

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 16, 2011

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

Prayer was offered by Pastor Bruce Schoeman, Willmar Assembly of God Church, Willmar, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Paymar was excused until 1:05 p.m. Buesgens was excused until 1:55 p.m. Kriesel was excused until 2:15 p.m. Champion was excused until 2:30 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. 247 and H. F. No. 371, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hoppe moved that the rules be so far suspended that S. F. No. 247 be substituted for H. F. No. 371 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 508 and H. F. No. 859, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Atkins moved that the rules be so far suspended that S. F. No. 508 be substituted for H. F. No. 859 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 742 and H. F. No. 1018, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Zellers moved that S. F. No. 742 be substituted for H. F. No. 1018 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 768 and H. F. No. 575, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Erickson moved that the rules be so far suspended that S. F. No. 768 be substituted for H. F. No. 575 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 799 and H. F. No. 1130, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nornes moved that S. F. No. 799 be substituted for H. F. No. 1130 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 943 and H. F. No. 984, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hackbarth moved that the rules be so far suspended that S. F. No. 943 be substituted for H. F. No. 984 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 955 and H. F. No. 1152, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sanders moved that the rules be so far suspended that S. F. No. 955 be substituted for H. F. No. 1152 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1045 and H. F. No. 1394, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hoppe moved that the rules be so far suspended that S. F. No. 1045 be substituted for H. F. No. 1394 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1208 and H. F. No. 1473, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hoppe moved that the rules be so far suspended that S. F. No. 1208 be substituted for H. F. No. 1473 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1280 and H. F. No. 809, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, S., moved that the rules be so far suspended that S. F. No. 1280 be substituted for H. F. No. 809 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 247, 508, 742, 768, 799, 943, 955, 1045, 1208 and 1280 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Mack; Barrett; Vogel; McDonald; Lohmer; Murphy, E.; Peterson, S.; Loeffler; Hosch; Huntley; Fritz; Hayden; Moran and Greiling introduced:

H. F. No. 1715, A bill for an act relating to health occupations; establishing licensure for medical laboratory science professionals; creating the Board of Medical Laboratory Science; establishing fees; proposing coding for new law as Minnesota Statutes, chapter 148F.

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

Marquart introduced:

H. F. No. 1716, A bill for an act relating to public safety; appropriating money to match federal disaster assistance made available through FEMA Public Assistance Program.

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

Daudt, Cornish, Beard, Howes, Abeler, Buesgens, Crawford, Barrett and Hoppe introduced:

H. F. No. 1717, A bill for an act relating to health; prohibiting health care providers from inquiring about firearms; amending Minnesota Statutes 2010, section 144.651, by adding a subdivision.

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

CALENDAR FOR THE DAY

H. F. No. 66 was reported to the House.

Eken moved to amend H. F. No. 66 as follows:

Page 3, line 14, after "sections" insert "10A.30; 10A.31, subdivisions 1, 3, 3a, 4, 5, 5a, 6, 6a, 7, 7a, 10, 10a, 10b, and 11; 10A.315; 10A.321;"

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 66, as amended, was read for the third time.

Carlson moved that H. F. No. 66, as amended, be re-referred to the Committee on Taxes.

A roll call was requested and properly seconded.

The question was taken on the Carlson motion and the roll was called. There were 62 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anzelc	Davids	Fritz	Hansen	Hortman	Kath
Atkins	Davnie	Gauthier	Hausman	Hosch	Knuth
Benson, J.	Dill	Greene	Hayden	Howes	Koenen
Brynaert	Dittrich	Greiling	Hilstrom	Huntley	Laine
Carlson	Eken	Gunther	Hilty	Johnson	Lenczewski
Clark	Falk	Hackbarth	Hornstein	Kahn	Lesch

Liebling	Marquart	Murphy, E.	Persell	Slawik	Winkler
Lillie	Melin	Murphy, M.	Peterson, S.	Slocum	
Loeffler	Moran	Nelson	Rukavina	Tillberry	
Mahoney	Morrow	Norton	Scalze	Wagenius	
Mariani	Mullery	Pelowski	Simon	Ward	

Those who voted in the negative were:

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

The motion did not prevail.

H. F. No. 66, A bill for an act relating to the state budget; budget priorities; repealing the political contribution refund; amending Minnesota Statutes 2010, sections 270A.03, subdivision 7; 289A.50, subdivision 1; 290.01, subdivision 6; repealing Minnesota Statutes 2010, sections 10A.30; 10A.31, subdivisions 1, 3, 3a, 4, 5, 5a, 6, 6a, 7, 7a, 10, 10a, 10b, 11; 10A.315; 10A.321; 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anzelc	Carlson	Dill	Falk	Greene	Hansen
Benson, J.	Clark	Dittrich	Fritz	Greiling	Hausman
Brynaert	Davnie	Eken	Gauthier	Hackbarth	Hayden

Hilstrom	Kahn	Loeffler	Murphy, E.	Rukavina	Wagenius
Hilty	Knuth	Mahoney	Murphy, M.	Scalze	Ward
Hornstein	Koenen	Mariani	Nelson	Simon	Winkler
Hortman	Laine	Marquart	Norton	Slawik	
Hosch	Lenczewski	Melin	Pelowski	Slocum	
Howes	Lesch	Moran	Persell	Smith	
Huntley	Liebling	Morrow	Peterson, S.	Thissen	
Johnson	Lillie	Mullery	Poppe	Tillberry	

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

Atkins was excused between the hours of 1:00 p.m. and 2:50 p.m.

Laine was excused between the hours of 1:00 p.m. and 3:30 p.m.

H. F. No. 1234 was reported to the House.

Benson, J., moved to amend H. F. No. 1234, the first engrossment, as follows:

Page 1, line 13, delete everything after "services" and insert "not already being provided under current practice."

Page 1, delete lines 14 to 16

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Benson, J., moved to amend H. F. No. 1234, the first engrossment, as follows:

Page 2, after line 9, insert:

"Sec. 2. **APPROPRIATION.**

\$220,000 in fiscal year 2012 and \$213,000 in fiscal year 2013 is appropriated from the general fund to the commissioner of administration for the purposes of section 1."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the Benson, J., amendment and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Petersen, B. Woodard

The motion prevailed and the amendment was adopted.

H. F. No. 1234, A bill for an act relating to state government; requiring the commissioner of administration to issue a request for proposals and enter into a contract for strategic sourcing consulting services; appropriating money.

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 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Bills	Drazkowski	Hamilton	Lanning	McFarlane
Anderson, B.	Cornish	Erickson	Hancock	Leidiger	McNamara
Anderson, D.	Crawford	Fabian	Holberg	LeMieur	Murdock
Anderson, P.	Daudt	Franson	Hoppe	Lohmer	Murray
Anderson, S.	Davids	Garofalo	Howes	Loon	Myhra
Banaian	Dean	Gottwalt	Kelly	Mack	Nornes
Barrett	Dettmer	Gruenhagen	Kieffer	Mazorol	O'Driscoll
Beard	Doepke	Gunther	Kiel	McDonald	Peppin
Benson, M.	Downey	Hackbarth	Kiffmeyer	McElfatrick	Petersen, B.

Quam	Schomacker	Stensrud	Urdahl	Westrom
Runbeck	Scott	Swedzinski	Vogel	Woodard
Sanders	Shimanski	Torkelson	Wardlow	Spk. Zellers

Those who voted in the negative were:

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

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

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.

CALENDAR FOR THE DAY, Continued

The Speaker called Lanning to the Chair.

H. F. No. 955, A bill for an act relating to public safety; transferring responsibility for maintaining the level III predatory offender Web site from the Department of Corrections to the Bureau of Criminal Apprehension; amending Minnesota Statutes 2010, section 244.052, subdivisions 4, 4b.

