdivision 1; 245A.03, by adding a subdivision; 245A.10, by adding a subdivision; 245A.11, subdivision 7; 245B.07, subdivision 1; 245C.04,

subdivision 6; 245C.05, subdivision 7; 252.27, subdivision 2a; 254A.19, by adding a subdivision; 256.01, by adding subdivisions; 256.9831, subdivision 2; 256B.056, subdivision 1a; 256B.0625, subdivisions 9, 28a, by adding subdivisions; 256B.0659, by adding a subdivision; 256B.0751, by adding a subdivision; 256B.0754, subdivision 2; 256B.0915, subdivision 3g; 256B.092, subdivisions 1b, 7, by adding subdivisions; 256B.0943, subdivision 9; 256B.431, subdivision 17e, by adding a subdivision; 256B.441, by adding a subdivision; 256B.49, by adding a subdivision; 256B.69, subdivision 9, by adding subdivisions; 256D.06, subdivision 1b; 256D.44, subdivision 5; 256E.37, subdivision 1; 256I.05, subdivision 1e; 256J.08, by adding a subdivision; 256J.26, subdivision 1, by adding a subdivision; 256J.45, subdivision 2; 256J.50, by adding a subdivision; 256J.521, subdivision 2; 256L.07, subdivision 3; 462A.29; 514.981, subdivision 5; 518A.40, subdivision 4; Minnesota Statutes 2011 Supplement, sections 62E.14, subdivision 4g; 62U.04, subdivisions 3, 9; 119B.13, subdivision 7; 245A.03, subdivision 7; 256.045, subdivision 3; 256.987, subdivisions 1, 2, by adding subdivisions; 256B.056, subdivision 3; 256B.057, subdivisions 9; 256B.0625, subdivisions 8, 8a, 8b, 38; 256B.0911, subdivisions 3a, 3c; 256B.0915, subdivisions 3e, 3h; 256B.097, subdivision 3; 256B.49, subdivisions 14, 15, 23; 256B.5012, subdivision 13; 256B.69, subdivisions 5a, 5c; 256E.35, subdivisions 5, 6; 256I.05, subdivision 1a; 256J.49, subdivision 13; 256L.031, subdivisions 2, 3, 6; 256L.12, subdivision 9; 256M.40, subdivision 1; Laws 2010, chapter 374, section 1; Laws 2011, First Special Session chapter 9, article 7, sections 52; 54; article 9, section 18; article 10, section 3, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 144; 256B; 626.

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

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:

H. F. No. 2398, A bill for an act relating to agriculture; modifying provisions related to pesticides, plants, nursery law, inspections, enforcements, seeds, commercial feed, food, animals, grain, and weights and measures; establishing Dairy Research, Teaching, and Consumer Education Authority; providing for food law enforcement; making technical and conforming changes; repealing obsolete provisions; extending certain exceptions to the minimum content requirements for biodiesel; imposing penalties; providing certain counties capital improvement plan authority; modifying treatment of certain secured or guaranteed loans; requiring reports; amending Minnesota Statutes 2010, sections 17.114, subdivisions 3, 4; 17.982, subdivision 1; 17.983; 18B.065, subdivision 2a; 18B.316, subdivision 6; 18G.02, subdivision 14; 18G.10, subdivision 7, by adding a subdivision; 18H.02, subdivision 14, by adding a subdivision; 18H.10; 18H.14; 18J.01; 18J.02; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 21.82, subdivisions 7, 8; 25.33, subdivisions 5, 13, 14; 25.36; 25.37; 28A.03, subdivisions 3, 5, 6; 28A.21, subdivision 6; 31.01, subdivisions 2, 3, 4, 21, 25, 28; 31.121; 31.123; 31.13; 31.94; 31A.02, subdivisions 13, 14, 15, 16; 31A.23; 32.01, subdivisions 11, 12; 35.0661, subdivisions 2, 3; 40A.17; 41A.12, subdivisions 2, 4; 48.24, subdivision 5; 223.16, subdivision 12; 223.17, subdivisions 1, 4, 9; 232.21, subdivisions 2, 6, 12; 232.22, subdivisions 3, 4, 5, 7; 232.23, subdivisions 2, 10; 232.24, subdivisions 1, 2; 239.092; 239.093; 239.77, subdivision 3; Laws 2010, chapter 228, section 4; Laws 2010, Second Special Session chapter 1, article 1, section 11; Laws 2011, chapter 14, section 6; proposing coding for new law as Minnesota Statutes, chapters 32C; 34A; repealing Minnesota Statutes 2010, sections 17.984; 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.0451; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15, subdivisions 1, 3; 17B.16; 17B.17; 17B.18; 17B.20; 17B.22, subdivisions 1, 2; 17B.28; 17B.29; 28.15; 28A.12; 28A.13; 29.28; 31.031; 31.041; 31.05; 31.14; 31.393; 31.58; 31.592; 31.621, subdivision 5; 31.631, subdivision 4; 31.633, subdivision 2; 31.681; 31.74, subdivision 3; 31.91; 31A.24; 31A.26; 32.078; 32.475, subdivision 7; 32.61; 32.90; 34.113; 35.243; 35.255; 35.67; 35.72, subdivisions 1, 2, 3, 4, 5; 223.16, subdivision 7; 223.18; 232.21, subdivision 4; 232.24, subdivision 3; 232.25; 233.01; 233.015; 233.017; 233.02; 233.03; 233.05; 233.06; 233.07; 233.08;