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 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

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

Dittrich	Hackbarth	Kiel	Mazorol	Pelowski	Smith
Doepke	Hamilton	Kiffmeyer	McDonald	Peppin	Stensrud
Downey	Hancock	Knuth	McElpatrick	Petersen, B.	Swedzinski
Drazkowski	Hansen	Kriesel	McFarlane	Peterson, S.	Thissen
Erickson	Hilstrom	Lanning	McNamara	Quam	Torkelson
Fabian	Holberg	Leidiger	Murdock	Sanders	Urdahl
Franson	Hoppe	LeMieur	Murray	Scalze	Vogel
Garofalo	Hortman	Lenczewski	Myhra	Schomacker	Wardlow
Gottwalt	Howes	Lohmer	Nelson	Scott	Westrom
Gruenhagen	Kelly	Loon	Nornes	Shimanski	Woodard
Gunther	Kieffer	Mack	O'Driscoll	Simon	Spk. Zellers

Those who voted in the negative were:

Anzelc	Falk	Hornstein	Liebling	Morrow	Rukavina
Benson, J.	Fritz	Hosch	Lillie	Mullery	Runbeck
Brynaert	Gauthier	Huntley	Loeffler	Murphy, E.	Slawik
Carlson	Greene	Johnson	Mahoney	Murphy, M.	Slocum
Champion	Greiling	Kahn	Mariani	Norton	Tillberry
Clark	Hausman	Kath	Marquart	Paymar	Wagenius
Dill	Hayden	Koenen	Melin	Persell	Ward
Eken	Hilty	Lesch	Moran	Poppe	Winkler

The bill was passed and its title agreed to.

H. F. No. 808, A bill for an act relating to motor vehicles; providing for \$2 donation for public information and education on anatomical gifts; creating anatomical gift account; appropriating money; amending Minnesota Statutes 2010, sections 168.12, subdivision 5; 171.06, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 171.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Champion	Fabian	Hilstrom	Knuth	Marquart
Anderson, B.	Clark	Falk	Hilty	Koenen	Mazorol
Anderson, D.	Cornish	Franson	Holberg	Kriesel	McDonald
Anderson, P.	Crawford	Fritz	Hoppe	Lanning	McElpatrick
Anderson, S.	Daudt	Garofalo	Hornstein	Leidiger	McFarlane
Anzelc	Dauids	Gauthier	Hortman	LeMieur	McNamara
Atkins	Davnie	Gottwalt	Hosch	Lenczewski	Melin
Banaian	Dean	Greene	Howes	Lesch	Moran
Barrett	Dettmer	Greiling	Huntley	Liebling	Morrow
Beard	Dill	Gruenhagen	Johnson	Lillie	Mullery
Benson, J.	Dittrich	Gunther	Kahn	Loeffler	Murphy, E.
Benson, M.	Doepke	Hackbarth	Kath	Lohmer	Murphy, M.
Bills	Downey	Hamilton	Kelly	Loon	Murray
Brynaert	Drazkowski	Hansen	Kieffer	Mack	Myhra
Buesgens	Eken	Hausman	Kiel	Mahoney	Nelson
Carlson	Erickson	Hayden	Kiffmeyer	Mariani	Nornes

Norton	Petersen, B.	Sanders	Slawik	Tillberry	Wardlow
O'Driscoll	Peterson, S.	Scalze	Slocum	Torkelson	Westrom
Paymar	Poppe	Schomacker	Smith	Urdahl	Winkler
Pelowski	Quam	Scott	Stensrud	Vogel	Woodard
Peppin	Rukavina	Shimanski	Swedzinski	Wagenius	Spk. Zellers
Persell	Runbeck	Simon	Thissen	Ward	

The bill was passed and its title agreed to.

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

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 113 yeas and 20 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Franson	Hoppe	Petersen, B.
Beard	Downey	Gruenhagen	Liebling	Runbeck
Bills	Drazkowski	Hackbarth	Mack	Winkler
Buesgens	Erickson	Hilty	Peppin	Woodard

The bill was passed and its title agreed to.

S. F. No. 1130, A bill for an act relating to unemployment insurance; modifying unemployment insurance and workforce development provisions; amending Minnesota Statutes 2010, sections 116L.17, subdivision 1; 116L.561, subdivision 7; 268.035, subdivisions 4, 19a, 20, 23, 29, 32; 268.051, subdivisions 5, 6, 8; 268.057, subdivision 2; 268.07, subdivisions 2, 3b; 268.085, subdivision 3; 268.095, subdivision 10; 268.115, subdivision 1; 268.184, subdivisions 1, 1a; Laws 2009, chapter 78, article 3, section 16.

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 113 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Bills	Downey	Gruenhagen	Petersen, B.
Anderson, S.	Buesgens	Drazkowski	Hackbarth	Scott
Banaian	Crawford	Erickson	Loon	Woodard
Barrett	Daut	Franson	Peppin	

The bill was passed and its title agreed to.

H. F. No. 1343 was reported to the House.

Dettmer moved to amend H. F. No. 1343, the first engrossment, as follows:

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2010, section 466.03, is amended by adding a subdivision to read:

Subd. 23. Recreational use of school property and facilities. (a) Any claim for a loss or injury arising from the use of school property or a school facility made available for public recreational activity.

(b) Nothing in this subdivision:

(1) limits the liability of a school district for conduct that would entitle a trespasser to damages against a private person; or

(2) reduces any existing duty owed by the school district."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

The bill was read for the 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 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

H. F. No. 229, A bill for an act relating to public safety; authorizing judges to prohibit certain juvenile sex offenders from residing near their victims; amending Minnesota Statutes 2010, section 260B.198, subdivision 1, 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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

H. F. No. 738, A bill for an act relating to public safety; modifying certain harassment restraining order provisions; amending Minnesota Statutes 2010, section 609.748, subdivisions 4, 5, 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 134 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	Gottwalt	Johnson	Loon	Nornes	Slocum
Crawford	Greene	Kahn	Mack	Norton	Smith
Daudt	Greiling	Kath	Mahoney	O'Driscoll	Stensrud
Davids	Gruenhagen	Kelly	Mariani	Paymar	Swedzinski
Davnie	Gunther	Kieffer	Marquart	Pelowski	Thissen
Dean	Hackbarth	Kiel	Mazorol	Peppin	Tillberry
Dettmer	Hamilton	Kiffmeyer	McDonald	Persell	Torkelson
Dill	Hancock	Knuth	McElfatrick	Petersen, B.	Urdahl
Dittrich	Hansen	Koenen	McFarlane	Peterson, S.	Vogel
Doepke	Hausman	Kriesel	McNamara	Poppe	Wagenius
Downey	Hayden	Laine	Melin	Quam	Ward
Drazkowski	Hilstrom	Lanning	Moran	Rukavina	Wardlow
Eken	Hilty	Leidiger	Morrow	Runbeck	Westrom
Erickson	Holberg	LeMieur	Mullery	Sanders	Winkler
Fabian	Hoppe	Lenczewski	Murdock	Scalze	Woodard
Falk	Hornstein	Lesch	Murphy, E.	Schomacker	Spk. Zellers
Franson	Hortman	Liebling	Murphy, M.	Scott	
Fritz	Hosch	Lillie	Murray	Shimanski	
Garofalo	Howes	Loeffler	Myhra	Simon	
Gauthier	Huntley	Lohmer	Nelson	Slawik	

The bill was passed and its title agreed to.

H. F. No. 1577, A bill for an act relating to public safety; establishing a sex offender policy task force.

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

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

H. F. No. 844, A bill for an act relating to workforce development; providing for a public library adviser to the Governor's Workforce Development Council; amending Minnesota Statutes 2010, section 116L.665, subdivision 2.

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 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Downey Drazkowski Hackbarth Peppin Scott

The bill was passed and its title agreed to.

H. F. No. 392, A bill for an act relating to education; modifying provisions relating to school bus safety and standards; amending Minnesota Statutes 2010, sections 169.4501, subdivisions 1, 2; 169.4503, subdivisions 5, 20, by adding subdivisions; repealing Minnesota Statutes 2010, section 169.454, subdivision 10.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

S. F. No. 194, A bill for an act relating to secured transactions; enacting amendments to the Uniform Commercial Code Article 9 adopted by the National Conference of Commissioners on Uniform State Laws; making conforming changes; amending Minnesota Statutes 2010, sections 86B.820, subdivisions 10, 11; 168A.01, subdivisions 18, 19; 336.2A-103; 336.9-102; 336.9-105; 336.9-307; 336.9-311; 336.9-316; 336.9-317; 336.9-326; 336.9-406; 336.9-408; 336.9-502; 336.9-503; 336.9-507; 336.9-515; 336.9-516; 336.9-518; 514.963, subdivision 7; 514.965, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 336.

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

The bill was passed and its title agreed to.

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

H. F. No. 1406 was reported to the House.

Hamilton moved to amend H. F. No. 1406, the first engrossment, as follows:

Page 26, delete section 18

Page 28, delete section 21

Page 30, line 2, after the period, insert "Beginning July 2012, service owners and managerial officials overseeing the management or policies of services that provide direct contact as specified in the federally approved waiver plans must meet the requirements of chapter 245C prior to reenrollment or, for new providers, prior to initial enrollment."

Page 30, line 9, delete "245B.092" and insert "256B.092"

Page 30, lines 14 to 19, reinstate the stricken language

Page 31, delete section 24

Page 33, line 15, reinstate the stricken language

Page 33, line 16, reinstate the stricken language and delete the colon

Page 33, delete lines 17 to 22

Page 37, lines 28 to 30, reinstate the stricken language

Page 37, line 31, reinstate the stricken language and delete the new language

Page 37, delete lines 32 and 33

Page 40, line 25, delete "nursing facility"

Page 40, line 28, delete "facility"

Page 41, line 2, after the semicolon, insert "and"

Page 41, line 6, delete the semicolon and insert a period

Page 41, line 7, delete the new language and strike the existing language

Page 41, strike line 8

Page 41, lines 9 and 10, delete the new language and strike the existing language

Page 45, line 8, after "care" insert ". For individuals found to meet eligibility criteria for home and community-based service programs under sections 256B.0915, 256B.092, or 256B.49, "cost effectiveness" has the meaning found in the federally approved waiver plan for each program"

Page 45, line 25, delete "paragraphs" and insert "paragraph"

Page 45, line 26, after the first "and" insert "paragraph"

Page 53, line 19, delete "as described in section 256B.69, subdivision 23, and"

Page 54, line 16, delete the second "as"

Page 54, line 17, delete "described in section 256B.69, subdivision 23, and"

Page 70, line 28, delete "thousand" and insert "1,000" and delete "the"

Page 70, line 29, delete "thousand people" and insert "1,000 persons" and delete "five year" and insert "five-year"

Page 71, line 5, delete "five year" and insert "five-year"

Page 72, delete section 2

Page 73, delete section 3

Page 78, delete section 12

Page 80, delete section 1

Page 89, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 1406, the first engrossment, as amended, as follows:

Page 66, lines 31 and 32, reinstate the stricken language

Renumber the clauses in sequence

The motion prevailed and the amendment was adopted.

H. F. No. 1406, A bill for an act relating to human services; amending continuing care policy provisions; making changes to the telephone equipment program; making changes to disability services provisions; reforming comprehensive assessments and case management services; making changes to nursing facility provisions; making technical and conforming changes; providing for rulemaking authority; requiring reports; amending Minnesota Statutes 2010, sections 144A.071, subdivisions 3, 5a; 144D.08; 237.50; 237.51; 237.52; 237.53; 237.54; 237.55; 237.56; 245A.03, subdivision 7; 245A.11, subdivision 8; 252.32, subdivision 1a; 252A.21, subdivision 2; 256.476, subdivision 11; 256B.0625, subdivision 19c; 256B.0659, subdivisions 1, 2, 3, 3a, 4, 9, 11, 13, 14, 19, 21, 30; 256B.0911, subdivisions 1, 1a, 2b, 2c, 3, 3a, 3b, 3c, 4a, 4c, 6; 256B.0913, subdivisions 7, 8; 256B.0915, subdivisions 1a, 1b, 3c, 6, 10; 256B.0916, subdivision 7; 256B.092, subdivisions 1, 1a, 1b, 1e, 1g, 2, 3, 5, 7, 8, 8a, 9, 11; 256B.096, subdivision 5; 256B.19, subdivision 1e; 256B.431, subdivision 2t; 256B.438, subdivisions 1, 3, 4, by adding a subdivision; 256B.441, subdivision 55a; 256B.49, subdivisions 13, 14, 15, 21; 256B.4912; 256G.02, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 252; repealing Minnesota Statutes 2010, section 144A.073, subdivisions 4, 5.

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 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Hackbarth Thissen

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

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

The bill was read for the 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 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens Hackbarth

The bill was passed and its title agreed to.

H. F. No. 1544 was reported to the House.

Murray moved to amend H. F. No. 1544, the first engrossment, as follows:

Page 3, line 33, after the period, insert "The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b)."

Page 3, line 34, delete "30" and insert "60" and delete "second publication" and insert "county board adopts the resolution"

Page 4, after line 6, insert:

"**Subd. 5. Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if (1) the position has been an appointed position for at least three years, (2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held, and (3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for that office must be held at the next regular or special election."

Page 5, line 2, after the period, insert "The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b)."

Page 5, line 3, delete "30" and insert "60" and delete "second publication" and insert "county board adopts the resolution"

Page 5, after line 10, insert:

"**Subd. 5. Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if (1) the position has been an appointed position for at least three years, (2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held, and (3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for that office must be held at the next regular or special election."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1544, A bill for an act relating to counties; providing a process for making certain county offices appointive in Marshall, Freeborn, and Mower Counties.

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 91 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hoppe	Liebling	Murray	Stensrud
Anderson, D.	Dittrich	Hornstein	Lillie	Myhra	Thissen
Anderson, P.	Doepke	Hortman	Loeffler	Nelson	Tillberry
Anzelc	Downey	Hosch	Lohmer	Nornes	Torkelson
Atkins	Fabian	Howes	Loon	O'Driscoll	Urdahl
Banaian	Garofalo	Huntley	Mack	Petersen, B.	Vogel
Beard	Gauthier	Johnson	Mahoney	Petersen, S.	Wagenius
Benson, J.	Gottwalt	Kahn	Mariani	Quam	Westrom
Benson, M.	Greene	Kelly	Mazorol	Runbeck	Winkler
Bills	Greiling	Kieffer	McDonald	Sanders	Woodard
Brynaert	Gruenhagen	Kiel	McElfatrick	Scalze	Spk. Zellers
Cornish	Gunther	Knuth	McFarlane	Schomacker	
Crawford	Hamilton	Kriesel	McNamara	Shimanski	
Davnie	Hancock	Lanning	Moran	Simon	
Dean	Hayden	Leidiger	Morrow	Slawik	
Dettmer	Hilstrom	Lesch	Murdock	Smith	

Those who voted in the negative were:

Anderson, B.	Daut	Fritz	Laine	Murphy, M.	Rukavina
Anderson, S.	Davids	Hackbarth	LeMieur	Norton	Scott
Barrett	Drazkowski	Hansen	Lenczewski	Paymar	Slocum
Buesgens	Eken	Hilty	Marquart	Pelowski	Swedzinski
Carlson	Erickson	Holberg	Melin	Peppin	Ward
Champion	Falk	Kath	Mullery	Persell	Wardlow
Clark	Franson	Kiffmeyer	Murphy, E.	Poppe	

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

H. F. No. 563, A bill for an act relating to education finance; authorizing school board to create full-service school zones; amending Minnesota Statutes 2010, sections 123B.88, by adding a subdivision; 123B.92, 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 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Buesgens Drazkowski Hackbarth

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, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 57, A bill for an act relating to public safety; establishing the crimes of sale or possession of synthetic cannabinoids; including a person under the influence of a synthetic cannabinoid for a driving while impaired crime; providing for a penalty; amending Minnesota Statutes 2010, sections 152.027, by adding a subdivision; 169A.20, subdivisions 1, 1a, 1b, 1c.