233.09; 233.10; 233.11; 233.12; 233.22; 233.23; 233.24; 233.33; 234.01; 234.03; 234.04; 234.05; 234.06; 234.08; 234.09; 234.10; 234.11; 234.12; 234.13; 234.14; 234.15; 234.16; 234.17; 234.18; 234.19; 234.20; 234.21; 234.22; 234.23; 234.24; 234.25; 234.27; 235.01; 235.02; 235.04; 235.05; 235.06; 235.07; 235.08; 235.09; 235.10; 235.13; 235.18; 236.01; 236.02; 236.03; 236.04; 236.05; 236.06; 236.07; 236.08; 236.09; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; 395.24; Minnesota Rules, parts 1505.0780; 1505.0810; 1511.0100; 1511.0110; 1511.0120; 1511.0130; 1511.0140; 1511.0150; 1511.0160; 1511.0170; 1540.0010, subpart 26; 1550.0930, subparts 3, 4, 5, 6, 7; 1550.1040, subparts 3, 4, 5, 6; 1550.1260, subparts 6, 7; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25; 1562.0200; 1562.0400; 1562.0700; 1562.0900; 1562.1300; 1562.1800.

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

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. 2532, A bill for an act relating to health; allowing the electronic prescribing of controlled substances; amending Minnesota Statutes 2010, section 152.11.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2958, A bill for an act relating to finance; modifying the membership of the Legislative Advisory Commission; authorizing the Legislative Advisory Commission to review requests to spend federal money; limiting the authority to spend federal money without legislative review to certain emergency management purposes; providing for the validation of certain appropriation bonds; establishing an apprenticeship and on-the-job training program to administer a portion of the Minnesota GI Bill program; eliminating a surcharge on special veteran's plates for certain trucks; appropriating money for honor guards, soft body armor, and disaster deficiency; amending Minnesota Statutes 2010, sections 3.30, subdivision 2; 3.3005, subdivisions 2a, 4, 5, 6, by adding a subdivision; 12.22, subdivision 1; 116.03, subdivision 3; 197.791, subdivision 6, by adding a subdivision; Minnesota Statutes 2011 Supplement, sections 16A.96, by adding a subdivision; 168.123, subdivision 1.

The Senate has appointed as such committee:

Senators Robling, Ingebrigtsen and Skoe.

Said House File is herewith returned to the House.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1143, A bill for an act relating to state government; classifying and authorizing sharing of data; making technical changes to data practices; amending Minnesota Statutes 2010, sections 13.02, subdivisions 3, 4, 8a, 9, 12, 13, 14, 15; 13.10, subdivision 1; 13.201; 13.202, subdivision 3; 13.35; 13.3805, subdivisions 1, 2; 13.384, subdivision 1; 13.39, subdivision 2; 13.392, subdivision 1; 13.393; 13.40, subdivision 1; 13.41, subdivision 2; 13.44, subdivision 3; 13.46, subdivisions 2, 3, 4, 5, 6; 13.462, subdivision 1; 13.467, subdivision 1; 13.47, subdivision 1; 13.485, by adding subdivisions; 13.495; 13.51, subdivisions 1, 2; 13.52; 13.548; 13.55, subdivision 1; 13.585, subdivisions 2, 3, 4; 13.59, subdivisions 1, 2, 3; 13.591, subdivision 4; 13.601, subdivision 3; 13.643, subdivisions 1, 2, 3, 5, 6, 7; 13.6435, by adding a subdivision; 13.65, subdivisions 1, 2, 3; 13.67; 13.679, subdivisions 1, 2; 13.714; 13.719, subdivisions 1, 5; 13.7191, subdivisions 14, 18; 13.72, subdivisions 7, 11, by adding subdivisions; 13.792; 13.7932; 13.82, subdivisions 2, 3, 6, 7; 13.83, subdivisions 2, 4, 6; 13.861, subdivision 1; 13.87, subdivisions 1, 2; 79A.16; 79A.28; 216C.266; 237.701, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13D.

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

Senators Limmer, Newman and Hall.