CAL R. LUDEMAN, Secretary of the Senate

Kriesel moved that the House refuse to concur in the Senate amendments to H. F. No. 57, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the 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. 201, A bill for an act relating to health; limiting use of funds for state-sponsored health programs for funding abortions.

CAL R. LUDEMAN, Secretary of the Senate

Scott moved that the House refuse to concur in the Senate amendments to H. F. No. 201, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the 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. 936, A bill for an act relating to health; prohibiting abortions at or after 20 weeks postfertilization age unless certain exceptions apply; providing civil and criminal penalties; amending Minnesota Statutes 2010, section 145.4131, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 8; 145.

CAL R. LUDEMAN, Secretary of the Senate

Holberg moved that the House refuse to concur in the Senate amendments to H. F. No. 936, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 57:

Kriesel, McNamara and Gauthier.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 201:

Scott, Bills and Fritz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 936:

Holberg, LeMieur and Hosch.

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, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 361, A bill for an act relating to crime; modifying crime of fleeing a peace officer; amending Minnesota Statutes 2010, section 609.487, subdivision 4.

H. F. No. 721, A bill for an act relating to traffic regulations; modifying provisions relating to disability parking; amending Minnesota Statutes 2010, sections 169.345, subdivision 1; 169.346, subdivision 3.

H. F. No. 1139, A bill for an act relating to local government; authorizing single source acquisition of public safety equipment; authorizing long-term leasing of public safety equipment; proposing coding for new law in Minnesota Statutes, chapter 471.

H. F. No. 1341, A bill for an act relating to human services; requiring reporting of fiscal information on health care services to children under Minnesota public health care programs; proposing coding for new law in Minnesota Statutes, chapter 256.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 134, 288, 301, 373, 506, 680, 1009, 1083, 1213, 1265, 1285 and 1143.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 134, A bill for an act relating to employment; modifying definition of public employee; amending Minnesota Statutes 2010, section 179A.03, subdivision 14.

The bill was read for the first time.

Beard moved that S. F. No. 134 and H. F. No. 212, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 288, A bill for an act relating to health; regulating dental laboratories; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

S. F. No. 301, A bill for an act relating to public safety; expanding the fourth-degree assault crime and the assaulting a police horse crime to provide more protection to reserve officers; amending Minnesota Statutes 2010, sections 609.2231, by adding a subdivision; 609.597; 626.84, subdivision 1.

The bill was read for the first time.

Shimanski moved that S. F. No. 301 and H. F. No. 506, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 373, A bill for an act relating to civil actions; reducing the limitation period for bringing certain actions; amending Minnesota Statutes 2010, sections 325D.64; 541.05, subdivision 1.

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

S. F. No. 506, A bill for an act relating to courts; increasing conciliation court civil claim limit; appropriating money; amending Minnesota Statutes 2010, section 491A.01, subdivision 3.

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

S. F. No. 680, A bill for an act relating to crime; expanding the definition of "criminal act" in the racketeering crime; amending Minnesota Statutes 2010, section 609.902, subdivision 4.

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

S. F. No. 1009, A bill for an act relating to elections; changing certain procedures and requirements related to vacancies in nomination and certain primaries; amending Minnesota Statutes 2010, sections 204B.04, subdivision 2; 204B.13, subdivisions 1, 4; 204C.32, subdivision 1; 205.065, subdivision 5; 205.13, subdivision 1a; 205A.03, subdivision 4; 205A.06, subdivision 1a; repealing Minnesota Statutes 2010, sections 204B.41; 204D.169; 205.065, subdivision 7; 205A.03, subdivision 6.

The bill was read for the first time.

Sanders moved that S. F. No. 1009 and H. F. No. 1408, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1083, A bill for an act relating to motor vehicles; modifying definition of public impound lot; amending Minnesota Statutes 2010, section 168B.011, subdivision 12.

The bill was read for the first time.

Buesgens moved that S. F. No. 1083 and H. F. No. 1361, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

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

S. F. No. 1265, A bill for an act relating to drug and alcohol testing; modifying provisions related to professional athletes; amending Minnesota Statutes 2010, section 181.955, by adding a subdivision.

The bill was read for the first time.

Simon moved that S. F. No. 1265 and H. F. No. 1422, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1285, A bill for an act relating to human services; making changes to chemical and mental health services; making rate reforms; amending Minnesota Statutes 2010, sections 245.462, subdivision 8; 245.467, subdivision 2; 245A.03, subdivision 7; 253B.02, subdivision 9; 254B.03, subdivisions 5, 9; 254B.05; 254B.12; 254B.13, subdivision 3; 256B.0622, subdivision 8; 256B.0623, subdivisions 3, 8; 256B.0624, subdivisions 2, 4, 6; 256B.0625, subdivisions 23, 38; 256B.0926, subdivision 2; 256B.0947; repealing Minnesota Statutes 2010, sections 254B.01, subdivision 7; 256B.0622, subdivision 8a.

The bill was read for the first time.

Anderson, D., moved that S. F. No. 1285 and H. F. No. 1500, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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 bill was read for the first time.

Scott moved that S. F. No. 1143 and H. F. No. 1466, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

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

CALENDAR FOR THE DAY

H. F. No. 1023 was reported to the House.

Kahn moved to amend H. F. No. 1023, the first engrossment, as follows:

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2010, section 169.79, subdivision 6, is amended to read:

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, one plate must be displayed ~~on the front and one~~ on the rear of the vehicle. The plate must be mounted on the rear bumper of the vehicle or on the back of the vehicle exterior in the place designed to hold a license plate."

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

Paymar moved to amend H. F. No. 1023, the first engrossment, as follows:

Page 1, after line 29, insert:

"Sec. 2. Minnesota Statutes 2010, section 13.82, is amended by adding a subdivision to read:

Subd. 30. **Access by probationary agencies.** Any law enforcement agency may share criminal investigative data on domestic violence-related offenders with any corrections or probationary agency for criminal justice purposes. Not public data shared with a probationary agency remain classified pursuant to this section.

Sec. 3. Minnesota Statutes 2010, section 13.84, subdivision 6, is amended to read:

Subd. 6. **Public benefit data.** (a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to:

- (1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; ~~and~~
- (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution; and
- (3) history of domestic violence-related acts and domestic violence risk assessments to a court, a law enforcement agency, a prosecuting authority, a court services department, a parole or probation authority, a state or local correctional agency, or an agency performing pretrial release supervision or studies for criminal justice purposes.

(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Scott moved to amend H. F. No. 1023, the first engrossment, as amended, as follows:

Page 64, after line 10, insert:

"ARTICLE 9
CUSTODY AND PARENTING TIME

Section 1. Minnesota Statutes 2010, section 257.541, is amended to read:

257.541 CUSTODY AND PARENTING TIME WITH CHILDREN BORN OUTSIDE OF MARRIAGE.

Subdivision 1. **Mother's right to custody.** The biological mother of a child born to a mother who was not married to the child's father when the child was born and was not married to the child's father when the child was conceived has sole custody of the child until paternity has been established under sections 257.51 to 257.74, or until custody is determined in a separate proceeding under section 518.156.

Subd. 2. **Father's right to parenting time and custody.** (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of parenting time or custody are determined under sections ~~518.17 and~~ 518.169 to 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the biological father may petition for rights of parenting time or custody in the paternity proceeding or in a separate proceeding under section 518.156. The rights of parenting time or custody must be determined under sections 518.169 to 518.175.

Subd. 3. **Father's right to parenting time and custody; recognition of paternity.** If paternity has been recognized under section 257.75, the father may petition for rights of parenting time or custody in an independent action under section 518.156. The proceeding must be treated as an initial determination of custody ~~under section 518.17.~~ The and the provisions of chapter 518 sections 518.169 to 518.175 apply with respect to the granting of custody and parenting time. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. These proceedings may not be combined with any proceeding under chapter 518B.