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

CAL R. LUDEMAN, Secretary of the Senate

Scott moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1143. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2403.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2403, A bill for an act relating to data practices; modifying obligations of government entities; classifying data; making other miscellaneous changes; amending Minnesota Statutes 2010, sections 13.02, subdivision 16; 13.03, subdivisions 2, 4; 13.072, subdivision 2; 13.37, subdivisions 1, 2; 13.39, by adding a subdivision; 13.43, subdivision 1, by adding subdivisions; 13.601, subdivision 3; 13.82, by adding a subdivision; 13D.015, subdivision 5; 84.0874; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2010, section 13.05, subdivisions 1, 2, 8.

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

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 1597.

S. F. No. 1597 was reported to the House.

Dettmer and Champion moved to amend S. F. No. 1597, the unofficial engrossment, as follows:

Page 3, line 5, delete "subdivision" and insert "section" and after "amount" insert "under this subdivision"

The motion prevailed and the amendment was adopted.

S. F. No. 1597, A bill for an act relating to military affairs; changing the small business set-aside program for veteran-owned small businesses; authorizing county set-aside programs for veteran-owned small businesses; changing the award to veteran-owned businesses in state procurement biddings; adding veterans to special emphasis in state job recruitment; increasing credits for veterans in examination ratings in hiring; changing pay differential salary for school district employees who are members of the National Guard or other reserve unit on active duty; providing civil actions; amending Minnesota Statutes 2010, sections 1.05, by adding a subdivision; 16C.16, subdivision 6a; 43A.09; 161.321, subdivisions 2, 5, by adding subdivisions; 197.455, subdivisions 4, 5; 471.975; proposing coding for new law in Minnesota Statutes, chapter 375.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. No. 2244

A bill for an act relating to the permanent school fund; changing the Permanent School Fund Advisory Committee into a legislative commission; establishing a permanent school fund board; granting the board authority to employ a director to oversee, manage, and administer school trust lands; amending Minnesota Statutes 2010, sections 16A.06, subdivision 11; 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1; 92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; 127A.30; 477A.11, subdivisions 3, 4, by adding a subdivision; 477A.12, subdivisions 2, 3; Minnesota Statutes 2011 Supplement, section 477A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

April 24, 2012

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

We, the undersigned conferees for H. F. No. 2244 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2244 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **Group II salary limits.** The salaries for positions in this subdivision may not exceed 85 percent of the salary of the governor:

Executive director of Gambling Control Board;

Commissioner, Iron Range Resources and Rehabilitation Board;

Commissioner, Bureau of Mediation Services;

Ombudsman for Mental Health and Developmental Disabilities;

Chair, Metropolitan Council;

School trust lands director;

Executive director of pari-mutuel racing; and

Commissioner, Public Utilities Commission.

Sec. 2. Minnesota Statutes 2010, section 16A.06, subdivision 11, is amended to read:

Subd. 11. **Permanent school fund reporting.** The commissioner shall annually report to the Legislative Permanent School Fund Advisory Committee Commission, and the legislature the amount of the permanent school fund transfer and information about the investment of the permanent school fund provided by the State Board of Investment. The State Board of Investment shall provide information about how they maximized the long-term economic return of the permanent school fund.

Sec. 3. Minnesota Statutes 2010, section 16A.125, subdivision 5, is amended to read:

Subd. 5. **Forest trust lands.** (a) The term "state forest trust fund lands" as used in this subdivision, means public land in trust under the Constitution set apart as "forest lands under the authority of the commissioner" of natural resources as defined by section 89.001, subdivision 13.

(b) The commissioner of management and budget shall credit the revenue from the forest trust fund lands to the forest suspense account. The account must specify the trust funds interested in the lands and the respective receipts of the lands.

(c) After a fiscal year, the commissioner of management and budget shall certify the ~~total~~ costs incurred for forestry during that year under appropriations for the ~~protection~~, improvement, administration, and management of state forest trust fund lands and construction and improvement of forest roads to enhance the forest value of the lands. The certificate must specify the trust funds interested in the lands. After presentation to the Legislative Permanent School Fund Commission, the commissioner of natural resources shall supply the commissioner of management and budget with the information needed for the certificate. The certificate shall include an analysis that compares costs certified under this section with costs incurred on other public and private lands with similar land assets.

(d) After a fiscal year, the commissioner shall distribute the receipts credited to the suspense account during that fiscal year as follows:

(1) the amount of the certified costs incurred by the state for forest management, forest improvement, and road improvement during the fiscal year shall be transferred to the forest management investment account established under section 89.039;

(2) the balance of the certified costs incurred by the state during the fiscal year shall be transferred to the general fund; and

(3) the balance of the receipts shall then be returned prorated to the trust funds in proportion to their respective interests in the lands which produced the receipts.

Sec. 4. Minnesota Statutes 2010, section 84.027, subdivision 18, is amended to read:

Subd. 18. **Permanent school fund authority; reporting.** (a) The commissioner of natural resources has the authority and responsibility for the administration of school trust lands under sections 92.121 and 127A.31. The commissioner shall biannually report to the ~~Permanent School Fund Advisory Committee~~ Legislative Permanent School Fund Commission and the legislature on the management of the school trust lands that shows how the commissioner has and will continue to achieve the following goals:

(1) manage the school trust lands efficiently and in a manner that reflects the undivided loyalty to the beneficiaries consistent with the commissioner's fiduciary duties;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands, requiring returns of not less than fair market value, to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; ~~and~~

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles;

(5) optimize school trust land revenues and maximize the value of the trust consistent with the balancing of short-term and long-term interests, so that long-term benefits are not lost in an effort to maximize short-term gains; and

(6) maintain the integrity of the trust and prevent the misapplication of its lands and its revenues.

(b) When the commissioner finds an irresolvable conflict between maximizing the long-term economic return and protecting natural resources and recreational values on school trust lands, the commissioner shall give precedence to the long-term economic return in managing school trust lands. By July 1, 2018, the permanent school fund shall be compensated for all school trust lands included under a designation or policy provision that prohibits long-term economic return. The commissioner shall submit recommendations to the appropriate legislative committees and divisions on methods of funding for the compensation required under this paragraph, including recommendations for appropriations from the general fund, nongeneral funds, and the state bond fund. Any uncompensated designation or policy provision restrictions on the long-term economic return on school trust lands remaining after July 1, 2018, shall be compiled and submitted to the Legislative Permanent School Fund Commission for review.

(c) By December 31, 2013, the report required under paragraph (a) shall provide an inventory and identification of all school trust lands that are included under a designation or policy provision that prohibits long-term economic return. The report shall include a plan to compensate the permanent school fund through the purchase or exchange of the lands or a plan to manage the school trust land to generate long-term economic return to the permanent school fund. Subsequent reports under paragraph (a) shall include a status report of the commissioner's progress in maximizing the long-term economic return on lands identified in the 2013 report.

(d) When future designations or policies by the commissioner prohibit the long-term economic return on school trust land, the conflict shall be resolved by compensating the permanent school fund through an exchange or purchase of the lands before designation or application of the policy.

Sec. 5. Minnesota Statutes 2010, section 92.45, is amended to read:

92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE.

All state lands, excluding school trust lands, bordering on or adjacent to meandered lakes and other public waters and watercourses, with the live timber growing on them, are withdrawn from sale except as provided in this section. The commissioner of natural resources may sell the timber as otherwise provided by law for cutting and removal under conditions the commissioner prescribes. The conditions must be in accordance with approved, sustained-yield forestry practices. The commissioner must reserve the timber and impose other conditions the commissioner deems necessary to protect watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis Counties described in the Act of Congress approved July 10, 1930, (Statutes at Large, volume 46, page 1020), the timber on state lands is subject to restrictions like those now imposed by the act on federal lands.

The following land is reserved for public travel: of all land bordering on or adjacent to meandered lakes and other public waters and watercourses and withdrawn from sale, a strip two rods wide, the ordinary high-water mark being its waterside boundary, and its landside boundary a line drawn parallel to the ordinary high-water mark and two rods distant landward from it. Wherever the conformation of the shore line or conditions require, the commissioner must reserve a wider strip.

Except for sales under section 282.018, subdivision 1, when a state agency or any other unit of government requests the legislature to authorize the sale of state lands bordering on or adjacent to meandered lakes and other public waters and watercourses, the commissioner shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the commissioner for public purposes, retention of a conservation easement for shoreland preservation by the commissioner under chapter 84C, or a cooperative management agreement with, or transfer to, another unit of government.

The commissioner may sell state lands bordering on or adjacent to the Mississippi River or any lakes, waters, and watercourses in its bottom lands, desired or needed by the United States government for, or in connection with, any project heretofore authorized by Congress, to improve navigation in the Mississippi River at public sale according to law, as in other cases, upon application by an authorized United States official. The application must describe the land and include a map showing its location with reference to adjoining properties.

Sec. 6. Minnesota Statutes 2010, section 94.342, subdivision 5, is amended to read:

Subd. 5. **Additional restrictions on school trust land.** School trust land may be exchanged with other Class A land only if the ~~Permanent School Fund Advisory Committee~~ school trust lands director is appointed as temporary trustee of the school trust land for purposes of the exchange. The ~~committee~~ Legislative Permanent School Fund Commission shall provide independent legal counsel to review ~~the~~ exchanges.

Sec. 7. Minnesota Statutes 2010, section 127A.30, is amended to read:

127A.30 LEGISLATIVE PERMANENT SCHOOL FUND ~~ADVISORY COMMITTEE~~ COMMISSION.