EFFECTIVE DATE. This section is effective for temporary orders and child custody determinations made on or after January 1, 2012.

Sec. 2. Minnesota Statutes 2010, section 518.003, subdivision 3, is amended to read:

Subd. 3. **Custody.** Unless otherwise agreed by the parties:

(a) "Legal custody" means the right to determine the child's upbringing, including education, health care, and religious training.

(b) "Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care, and religious training.

(c) "Physical custody and residence" means the routine daily care and control and the residence of the child.

(d) "Joint physical custody" means that the routine daily care and control and the residence of the child is ~~structured~~ shared between the parties.

(e) Wherever used in this chapter, the term "custodial parent" or "custodian" means the person who has the physical custody of the child at any particular time.

(f) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including parenting time, but does not include a decision relating to child support or any other monetary obligation of any person.

(g) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution, divorce, or separation, and includes proceedings involving children who are in need of protection or services, domestic abuse, and paternity.

EFFECTIVE DATE. This section is effective for temporary orders and child custody determinations made on or after January 1, 2012.

Sec. 3. Minnesota Statutes 2010, section 518.091, is amended to read:

518.091 SUMMONS; TEMPORARY RESTRAINING PROVISIONS; NOTICE REGARDING PARENT EDUCATION PROGRAM REQUIREMENTS; NOTICE REGARDING CUSTODY AND PARENTING TIME.

Subdivision 1. **Temporary restraining orders.** (a) Every summons must include the notice in this subdivision.

NOTICE OF TEMPORARY RESTRAINING AND ALTERNATIVE
DISPUTE RESOLUTION PROVISIONS

UNDER MINNESOTA LAW, SERVICE OF THIS SUMMONS MAKES THE FOLLOWING REQUIREMENTS APPLY TO BOTH PARTIES TO THIS ACTION, UNLESS THEY ARE MODIFIED BY THE COURT OR THE PROCEEDING IS DISMISSED:

(1) NEITHER PARTY MAY DISPOSE OF ANY ASSETS EXCEPT (i) FOR THE NECESSITIES OF LIFE OR FOR THE NECESSARY GENERATION OF INCOME OR PRESERVATION OF ASSETS, (ii) BY AN AGREEMENT IN WRITING, OR (iii) FOR RETAINING COUNSEL TO CARRY ON OR TO CONTEST THIS PROCEEDING;

(2) NEITHER PARTY MAY HARASS THE OTHER PARTY; AND

(3) ALL CURRENTLY AVAILABLE INSURANCE COVERAGE MUST BE MAINTAINED AND CONTINUED WITHOUT CHANGE IN COVERAGE OR BENEFICIARY DESIGNATION.

IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT TO SANCTIONS BY THE COURT.

(4) PARTIES TO A MARRIAGE DISSOLUTION PROCEEDING ARE ENCOURAGED TO ATTEMPT ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO MINNESOTA LAW. ALTERNATIVE DISPUTE RESOLUTION INCLUDES MEDIATION, ARBITRATION, AND OTHER PROCESSES AS SET FORTH IN THE DISTRICT COURT RULES. YOU MAY CONTACT THE COURT ADMINISTRATOR ABOUT RESOURCES IN YOUR AREA. IF YOU CANNOT PAY FOR MEDIATION OR ALTERNATIVE DISPUTE RESOLUTION, IN SOME COUNTIES, ASSISTANCE MAY BE AVAILABLE TO YOU THROUGH A NONPROFIT PROVIDER OR A COURT PROGRAM. IF YOU ARE A VICTIM OF DOMESTIC ABUSE OR THREATS OF ABUSE AS DEFINED IN MINNESOTA STATUTES, CHAPTER 518B, YOU ARE NOT REQUIRED TO TRY MEDIATION AND YOU WILL NOT BE PENALIZED BY THE COURT IN LATER PROCEEDINGS.

(b) Upon service of the summons, the restraining provisions contained in the notice apply by operation of law upon both parties until modified by further order of the court or dismissal of the proceeding, unless more than one year has passed since the last document was filed with the court.

Subd. 2. **Parent education program requirements.** Every summons involving custody or parenting time of a minor child must include the notice in this subdivision.

NOTICE OF PARENT EDUCATION PROGRAM REQUIREMENTS

UNDER MINNESOTA STATUTES, SECTION 518.157, IN A CONTESTED PROCEEDING INVOLVING CUSTODY OR PARENTING TIME OF A MINOR CHILD, THE PARTIES MUST BEGIN PARTICIPATION IN A PARENT EDUCATION PROGRAM THAT MEETS MINIMUM STANDARDS PROMULGATED BY THE MINNESOTA SUPREME COURT WITHIN 30 DAYS AFTER THE FIRST FILING WITH THE COURT. IN SOME DISTRICTS, PARENTING EDUCATION MAY BE REQUIRED IN ALL CUSTODY OR PARENTING PROCEEDINGS. YOU MAY CONTACT THE DISTRICT COURT ADMINISTRATOR FOR ADDITIONAL INFORMATION REGARDING THIS REQUIREMENT AND THE AVAILABILITY OF PARENT EDUCATION PROGRAMS.

Subd. 3. **Custody and parenting time requirements.** Every summons must include the notice in this subdivision.

NOTICE OF CUSTODY AND PARENTING TIME

PARENTS ARE ENTITLED TO A PRESUMPTION OF JOINT LEGAL CUSTODY AND JOINT PHYSICAL CUSTODY WITH EQUAL SHARED PARENTING. THIS MEANS THAT EACH PARENT HAS AT LEAST 45.1 PERCENT PARENTING TIME, UNLESS THE PARENTS AGREE OTHERWISE. CERTAIN EXCEPTIONS AND OTHER PROVISIONS APPLY UNDER MINNESOTA STATUTES, SECTIONS 518.169 TO 518.175.

EFFECTIVE DATE. This section is effective for summons issued on or after January 1, 2012.

Sec. 4. Minnesota Statutes 2010, section 518.131, subdivision 1, is amended to read:

Subdivision 1. **Permissible orders.** In a proceeding brought for custody, dissolution, or legal separation, or for disposition of property, maintenance, or child support following the dissolution of a marriage, either party may, by motion, request from the court and the court may grant a temporary order pending the final disposition of the proceeding to or for:

(a) Temporary custody and parenting time pursuant to sections 518.169 to 518.175, regarding the minor children of the parties;

(b) Temporary maintenance of either spouse;

(c) Temporary child support for the children of the parties;

(d) Temporary costs and reasonable attorney fees;

(e) Award the temporary use and possession, exclusive or otherwise, of the family home, furniture, household goods, automobiles, and other property of the parties;

(f) Restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(g) Restrain one or both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the children of the parties;

(h) Restrain one or both parties from removing any minor child of the parties from the jurisdiction of the court;

(i) Exclude a party from the family home of the parties or from the home of the other party; and

(j) Require one or both of the parties to perform or to not perform such additional acts as will facilitate the just and speedy disposition of the proceeding, or will protect the parties or their children from physical or emotional harm.

EFFECTIVE DATE. This section is effective for temporary orders issued on or after January 1, 2012.

Sec. 5. Minnesota Statutes 2010, section 518.131, subdivision 7, is amended to read:

Subd. 7. **Guiding factors.** The court shall be guided by the factors set forth in chapter 518A (concerning child support), and sections 518.552 (concerning maintenance), ~~518.17~~ 518.169 to 518.175 (concerning custody and parenting time), and 518.14 (concerning costs and attorney fees) in making temporary orders and restraining orders.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 6. Minnesota Statutes 2010, section 518.155, is amended to read:

518.155 CUSTODY DETERMINATIONS.

Notwithstanding any law to the contrary, a court in which a proceeding for dissolution, legal separation, or child custody has been commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.131, 518.165, 518.168, 518.169, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the parenting time of a parent unless the court has jurisdiction over the matter pursuant to the provisions of chapter 518D.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 7. Minnesota Statutes 2010, section 518.156, is amended to read:

518.156 COMMENCEMENT OF CUSTODY PROCEEDING.

Subdivision 1. **Procedure.** In a court of this state ~~which has~~ with jurisdiction to decide child custody matters, a child custody proceeding is commenced by a parent:

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 257.75, by filing a petition or motion seeking custody or parenting time with the child in the county where the child is permanently resident ~~or~~, where the child is found, or where an earlier order for custody of the child has been entered.