Subdivision 1. **Commission established; membership.** ~~A state~~ (a) ~~The Legislative Permanent School Fund Advisory Committee~~ Commission of 12 members is established to advise the Department of Natural Resources and the school trust lands director on the management of permanent school fund land, which is held in trust for the school districts of the state and to review legislation affecting permanent school fund land. ~~The advisory committee must consist~~ commission consists of the following persons ~~or their designees: the chairs of the education committees of the legislature, the chairs of the legislative committees with jurisdiction over the K-12 education budget, the chairs of the legislative committees with jurisdiction over the environment and natural resources policy and budget, the chair of the senate Committee on Finance and the chair of the house of representatives Committee on Ways and Means, the commissioner of education, one superintendent from a nonmetropolitan district, one superintendent from a metropolitan area district, one person with an expertise in forestry, one person with an expertise in minerals and mining, one person with an expertise in real estate development, one person with an expertise in renewable energy, one person with an expertise in finance and land management, and one person with an expertise in natural resource conservation. The school district superintendents shall be appointed by the commissioner of education. The committee members with areas of expertise in forestry, minerals and mining, real estate development, renewable energy, finance and land management, and natural resource conservation shall be appointed by the commissioner of natural resources. Members of the legislature shall be given the opportunity to recommend candidates for vacancies on the committee to the commissioners of education and natural resources. The advisory committee must also include a nonvoting member appointed by the commissioner of natural resources.~~

~~The commissioner of natural resources shall provide administrative support to the committee. The members of the committee shall serve without compensation. The members of the Permanent School Fund Advisory Committee shall elect their chair and are bound by the provisions of sections 43A.38 and 116P.09, subdivision 6.~~

(1) six members of the senate, including three majority party members appointed by the majority leader and three minority party members appointed by the minority leader; and

(2) six members of the house of representatives, including three majority party members appointed by the speaker of the house and three minority party members appointed by the minority leader.

(b) Appointed legislative members serve at the pleasure of the appointing authority and continue to serve until their successors are appointed.

(c) The first meeting of the commission shall be convened by the chair of the Legislative Coordinating Commission. Members shall elect a chair, vice-chair, secretary, and other officers as determined by the commission. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

Subd. 2. **Duties.** ~~The advisory committee~~ commission shall review ~~the policies of the Department of Natural Resources and~~ current statutes on management of school trust fund lands at least annually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands. By January 15 of each year, ~~the advisory committee~~ commission shall submit a report to the legislature with recommendations for the management of school trust lands to secure long-term economic return for the permanent school fund, consistent with sections 92.121 and 127A.31. ~~The committee's~~ commission's annual report may include recommendations to:

(1) manage the school trust lands efficiently;

(2) reduce the management expenditures of school trust lands and maximize the revenues deposited in the permanent school trust fund;

(3) manage the sale, exchange, and commercial leasing of school trust lands to maximize the revenues deposited in the permanent school trust fund and retain the value from the long-term appreciation of the school trust lands; ~~and~~

(4) manage the school trust lands to maximize the long-term economic return for the permanent school trust fund while maintaining sound natural resource conservation and management principles; and

(5) manage the asset allocation of the permanent school fund.

~~Subd. 3. **Duration.** Notwithstanding section 15.059, subdivision 5, the advisory committee is permanent and does not expire.~~

Sec. 8. **[127A.351] POLICY AND PURPOSE.**

(a) The purpose of sections 127A.351 to 127A.353 is to establish a school trust lands director position to recommend management policies for Minnesota's school trust lands in accordance with the provisions of the Minnesota Constitution, article XI, section 8.

(b) As trustee, the state must manage the lands and revenues generated from the lands consistent with the best interests of the trust beneficiaries as defined in the Minnesota Constitution, article XI, section 8. When it is in the best interest of the school trust lands, ecological benefits shall be taken into consideration.

(c) The trustee must be concerned with both income for the current beneficiaries and the preservation of trust assets for future beneficiaries, which requires a balancing of short-term and long-term interests so that long-term benefits are not lost in an effort to maximize short-term gains.

(d) Sections 127A.351 to 127A.353 shall be liberally construed to enable the school trust lands director and the commissioner of natural resources to faithfully fulfill the state's obligations to the trust beneficiaries.

Sec. 9. **[127A.352] POLICY RECOMMENDATIONS; DUTIES.**

Subdivision 1. **Recommendations.** The Legislative Permanent School Fund Commission shall recommend policies for the school trust lands director and the commissioner of natural resources that are consistent with the Minnesota Constitution, state law, and the goals established under section 84.027, subdivision 18.

Subd. 2. **Duties.** The commissioner of natural resources and the school trust lands director shall recommend to the governor and the Legislative Permanent School Fund Commission any necessary or desirable changes in statutes relating to the trust or their trust responsibilities consistent with the policies under section 127A.351.

Subd. 3. **Notice to commission and governor.** If the school trust lands director has an irreconcilable disagreement with the commissioner of natural resources pertaining to the fiduciary responsibilities consistent with the school trust lands, it is the duty of the director to report the subject of the disagreement to the Legislative Permanent School Fund Commission and the governor.

Sec. 10. **[127A.353] SCHOOL TRUST LANDS DIRECTOR.**

Subdivision 1. **Appointment.** The school trust lands director shall be appointed by the governor. The commissioner of administration shall provide office space for the director. The commissioner shall provide human resources, payroll, accounting, procurement, and other similar administrative services to the school trust lands director. The director's appointment is subject to the advice and consent of the senate.

Subd. 2. **Qualifications.** The governor shall select the school trust lands director on the basis of outstanding professional qualifications and knowledge of finance, business practices, minerals, forest and real estate management, and the fiduciary responsibilities of a trustee to the beneficiaries of a trust. The school trust lands director serves in the unclassified service for a term of four years. The first term shall end on December 31, 2016. The governor may remove the school trust lands director for cause. If a director resigns or is removed for cause, the governor shall appoint a director for the remainder of the term.

Subd. 3. **Compensation.** Compensation of the school trust lands director shall be established under chapter 15A.

Subd. 4. **Duties; powers.** (a) The school trust lands director shall:

(1) take an oath of office before assuming any duties as the director;

(2) evaluate the school trust land asset position;

(3) determine the estimated current and potential market value of school trust lands;

(4) advise the governor, Executive Council, commissioner of natural resources, and the Legislative Permanent School Fund Commission on the management of school trust lands, including:

(i) Department of Natural Resources school trust land management plans;

(ii) leases of school trust lands;

(iii) royalty agreements on school trust lands;

(iv) land sales and exchanges;

(v) cost certification; and

(vi) revenue generating options;

(5) propose to the Legislative Permanent School Fund Commission legislative changes that will improve the asset allocation of the school trust lands;

(6) develop a ten-year strategic plan and a 25-year framework for management of school trust lands, in conjunction with the commissioner of natural resources, that is updated every five years and implemented by the commissioner, with goals to:

(i) retain core real estate assets;

(ii) increase the value of the real estate assets and the cash flow from those assets;

(iii) rebalance the portfolio in assets with high performance potential and the strategic disposal of selected assets;

(iv) establish priorities for management actions; and

(v) balance revenue enhancement and resource stewardship;

(7) submit to the Legislative Permanent School Fund Commission for review an annual budget and management plan for the director; and

(8) keep the beneficiaries, governor, legislature, and the public informed about the work of the director by reporting to the Legislative Permanent School Fund Commission in a public meeting at least once during each calendar quarter.

(b) In carrying out the duties under paragraph (a), the school trust lands director shall have the authority to:

(1) direct and control money appropriated to the director;

(2) establish job descriptions and employ up to five employees in the unclassified service, within the limitations of money appropriated to the director;

(3) enter into interdepartmental agreements with any other state agency; and

(4) submit recommendations on strategies for school trust land leases, sales, or exchanges to the commissioner of natural resources and the Legislative Permanent School Fund Commission.

Sec. 11. COSTS OF SCHOOL TRUST LANDS DIRECTOR AND LEGISLATIVE PERMANENT SCHOOL FUND COMMISSION.

(a) The costs of the school trust lands director, including the costs of hiring staff, and the Legislative Permanent School Fund Commission for fiscal years 2014 and 2015 shall be from the state forest development account under Minnesota Statutes, section 16A.125, and from the minerals management account under Minnesota Statutes, section 93.2236, as appropriated by the legislature.

(b) The school trust lands director and the Legislative Permanent School Fund Commission shall submit to the 2014 legislature a proposal to fund the operational costs of the Legislative Permanent School Fund Commission and school trust lands director and staff with a cost certification method using revenues generated by the permanent school fund lands.

Sec. 12. **EFFECTIVE DATE.**

Sections 1 to 10 are effective July 1, 2013."

Delete the title and insert:

"A bill for an act relating to the permanent school fund; changing the Permanent School Fund Advisory Committee into a legislative commission; providing for a director for school trust lands; amending Minnesota Statutes 2010, sections 15A.0815, subdivision 3; 16A.06, subdivision 11; 16A.125, subdivision 5; 84.027, subdivision 18; 92.45; 94.342, subdivision 5; 127A.30; proposing coding for new law in Minnesota Statutes, chapter 127A."

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

House Conferees: TIM O'DRISCOLL, CAROLYN MCELFRICK, DENNY MCNAMARA, DENISE DITTRICH and STEVE SIMON.

Senate Conferees: BENJAMIN A. KRUSE, THOMAS M. BAKK, JOHN J. CARLSON, GEN OLSON and DAVE A. THOMPSON.

O'Driscoll moved that the report of the Conference Committee on H. F. No. 2244 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

The Speaker called Anderson, S., to the Chair.

H. F. No. 2244, A bill for an act relating to the permanent school fund; changing the Permanent School Fund Advisory Committee into a legislative commission; establishing a permanent school fund board; granting the board authority to employ a director to oversee, manage, and administer school trust lands; amending Minnesota Statutes 2010, sections 16A.06, subdivision 11; 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1; 92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; 127A.30; 477A.11, subdivisions 3, 4, by adding a subdivision; 477A.12, subdivisions 2, 3; Minnesota Statutes 2011 Supplement, section 477A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

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 110 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Doepke	Hamilton	Lanning	McElfatrick	Petersen, B.	Thissen
Downey	Hancock	Leidiger	McFarlane	Poppe	Tillberry
Drazkowski	Hilstrom	LeMieur	McNamara	Quam	Torkelson
Eken	Holberg	Lenczewski	Melin	Rukavina	Urdahl
Erickson	Hoppe	Lesch	Moran	Runbeck	Vogel
Fabian	Hortman	Liebling	Morrow	Sanders	Ward
Franson	Hosch	Lillie	Murdock	Scalze	Wardlow
Fritz	Howes	Lohmer	Murray	Schomacker	Westrom
Garofalo	Huntley	Loon	Myhra	Scott	Winkler
Gottwalt	Kath	Mack	Nelson	Shimanski	Woodard
Greene	Kieffer	Mahoney	Nornes	Simon	Spk. Zellers
Greiling	Kiel	Mariani	Norton	Slawik	
Gruenhagen	Kiffmeyer	Marquart	O'Driscoll	Smith	
Gunther	Kriesel	Mazorol	Peppin	Stensrud	
Hackbarth	Laine	McDonald	Persell	Swedzinski	

Those who voted in the negative were:

Allen	Falk	Hilty	Knuth	Murphy, M.	Wagenius
Atkins	Gauthier	Hornstein	Loeffler	Paymar	
Champion	Hansen	Johnson	Mullery	Pelowski	
Clark	Hausman	Kahn	Murphy, E.	Slocum	

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2171:

Hackbarth, Buesgens, Cornish, McNamara and Dill.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1143:

Scott, Holberg and Simon.

Bills was excused between the hours of 3:20 p.m. and 4:25 p.m.

CALENDAR FOR THE DAY

S. F. No. 1933 was reported to the House.

Atkins moved to amend S. F. No. 1933 as follows:

Page 5, after line 4, insert:

"ARTICLE 9
INTENT

Nothing in this compact is intended to establish a framework for a health insurance exchange."

Page 5, line 5, delete "9" and insert "10"

A roll call was requested and properly seconded.

The question recurred on the Atkins amendment and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hilty Hoppe

The motion prevailed and the amendment was adopted.

Allen, Hamilton and Thissen were excused for the remainder of today's session.

S. F. No. 1933, A bill for an act relating to health care; creating a health care compact; proposing coding for new law as Minnesota Statutes, chapter 143.

The bill was read for the 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 70 yeas and 58 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Speaker pro tempore Anderson, S., called Garofalo to the Chair.

S. F. No. 2137, A bill for an act relating to insurance; regulating certain claims practices; amending Minnesota Statutes 2010, section 326B.081, subdivision 3; Minnesota Statutes 2011 Supplement, section 325E.66, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Banaian	Buesgens	Dauids	Downey	Fritz
Anderson, B.	Barrett	Carlson	Davnie	Drazkowski	Garofalo
Anderson, D.	Beard	Champion	Dean	Eken	Gauthier
Anderson, P.	Benson, J.	Clark	Dettmer	Erickson	Gottwalt
Anderson, S.	Benson, M.	Cornish	Dill	Fabian	Greene
Anzelc	Bills	Crawford	Dittrich	Falk	Greiling
Atkins	Brynaert	Daudt	Doepke	Franson	Gruenhagen

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

The bill was passed and its title agreed to.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Holberg announced her intention to place H. F. No. 1284; S. F. Nos. 230 and 1808; and H. F. Nos. 2685 and 1752 on the Fiscal Calendar for Thursday, April 26, 2012.

CALENDAR FOR THE DAY, Continued

S. F. No. 2535 was reported to the House.

Buesgens moved to amend S. F. No. 2535, the first engrossment, as follows:

Page 1, line 16, delete "make timely payment of" and insert "pay" and after "fee" insert "within the time specified by the board"

The motion prevailed and the amendment was adopted.

S. F. No. 2535, A bill for an act relating to education; modifying certain Board of School Administrators provisions; amending Minnesota Statutes 2010, section 122A.14, subdivisions 2, 9.

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

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

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

S. F. No. 2342 was reported to the House.

Abeler, Hoppe and Hilstrom moved to amend S. F. No. 2342, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 65B.54, subdivision 6, is amended to read:

Subd. 6. **Unethical practices.** (a) A licensed health care provider shall not initiate direct contact, in person, over the telephone, or by other electronic means, with any person who has suffered an injury arising out of the maintenance or use of an automobile, for the purpose of influencing that person to receive treatment or to purchase any good or item from the licensee or anyone associated with the licensee. This subdivision prohibits such direct contact whether initiated by the licensee individually or on behalf of the licensee by any employee, independent contractor, agent, or third party, including a capper, runner, or steerer, as defined in section 609.612, subdivision 1, paragraph (c). This subdivision does not apply when an injured person voluntarily initiates contact with a licensee.

(b) This subdivision does not prohibit licensees, or persons acting on their behalf, from mailing advertising literature directly to such persons, so long as:

- (1) the word "ADVERTISEMENT" appears clearly and conspicuously at the beginning of the written materials;
- (2) the name of the individual licensee appears clearly and conspicuously within the written materials;
- (3) the licensee is clearly identified as a licensed health care provider within the written materials; and

(4) the licensee does not initiate, individually or through any employee, independent contractor, agent, or third party, direct contact with the person after the written materials are sent.

(c) This subdivision does not apply to:

(1) advertising that does not involve direct contact with specific prospective patients, in public media such as telephone directories, professional directories, ads in newspapers and other periodicals, radio or television ads, Web sites, billboards, mailed or electronically transmitted communication, or similar media if such advertisements comply with paragraph (d);

(2) general marketing practices, other than those described in clause (1), such as giving lectures; participating in special events, trade shows, or meetings of organizations; or making presentations relative to the benefits of ~~chiropractic~~ a specific medical treatment;

(3) contact with friends or relatives, or statements made in a social setting;

(4) direct contact initiated by an ambulance service licensed under chapter 144E, a medical response unit registered under section 144E.275, or by the emergency department of a hospital licensed under chapter 144, for the purpose of rendering emergency care; or

(5) a situation in which the injured person:

(i) had a prior professional relationship with the licensee;

(ii) has selected that licensee as the licensee from whom the injured person receives health care; or

(iii) has received treatment related to the accident from the licensee.

(d) For purposes of this paragraph, "legal name," for an individual means the name under which an individual is licensed or registered as a health care professional in Minnesota or an adjacent state, and for a business entity, a name under which the entity is registered with the secretary of state in Minnesota or an adjacent state, so long as the name does not include any misleading description of the nature of its health care practice; and "health care provider" means an individual or business entity that provides medical treatment of an injury eligible as a medical expense claim under this chapter. In addition to any laws governing, or rules adopted by, a health care provider licensing board, any solicitation or advertisement for medical treatment, or for referral for medical treatment, of an injury eligible for treatment under this chapter must: (1) be undertaken only by or at the direction of a health care provider; (2) prominently display or reference the legal name of the health care provider; (3) display or reference the license type of the health care provider, or in the case of a health care provider that is a business entity, the license type of all of the owners of the health care provider but need not include the names of the owners; (4) not contain any false, deceptive, or misleading information, or misrepresent the services to be provided; (5) not include any reference to the dollar amounts of the potential benefits under this chapter; and (6) not imply endorsement by any law enforcement personnel or agency.

(e) A violation of this subdivision is grounds for the licensing authority to take disciplinary action against the licensee, including revocation in appropriate cases.

EFFECTIVE DATE. This section is effective January 1, 2013.

Sec. 2. Minnesota Statutes 2010, section 609.612, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Public media" means telephone directories, professional directories, newspapers and other periodicals, radio and television, billboards, and mailed or electronically transmitted written communications that do not involve in-person contact with a specific prospective patient or client.

(c) "Runner," "capper," or "steerer" means a person who for a pecuniary gain directly procures or solicits prospective patients or clients through telephonic, electronic, or written communication, or in-person contact, at the direction of, or in cooperation with, a health care provider when the person knows or has reason to know that the provider's purpose is to fraudulently perform or obtain services or benefits under or relating to a contract of motor vehicle insurance. The term runner, capper, or steerer does not include a person who solicits or procures clients either through public media, or consistent with the requirements of section 65B.54, subdivision 6.

EFFECTIVE DATE. This section is effective January 1, 2013."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2342, A bill for an act relating to commerce; regulating auto insurance claims practices; amending Minnesota Statutes 2010, section 65B.54, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

MOTIONS AND RESOLUTIONS

Downey moved that the name of Stensrud be added as an author on H. F. No. 418. The motion prevailed.

Anzalc moved that the name of McElfattrick be added as an author on H. F. No. 1784. The motion prevailed.

Dettmer moved that the name of Erickson be added as an author on H. F. No. 2259. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 26, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and Speaker pro tempore Garofalo declared the House stands adjourned until 10:00 a.m., Thursday, April 26, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