Subd. 2. **Required notice.** (a) Written notice of a child custody or parenting time or visitation proceeding shall be given to the child's parent, guardian, and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

(b) Every notice must include the following notice of custody and parenting time requirements.

NOTICE OF CUSTODY AND PARENTING TIME

PARENTS ARE ENTITLED TO A PRESUMPTION OF JOINT LEGAL CUSTODY AND JOINT PHYSICAL CUSTODY WITH EQUAL SHARED PARENTING. THIS MEANS THAT EACH PARENT HAS AT LEAST 45.1 PERCENT PARENTING TIME, UNLESS THE PARENTS AGREE OTHERWISE. CERTAIN EXCEPTIONS AND OTHER PROVISIONS APPLY UNDER MINNESOTA STATUTES, SECTIONS 518.169 TO 518.175.

EFFECTIVE DATE. This section is effective for all notices issued on or after January 1, 2012.

Sec. 8. Minnesota Statutes 2010, section 518.167, subdivision 2, is amended to read:

Subd. 2. **Preparation.** (a) In preparing a report concerning a child, the investigator may consult any person who may have information about the child and the potential custodial arrangements except for persons involved in mediation efforts between the parties. Mediation personnel may disclose to investigators and evaluators information collected during mediation only if agreed to in writing by all parties. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, school personnel, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian.

(b) The report submitted by the investigator must consider and evaluate the factors in section ~~518.17, subdivision 1~~ 518.169, subdivision 3, and include a detailed analysis of all information considered for each factor, provided that if joint physical custody is contemplated or sought not requested by either party, the report must consider and evaluate the factors in section ~~518.17, subdivision 2~~, 518.17, subdivision 1. The report must state the position of each party and the investigator's recommendation and the reason for the recommendation, and reference established means for dispute resolution between the parties.

EFFECTIVE DATE. This section is effective for all investigations ordered on or after January 1, 2012.

Sec. 9. **[518.169] JOINT CUSTODY AND EQUAL SHARED PARENTING.**

Subdivision 1. **Public policy.** (a) Recognizing the importance of protections afforded children by their ability to develop strong parental bonds, and recognizing the fundamental right and liberty interest that parents enjoy regarding the care, custody, and companionship of their children, the legislature finds and declares the following with respect to the intent of Minnesota laws relating to families:

(1) an intact, involved two-parent home provides the optimal environment through which children grow into productive and responsible adult citizens;

(2) parents play the primary role in the nurturing and development of their children. Our society, state, and statutes are secondary structures designed to support, not supplant, both parents in their role as the primary shapers of their children;

(3) mothers and fathers provide unique and invaluable contributions toward the development of their children. Each parent's contributions to the upbringing of their children are indistinguishable and equally necessary to assure children the best opportunity to develop into healthy citizens;

(4) children should be separated from their parents only under the most compelling and unusual circumstances in order to protect a child from endangerment;

(5) it is in the best interests of children to have frequent and continuing physical contact with both parents under joint legal and joint physical custody when the parents live separately, including after parental separation or dissolution of marriage. The proper role of the state is to interfere to the least degree in familial relationships with the specific purpose of preserving maximum time allocations with each parent and their children;

(6) parents may, and should be encouraged to, reach any agreement mutually acceptable to them regarding their parenting time allocations that reflects the individual circumstances of the parents and children. In the event parents cannot reach agreement on a parenting arrangement, it is the specific intent of Minnesota law that parents have a right to a rebuttable presumption of equal time with their children; and

(7) the judiciary in contested custody proceedings should demonstrate consistent application of the rebuttable presumption in favor of joint legal and joint physical custody in order to minimize the adversarial nature of custody proceedings.

(b) The purpose of this section is to prevent children from being alienated or disenfranchised from their parents' lives through the unwarranted interference of either parent.

(c) This section establishes clear legislative policy regarding the relationship of children with each parent when the parents live separately.

(d) In accordance with the findings in paragraph (a), the legislature declares that public policy is advanced and the best interests of children are promoted through equal and shared parenting and the recognition of both parents' fundamental freedoms to actively participate in the care, custody, and companionship of their children.

Subd. 2. **Presumption of joint legal and physical custody and shared parenting.** This subdivision applies to temporary and final orders in marriage dissolution or parentage cases. Upon request of either or both parties, the court shall use a rebuttable presumption that joint legal custody and joint physical custody, with equal shared parenting, is in the best interests of the child. For purposes of this subdivision, "equal" means a minimum parenting time for each parent of 45.1 percent. The percentage of parenting time may be determined by calculating the number of overnights that a child spends with a parent or by using a method other than overnights if the parent has

significant time periods on separate days when the child is in the parent's physical custody but does not stay overnight. The parenting time must be spread throughout one calendar year in a way that best meets variable circumstances for the parties, unless both parents agree to a different division of time or schedule.

Subd. 3. Overcoming presumption. If the parents are unable to reach an agreement on joint legal and joint physical custody and equal shared parenting, the burden of overcoming the presumption of joint legal custody, joint physical custody, and equal shared parenting rests on the parent challenging the presumption. To overcome the presumption, the court must find that the parent challenging the presumption has established by clear and convincing evidence that:

(1) the other parent's actions rise to the level of endangering the child due to any of the following:

(i) abandonment under section 260C.007, subdivision 6, clause (1), 260C.301, subdivision 2, or 518.1705, subdivision 6, paragraph (b), clause (3);

(ii) physical or sexual abuse under section 260C.007, subdivision 6, clause (2);

(iii) neglect under section 260C.007, subdivision 6, clause (3) or (8);

(iv) allowing the child to live in injurious or dangerous conditions under section 260C.007, subdivision 6, clause (9);

(v) egregious harm under section 260C.007, subdivision 14;

(vi) emotional maltreatment under section 260C.007, subdivision 15;

(vii) great bodily harm under section 609.02, subdivision 7;

(viii) conviction of child abuse as defined in section 609.185, clause (b);

(ix) child maltreatment under section 626.556, subdivision 2, clauses (c) to (g); or

(x) domestic abuse as defined in section 518B.01, except when:

(A) a parent has petitioned for an order for protection and the petition has been dismissed or denied by a court, or an order for protection was filed by agreement of the parties without a finding of domestic abuse and the agreement and order incorporating the agreement did not provide otherwise, in which case the court must find that no domestic abuse has occurred with respect to matters that were alleged or could have been alleged; or

(B) a parent knowingly makes false allegations of domestic abuse as defined in section 518B.01, subdivision 2. Making a false allegation of abuse is sufficient grounds to challenge the custody and parenting time of the accuser. Allegations raised in the context of custody proceedings that do not display evidence of a previous pattern of abuse deserve heightened scrutiny as to their veracity; or

(2) the other parent is incapable of self-management or management of personal affairs and would jeopardize the safety of the children due to current habitual and excessive use of alcohol, drugs, or other mind-altering substances and the related actions due to the substance abuse demonstrate endangerment to the well-being of the child.

Subd. 4. Consideration of geographic limitations. This subdivision applies when the presumption has not been overcome, but due to the parents' different geographic locations, a 45.1 percent minimum parenting time for each parent would prevent the parents from keeping the child in one school during a school year. During the pendency of the custody proceeding, the child shall remain in the same school district which the child currently

attends or most recently attended, unless the parents agree otherwise, or except in cases under section 518B.01 where the parent or child involved in the proceeding is endangered. If the parents do not agree otherwise, the court shall determine which parent has the majority of parenting time using the best interests of the child factors under section 518.17, subdivision 1, provided that a minimum of 25 percent parenting time must be granted to the other parent, making every attempt to exceed this amount and maximize the parental involvement of each parent.

Subd. 5. **Findings and order.** (a) If the court finds the presumption has been overcome, the court shall make detailed written findings that enumerate and explain which of the factors in this subdivision are applicable and what evidence supported these factors. The court shall restrict physical custody and parenting time with the other parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant.

(b) If the court finds the presumption was not overcome, the court shall issue a custody order or parenting plan with a minimum 45.1 percent parenting time for each parent, or a different division of time agreed to by the parents, or as provided under subdivision 4, if applicable.

EFFECTIVE DATE. This section is effective for temporary orders and child custody determinations made on or after January 1, 2012.

Sec. 10. Minnesota Statutes 2010, section 518.17, subdivision 1, is amended to read:

Subdivision 1. **The best interests of the child.** (a) Subject to section 518.169, "the best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363A.03, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background;

(12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents or between a parent and another individual, whether or not the individual alleged to have committed domestic abuse is or ever was a family or household member of the parent; and

(13) except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made, the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Sec. 11. Minnesota Statutes 2010, section 518.17, subdivision 3, is amended to read:

Subd. 3. **Custody order.** (a) Subject to section 518.169, upon adjudging the nullity of a marriage, or in a dissolution or separation proceeding, or in a child custody proceeding, the court shall make such further order as it deems just and proper concerning:

(1) the legal custody of the minor children of the parties which shall be sole or joint;

(2) their physical custody and residence; and

(3) their support. In determining custody, the court shall ~~consider use section 518.169 or, if section 518.169 is not applicable, use~~ the best interests of ~~each the~~ child factors under subdivision 1 and shall not prefer one parent over the other solely on the basis of the sex of the parent. If neither party requests joint legal and joint physical custody under section 518.169 but either or both parties request joint legal custody, the court shall use a rebuttable presumption that joint legal custody is in the best interests of the child.

(b) The court shall grant the following rights to each of the parties, unless specific findings are made under section 518.68, subdivision 1. Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Each party shall keep the other party informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent-teacher conferences. The school is not required to hold a separate conference for each party. In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment. Each party has the right to reasonable access and telephone contact with the minor children. The court may waive any of the rights under this section if it finds it is necessary to protect the welfare of a party or child.

Sec. 12. Minnesota Statutes 2010, section 518.1705, subdivision 3, is amended to read:

Subd. 3. **Creating parenting plan; restrictions on creation; alternative.** (a) Upon the request of both parents, a parenting plan must be created in lieu of an order for child custody and parenting time unless the court makes detailed findings that the proposed plan is not in the best interests of the child.

(b) If both parents do not agree to a parenting plan, the court may create one on its own motion, except that the court must not do so if it finds that a parent has committed domestic abuse against a parent or child who is a party to, or subject of, the matter before the court. If the court creates a parenting plan on its own motion, it must not use alternative terminology unless the terminology is agreed to by the parties.

(c) If an existing order does not contain a parenting plan, the parents must not be required to create a parenting plan as part of a modification order under section 518A.39.

(d) A parenting plan must not be required during an action under section 256.87.

(e) If the parents do not agree to a parenting plan and the court does not create one on its own motion, orders for custody and parenting time must be entered under sections ~~518.17 and 518.169~~ to 518.175 or section 257.541, as applicable.

Sec. 13. Minnesota Statutes 2010, section 518.1705, subdivision 5, is amended to read:

Subd. 5. **Role of court.** If both parents agree to the use of a parenting plan but are unable to agree on all terms, the court may create a parenting plan under this section. If the court is considering a parenting plan, it may require each parent to submit a proposed parenting plan at any time before entry of the final judgment and decree. If parents seek the court's assistance in deciding the schedule for each parent's time with the child or designation of decision-making responsibilities regarding the child, the court may order an evaluation and should consider the appointment of a guardian ad litem. Parenting plans, whether entered on the court's own motion, following a contested hearing, or reviewed by the court pursuant to a stipulation, must be based on ~~the best interests factors in~~ section 518.169, 518.17, or 257.025, as applicable.

Sec. 14. Minnesota Statutes 2010, section 518.1705, subdivision 9, is amended to read:

Subd. 9. **Modification of parenting plans.** (a) Parents may modify the schedule of the time each parent spends with the child or the decision-making provisions of a parenting plan by agreement. 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.

Sec. 15. Minnesota Statutes 2010, section 518.175, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) ~~In all proceedings for dissolution or legal separation,~~ Subject to section 518.169, subsequent to the commencement of ~~the~~ a custody proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such parenting time on behalf of the child and a parent who does not have temporary or permanent sole or joint physical custody of the child as will enable the child and the parent to maintain a child to parent relationship that will be in the best interests of the child.

(b) If the court finds, after a hearing, that parenting time with a parent is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict parenting time with that parent as to time, place, duration, or supervision and may deny parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the parent prior to the commencement of the proceeding.

(c) A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of parenting time.

~~(b)~~ (d) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with parenting time.

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

~~(d)~~ (f) The court administrator shall provide a form for a pro se motion regarding parenting time disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the parenting time expeditor process under section 518.1751. The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

~~(e) In the absence of other evidence, there is a rebuttable presumption that a parent is entitled to receive at least 25 percent of the parenting time for the child. For purposes of this paragraph, the percentage of parenting time may be determined by calculating the number of overnights that a child spends with a parent or by using a method other than overnights if the parent has significant time periods on separate days when the child is in the parent's physical custody but does not stay overnight. The court may consider the age of the child in determining whether a child is with a parent for a significant period of time.~~

EFFECTIVE DATE. This section is effective for child custody determinations made on or after January 1, 2012.

Sec. 16. Minnesota Statutes 2010, section 518.179, subdivision 1, is amended to read:

Subdivision 1. **Seeking custody or parenting time.** Notwithstanding any contrary provision in section 518.169, 518.17₂, or 518.175, if a person seeking child custody or parenting time has been convicted of a crime described in subdivision 2, the person seeking custody or parenting time has the burden to prove that custody or parenting time by that person is in the best interests of the child if:

- (1) the conviction occurred within the preceding five years;
- (2) the person is currently incarcerated, on probation, or under supervised release for the offense; or
- (3) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

If this section applies, the court may not grant custody or parenting time to the person unless it finds that the custody or parenting time is in the best interests of the child. If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case where this section applies.

Sec. 17. Minnesota Statutes 2010, section 518.18, is amended to read:

518.18 MODIFICATION OF ORDER.

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or a parenting plan provision which specifies the child's primary residence or the physical custodial arrangement for the child unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established parenting time schedule, that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child, consistent with sections 518.169 to 518.175. In applying these standards, the court shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence or the physical custodial arrangement for the child that was established by the prior order unless:

(i) the court finds that a change in the custody arrangement or primary residence is ~~in the best interests of the child and the parties~~ consistent with a standard previously agreed to by the parties, in a writing approved by a court, ~~to apply the best interests standard in section 518.17 or 257.025, as applicable~~; and, with respect to agreements approved by a court on or after April 28, 2000, both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications;

(ii) both parties agree to the modification;

(iii) the child has been integrated into the family of the petitioner with the consent of the other party;

(iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(v) the court has denied a request of ~~the primary custodial~~ a parent with sole or joint physical custody of the child to move the residence of the child to another state, and the ~~primary custodial~~ parent has relocated to another state despite the court's order.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a parent has been granted sole physical custody of a minor and the child subsequently lives with the other parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the obligor's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

(g) There must be no modification of an existing custody order based on the joint physical custody provisions of section 518.169 until July 1, 2013, unless the child's environment presently endangers the child's physical or emotional health or impairs the child's emotional development.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 18. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the headnote for Minnesota Statutes, section 518.175, to read "**OTHER PARENTING TIME PROVISIONS.**"

Sec. 19. **REPEALER.**

Minnesota Statutes 2010, section 518.17, subdivision 2, is repealed.

EFFECTIVE DATE. This section is effective January 1, 2012."

Amend the title as follows:

Page 1, line 5, delete "and" and after "rights" insert ", and custody and parenting time"

Correct the title numbers accordingly

POINT OF ORDER

Paymar raised a point of order pursuant to rule 4.10 relating to Bills Affecting State Revenues and Expenditures that the Scott amendment was not in order. The Speaker ruled the point of order not well taken and the Scott amendment in order.

POINT OF ORDER

Paymar raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Scott amendment was not in order. The Speaker ruled the point of order not well taken and the Scott amendment in order.

Scott withdrew her amendment to H. F. No. 1023, the first engrossment, as amended.

Rukavina, Anzelc, Lesch, Davids, Eken, Kriesel, Shimanski, Lillie, Buesgens, Drazkowski, Hackbarth, LeMieur, Nelson, Lohmer and Murray moved to amend H. F. No. 1023, the first engrossment, as amended, as follows:

Page 64, after line 10, insert:

"ARTICLE 9
SEAT BELTS

Section 1. Minnesota Statutes 2010, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers of a passenger vehicle, commercial motor vehicle, type III vehicle, and type III Head Start vehicle.

(b) A person who is 15 years of age or older and who violates paragraph (a) is subject to a fine of \$25. The driver of the vehicle in which a violation occurs is subject to a \$25 fine for each violation of paragraph (a) by the driver or by a passenger under the age of 15, but the court may not impose more than one surcharge under section 357.021, subdivision 6, on the driver. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Thissen raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution Effect on Expenditure and Revenue Bills that the Rukavina et al amendment was not in order. The Speaker ruled the point of order not well taken and the Rukavina et al amendment in order.

The question recurred on the Rukavina et al amendment and the roll was called. There were 75 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark	Gruenhagen	Kiffmeyer	Murray	Shimanski
Anderson, D.	Crawford	Gunther	Kriesel	Myhra	Stensrud
Anderson, P.	Daudt	Hackbarth	LeMieur	Nelson	Swedzinski
Anderson, S.	Davids	Hamilton	Lesch	Nornes	Torkelson
Anzelc	Davnie	Hancock	Lillie	O'Driscoll	Urdahl
Atkins	Dettmer	Hayden	Lohmer	Pelowski	Vogel
Banaian	Dill	Hilstrom	Mack	Peppin	Wardlow
Barrett	Drazkowski	Holberg	Mariani	Petersen, B.	Westrom
Beard	Eken	Hoppe	Mazorol	Rukavina	Woodard
Benson, M.	Erickson	Howes	McDonald	Runbeck	Spk. Zellers
Bills	Fabian	Kelly	Melin	Sanders	
Buesgens	Falk	Kieffer	Moran	Scalze	
Champion	Franson	Kiel	Mullery	Scott	

Those who voted in the negative were:

Abeler	Cornish	Fritz	Greene	Hilty	Johnson
Benson, J.	Dittrich	Garofalo	Greiling	Hornstein	Kahn
Brynaert	Doepke	Gauthier	Hansen	Hortman	Kath
Carlson	Downey	Gottwalt	Hausman	Hosch	Knuth

Laine	Loon	Morrow	Persell	Slocum	Winkler
Lanning	Mahoney	Murdock	Peterson, S.	Smith	
Leidiger	Marquart	Murphy, E.	Poppe	Thissen	
Lenczewski	McElfatrick	Murphy, M.	Schomacker	Tillberry	
Liebling	McFarlane	Norton	Simon	Wagenius	
Loeffler	McNamara	Paymar	Slawik	Ward	

The motion prevailed and the amendment was adopted.

H. F. No. 1023, A bill for an act relating to judiciary; modifying certain provisions relating to courts, the sharing and release of certain data, juvenile delinquency proceedings, child support calculations, protective orders, wills and trusts, property interests, protected persons and wards, receiverships, assignments for the benefit of creditors, notice regarding civil rights, and seat belts; amending Minnesota Statutes 2010, sections 13.82, by adding a subdivision; 13.84, subdivision 6; 169.686, subdivision 1; 169.79, subdivision 6; 169.797, subdivision 4; 203B.06, subdivision 3; 260B.163, subdivision 1; 260C.331, subdivision 3; 279.37, subdivision 8; 302A.753, subdivisions 2, 3; 302A.755; 302A.759, subdivision 1; 302A.761; 308A.945, subdivisions 2, 3; 308A.951; 308A.961, subdivision 1; 308A.965; 308B.935, subdivisions 2, 3; 308B.941; 308B.951, subdivision 1; 308B.955; 316.11; 317A.255, subdivision 1; 317A.753, subdivisions 3, 4; 317A.755; 317A.759, subdivision 1; 322B.836, subdivisions 2, 3; 322B.84; 357.021, subdivision 6; 359.061, subdivisions 1, 2; 462A.05, subdivision 32; 469.012, subdivision 2i; 514.69; 514.70; 518.552, by adding a subdivision; 518A.29; 518B.01, subdivision 8; 524.2-712; 524.2-1103; 524.2-1104; 524.2-1106; 524.2-1107; 524.2-1114; 524.2-1115; 524.2-1116; 524.5-502; 525.091, subdivisions 1, 3; 540.14; 559.17, subdivision 2; 576.04; 576.06; 576.08; 576.09; 576.11; 576.121; 576.123; 576.144; 576.15; 576.16; proposing coding for new law in Minnesota Statutes, chapters 5B; 201; 243; 576; 577; 630; repealing Minnesota Statutes 2010, sections 302A.759, subdivision 2; 308A.961, subdivision 2; 308B.951, subdivisions 2, 3; 317A.759, subdivision 2; 576.01; 577.01; 577.02; 577.03; 577.04; 577.05; 577.06; 577.08; 577.09; 577.10.

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 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Daudt	Gruenhagen	Lanning	Morrow	Shimanski
Anderson, B.	Davids	Gunther	Leidiger	Mullery	Simon
Anderson, D.	Davnie	Hackbarth	LeMieur	Murdock	Slawik
Anderson, P.	Dean	Hamilton	Lesch	Murray	Slocum
Anderson, S.	Dettmer	Hancock	Lillie	Myhra	Smith
Anzelc	Dill	Hayden	Lohmer	Nelson	Stensrud
Atkins	Dittrich	Hilstrom	Loon	Nornes	Swedzinski
Banaian	Doepke	Hilty	Mack	O'Driscoll	Torkelson
Barrett	Downey	Holberg	Mahoney	Pelowski	Urdahl
Beard	Drazkowski	Hoppe	Mariani	Peppin	Vogel
Benson, J.	Eken	Hosch	Marquart	Petersen, B.	Ward
Benson, M.	Erickson	Howes	Mazorol	Peterson, S.	Wardlow
Bills	Fabian	Johnson	McDonald	Quam	Westrom
Buesgens	Franson	Kath	McElfatrick	Rukavina	Woodard
Carlson	Fritz	Kelly	McFarlane	Runbeck	Spk. Zellers
Champion	Garfalo	Kieffer	McNamara	Sanders	
Clark	Gauthier	Kiel	Melin	Scalze	
Crawford	Gottwalt	Kriesel	Moran	Schomacker	

Those who voted in the negative were:

Brynaert	Hansen	Kiffmeyer	Loeffler	Poppe
Cornish	Hausman	Knuth	Murphy, E.	Thissen
Falk	Hornstein	Laine	Murphy, M.	Tillberry
Greene	Hortman	Lenczewski	Norton	Wagenius
Greiling	Kahn	Liebling	Persell	Winkler

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

Davids moved that the name of Slawik be added as an author on H. F. No. 122. The motion prevailed.

Hilty moved that the name of Laine be added as an author on H. F. No. 764. The motion prevailed.

Beard moved that the name of Hackbarth be added as an author on H. F. No. 1025. The motion prevailed.

Kahn moved that the name of Clark be added as an author on H. F. No. 1710. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, May 17, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, May 17, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives