

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2013

 SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 24, 2013

The House of Representatives convened at 3:00 p.m. and was called to order by Melissa Hortman, Speaker pro tempore.

Prayer was offered by the Reverend Richard D. Buller, Valley Community Presbyterian Church, Golden Valley, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dean, M.	Halverson	Lesch	Myhra	Schoen
Albright	Dehn, R.	Hamilton	Liebling	Nelson	Schomacker
Allen	Dettmer	Hansen	Lien	Newberger	Scott
Anderson, M.	Dill	Hausman	Lillie	Nornes	Selcer
Anderson, P.	Dorholt	Hertaus	Loeffler	Norton	Simon
Anderson, S.	Drazkowski	Hilstrom	Lohmer	O'Driscoll	Simonson
Anzelc	Erhardt	Holberg	Loon	O'Neill	Slocum
Atkins	Erickson, R.	Hortman	Mack	Paymar	Sundin
Barrett	Erickson, S.	Howe	Mahoney	Pelowski	Swedzinski
Beard	Fabian	Huntley	Mariani	Peppin	Torkelson
Benson, J.	Faust	Isaacson	Marquart	Persell	Uglen
Benson, M.	Fischer	Johnson, B.	Masin	Petersburg	Urdahl
Bernardy	FitzSimmons	Johnson, S.	McDonald	Poppe	Wagenius
Bly	Franson	Kahn	McNamar	Pugh	Ward, J.A.
Brynaert	Freiberg	Kelly	McNamara	Quam	Ward, J.E.
Carlson	Fritz	Kieffer	Melin	Radinovich	Wills
Clark	Garofalo	Kiel	Metsa	Rosenthal	Winkler
Cornish	Green	Kresha	Moran	Runbeck	Woodard
Daudt	Gruenhagen	Laine	Morgan	Sanders	Yarusso
Davids	Gunther	Leidiger	Murphy, E.	Savick	Zellers
Davnie	Hackbarth	Lenczewski	Murphy, M.	Sawatzky	Zerwas

A quorum was present.

Falk, Hoppe, Hornstein, Mullery, Newton and Thissen were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Atkins from the Committee on Commerce and Consumer Protection Finance and Policy to which was referred:

H. F. No. 5, A bill for an act relating to commerce; establishing the Minnesota Insurance Marketplace; prescribing its powers and duties; providing for legislative appointments; appropriating money; amending Minnesota Statutes 2012, section 13.7191, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 62V.

Reported the same back with the following amendments:

Page 6, delete subdivision 3 and insert:

"Subd. 3. **Insurance producers.** (a) The commissioner of management and budget, in consultation with the commissioner of commerce, shall establish minimum standards for certifying insurance producers who may sell health benefit plans through the Minnesota Insurance Marketplace. Producers must complete four hours of training in order to receive certification. Certification and training shall be administered by the commissioner of commerce, and the training required under this section shall qualify as continuing education required under chapter 60K.

(b) Producer compensation shall be established by health carriers that provide health benefit plans through the Minnesota Insurance Marketplace. Compensation to producers must be equivalent for health benefit plans sold through the marketplace or outside the marketplace.

(c) Each health carrier that offers or sells health benefit plans through the Minnesota Insurance Marketplace shall report in writing to the marketplace on a quarterly basis the compensation and other incentives it offers or provides to its insurance producers with regard to each type of health benefit plan the health carrier offers or sells both inside and outside the marketplace.

(d) An insurance producer that offers health benefits plans for the small group market in the marketplace shall not discourage an employer from choosing to offer its employees a defined contribution type of group health benefit plan.

(e) An insurance producer that offers health benefit plans through the Minnesota Insurance Marketplace shall disclose to prospective purchasers, at the time of the insurance producer's first contact with the prospective purchaser, the health carriers for which the insurance producer is authorized to sell health benefit plans through the exchange."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Government Operations.

A roll call was requested and properly seconded on the adoption of the report from the Committee on Commerce and Consumer Protection Finance and Policy relating to H. F. No. 5.

CALL OF THE HOUSE

On the motion of Daudt and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Anderson, M.	Anzels	Beard	Bernardy	Carlson
Albright	Anderson, P.	Atkins	Benson, J.	Bly	Clark
Allen	Anderson, S.	Barrett	Benson, M.	Brynaert	Cornish

Daudt	Garofalo	Kahn	Marquart	Paymar	Simonson
Davids	Green	Kelly	Masin	Pelowski	Slocum
Davnie	Gruenhagen	Kieffer	McDonald	Peppin	Sundin
Dean, M.	Gunther	Kiel	McNamar	Persell	Swedzinski
Dehn, R.	Hackbarth	Kresha	McNamara	Petersburg	Torkelson
Dettmer	Halverson	Laine	Melin	Poppe	Uglem
Dorholt	Hamilton	Leidiger	Metsa	Pugh	Urdahl
Drazkowski	Hansen	Lenczewski	Moran	Quam	Wagenius
Erhardt	Hausman	Lesch	Morgan	Radinovich	Ward, J.A.
Erickson, R.	Hertaus	Liebling	Murphy, E.	Rosenthal	Ward, J.E.
Erickson, S.	Hilstrom	Lien	Murphy, M.	Sanders	Wills
Fabian	Holberg	Lillie	Myhra	Savick	Winkler
Faust	Hortman	Loeffler	Nelson	Sawatzky	Woodard
Fischer	Howe	Lohmer	Newberger	Schoen	Yarusso
FitzSimmons	Huntley	Loon	Nornes	Schomacker	Zellers
Franson	Isaacson	Mack	Norton	Scott	Zerwas
Freiberg	Johnson, B.	Mahoney	O'Driscoll	Selcer	
Fritz	Johnson, S.	Mariani	O'Neill	Simon	

Murphy, E., moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the adoption of the report from the Committee on Commerce and Consumer Protection Finance and Policy relating to H. F. No. 5 and the roll was called. There were 67 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Allen	Dorholt	Huntley	Mariani	Paymar	Slocum
Anzelc	Erhardt	Isaacson	Marquart	Pelowski	Sundin
Atkins	Erickson, R.	Johnson, S.	Masin	Persell	Wagenius
Benson, J.	Faust	Kahn	McNamar	Poppe	Ward, J.A.
Bernardy	Fischer	Laine	Melin	Radinovich	Ward, J.E.
Bly	Freiberg	Lenczewski	Metsa	Rosenthal	Winkler
Brynaert	Fritz	Lesch	Moran	Savick	Yarusso
Carlson	Halverson	Liebling	Morgan	Sawatzky	
Clark	Hansen	Lien	Murphy, E.	Schoen	
Davnie	Hausman	Lillie	Murphy, M.	Selcer	
Dehn, R.	Hilstrom	Loeffler	Nelson	Simon	
Dill	Hortman	Mahoney	Norton	Simonson	

Those who voted in the negative were:

Abeler	Davids	Gruenhagen	Kiel	Nornes	Scott
Albright	Dean, M.	Gunther	Kresha	O'Driscoll	Swedzinski
Anderson, M.	Dettmer	Hackbarth	Leidiger	O'Neill	Torkelson
Anderson, P.	Drazkowski	Hamilton	Lohmer	Peppin	Uglem
Anderson, S.	Erickson, S.	Hertaus	Loon	Petersburg	Urdahl
Barrett	Fabian	Holberg	Mack	Pugh	Wills
Beard	FitzSimmons	Howe	McDonald	Quam	Woodard
Benson, M.	Franson	Johnson, B.	McNamara	Runbeck	Zellers
Cornish	Garofalo	Kelly	Myhra	Sanders	Zerwas
Daudt	Green	Kieffer	Newberger	Schomacker	

The motion prevailed and the report from the Committee on Commerce and Consumer Protection Finance and Policy relating to H. F. No. 5 was adopted.

Liebling from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 9, A bill for an act relating to human services; expanding medical assistance eligibility; requiring the use of modified adjusted gross income and a standard income disregard; amending Minnesota Statutes 2012, sections 256B.02, by adding subdivisions; 256B.055, subdivision 15; 256B.056, subdivisions 1a, 3, 4, 7, by adding subdivisions; 256B.057, subdivision 2.

Reported the same back with the following amendments:

Page 6, line 9, strike "one" and insert "two" and delete "21" and insert "20"

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

The report was adopted.

Nelson from the Committee on Government Operations to which was referred:

H. F. No. 55, A bill for an act relating to local government; authorizing Carlton County to levy a tax for certain cemetery purposes; amending Laws 1999, chapter 243, article 6, section 11.

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

The report was adopted.

Nelson from the Committee on Government Operations to which was referred:

H. F. No. 66, A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2012, sections 103E.005, subdivisions 4, 6, by adding a subdivision; 103E.101, subdivisions 2, 3, 4, 5, by adding subdivisions; 103E.227, subdivision 1; 103E.525, subdivision 1; 103E.701, subdivisions 1, 6; 103E.715, subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 66 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dettmer; Ward, J.A.; Kieffer and Lohmer introduced:

H. F. No. 153, A bill for an act relating to redistricting; adjusting the house of representatives district boundaries within Senate District 39; proposing coding for new law in Minnesota Statutes, chapter 2.

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

Gunther; Mahoney; Nelson; Brynaert; Torkelson; Anderson, P., and Swedzinski introduced:

H. F. No. 154, A bill for an act relating to economic development; creating the performance rewards on fast investment today program; providing tax benefits; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Runbeck and Hilstrom introduced:

H. F. No. 155, A bill for an act relating to notaries public; increasing maximum fees permitted to be charged by notaries public; amending Minnesota Statutes 2012, section 357.17.

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

Dean, M., introduced:

H. F. No. 156, A bill for an act relating to retirement; White Bear Lake Volunteer Fire Department Relief Association; authorizing the payment of retired member death benefits from the special fund.

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

Hilstrom, Rosenthal and Cornish introduced:

H. F. No. 157, A bill for an act relating to commerce; regulating bullion coin dealers; requiring registration; prohibiting certain conduct; providing enforcement authority and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 80G.

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

Hilstrom and Davnie introduced:

H. F. No. 158, A bill for an act relating to public utilities; revising process and standard for approval of interim rates; amending Minnesota Statutes 2012, section 216B.16, subdivision 3.

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

Lenczewski introduced:

H. F. No. 159, A bill for an act relating to capital investment; appropriating money to renovate and restore or replace the Old Cedar Avenue Bridge in Bloomington; authorizing the sale and issuance of state bonds; amending Laws 2006, chapter 258, section 17, subdivision 8, as amended; Laws 2008, chapter 365, section 4, subdivision 3, as amended; Laws 2010, chapter 189, section 16, subdivision 4, as amended.

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

Anderson, S.; Davids; Kresha; Petersburg and Barrett introduced:

H. F. No. 160, A bill for an act relating to taxation; individual income; modifying the small business investment tax credit; amending Minnesota Statutes 2012, section 116J.8737, subdivisions 1, 2, 5, 8, by adding a subdivision.

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

Cornish introduced:

H. F. No. 161, A bill for an act relating to probate; authorizing inventory and emergency order protecting specified personal property of homicide victim to preserve rights of decedent's heirs and beneficiaries; adding notice of rights and procedures to crime victims' chapter; amending Minnesota Statutes 2012, sections 524.2-803; 524.3-614; 524.3-615; 611A.02, subdivision 2.

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

Davnie and Lillie introduced:

H. F. No. 162, A bill for an act relating to natural resources; modifying state park permit fee provisions; amending Minnesota Statutes 2012, section 85.055, subdivision 1.

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

Abeler introduced:

H. F. No. 163, A bill for an act relating to child support; allowing for suspension or reinstatement of medical support contributions in certain situations; amending Minnesota Statutes 2012, section 518A.41, by adding a subdivision.

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

Norton; Liebling; Abeler; Hamilton; Loeffler; Woodard; Schomacker; Fabian; Kiel; Hilstrom; Winkler; Davids; Hortman; Simon; Cornish; McDonald; Lillie; Sawatzky; Faust; Brynaert; McNamara; Benson, M.; Peppin; Barrett; Urdahl; Schoen; Ward, J.A.; Newton; Fritz; Benson, J.; Morgan; Fischer; Gunther; Garofalo and Atkins introduced:

H. F. No. 164, A bill for an act relating to health; changing provisions for radiation therapy facility construction; amending Minnesota Statutes 2012, section 144.5509.

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

Slocum, Bly and Barrett introduced:

H. F. No. 165, A bill for an act relating to education finance; creating additional funding sources for students in approved recovery programs; appropriating money; amending Minnesota Statutes 2012, sections 126C.01, by adding a subdivision; 126C.05, subdivision 8; 126C.10, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Slocum, Moran and Yarusso introduced:

H. F. No. 166, A bill for an act relating to education; allowing resident pupils temporarily placed in a care and treatment center to continue to participate in district extracurricular activities; amending Minnesota Statutes 2012, section 123B.49, subdivision 4.

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

Ward, J.E., introduced:

H. F. No. 167, A bill for an act relating to motor vehicles; permitting issuance of disability license plates to spouses of eligible individuals; amending Minnesota Statutes 2012, section 168.021, subdivision 1.

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

Beard, Albright and Woodard introduced:

H. F. No. 168, A bill for an act relating to liquor; authorizing a license for Valley Fair.

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

Fabian; Erickson, R.; Nornes; Ward, J.E.; Radinovich; Newberger; Uglem; Gunther; Green; Draskowski and Ward, J.A., introduced:

H. F. No. 169, A bill for an act relating to game and fish; allowing scopes on muzzleloaders; amending Minnesota Statutes 2012, section 97B.031, subdivision 5.

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

Draskowski introduced:

H. F. No. 170, A bill for an act relating to state lands; authorizing exchange of tax-forfeited land bordering public waters.

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

Ward, J.E., introduced:

H. F. No. 171, A bill for an act relating to education; repealing the requirement that licensed K-12 teachers pass a basic skills examination in reading, writing, and mathematics as a condition for receiving a teaching license; amending Minnesota Statutes 2012, sections 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a; 122A.23, subdivision 2; 122A.245, subdivisions 1, 7.

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

Peppin and Drazkowski introduced:

H. F. No. 172, A bill for an act relating to state government; requiring state budget documents to include federal contingency planning; requiring reports on certain losses of federal funds; amending Minnesota Statutes 2012, section 16A.10, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Committee on State Government Finance and Veterans Affairs.

Morgan; McNamar; Ward, J.E.; Ward, J.A.; Sundin and Lien introduced:

H. F. No. 173, A bill for an act relating to taxation; property tax; refunds for renters; increasing the percentage of rent constituting property taxes; amending Minnesota Statutes 2012, section 290A.03, subdivisions 11, 13.

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

Allen, Davids, Clark and Davnie introduced:

H. F. No. 174, A bill for an act relating to taxation; property; exempting certain nonprofit property owned by an Indian tribe; amending Minnesota Statutes 2012, section 272.02, by adding a subdivision.

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

Hansen and Schoen introduced:

H. F. No. 175, A bill for an act relating to employment; permitting absences from work for emergency responders; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries.

Norton; Benson, M.; Newton; Liebling; Ward, J.E.; Nornes; Ward, J.A.; Isaacson and Masin introduced:

H. F. No. 176, A bill for an act relating to human services; expanding dental services for the disabled; amending Minnesota Statutes 2012, section 256B.0625, subdivision 9.

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

Dettmer and Ward, J.A., introduced:

H. F. No. 177, A bill for an act relating to natural resources; appropriating money for Manning Avenue trail crossing.

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

Cornish, Schoen and Lesch introduced:

H. F. No. 178, A bill for an act relating to public safety; authorizing certain retired peace officers to carry a pistol without a permit; requiring law enforcement agencies to issue identification to former officers who qualify to carry without a permit; amending Minnesota Statutes 2012, section 624.714, subdivision 13.

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

Lillie; Ward, J.A., and Fischer introduced:

H. F. No. 179, A bill for an act relating to capital improvements; appropriating money for a regional public safety training facility in the city of Maplewood; authorizing the sale and issuance of state bonds.

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

Ward, J.A.; Hausman and Lillie introduced:

H. F. No. 180, A bill for an act relating to capital investment; appropriating money for Browns Creek Trail; authorizing the sale and issuance of state bonds.

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

Norton, Abeler, Liebling and Selcer introduced:

H. F. No. 181, A bill for an act relating to insurance; providing coverage for autism spectrum disorders; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to inform the House of Representatives that the Senate is ready to meet with the House in Joint Convention at 6:45 p.m., Wednesday, February 6, 2013 to receive the message of the Honorable Mark Dayton, Governor of the State of Minnesota, which will be delivered at 7:00 p.m.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Mark Dayton, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, February 6, at 6:45 p.m.

Senators Champion; Kent; Petersen, B.; Ruud and Wiklund have been appointed as members of such committee on the part of the Senate.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 4, A Senate concurrent resolution adopting deadlines for the 2013 session.

JOANNE M. ZOFF, Secretary of the Senate

SUSPENSION OF RULES

Murphy, E., moved that the rules be so far suspended that Senate Concurrent Resolution No. 4 be now considered and placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4

A Senate concurrent resolution adopting deadlines for the 2013 session.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

In accordance with Joint Rule 2.03, as modified by this resolution, the deadlines in this resolution apply to the 2013 regular session.

(1) The first deadline is Friday, March 15, 2013, at 11:59 p.m.

(2) The second deadline is Friday, March 22, 2013, at 11:59 p.m.

(3) The third deadline, Friday, April 19, 2013, at 11:59 p.m., is for the House Committee on Ways and Means and the Senate Committee on Finance to act favorably on major appropriation and finance bills.

Murphy, E., moved that Senate Concurrent Resolution No. 4 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 4 was adopted.

MOTIONS AND RESOLUTIONS

Mullery moved that the name of Slocum be added as an author on H. F. No. 8. The motion prevailed.

Mullery moved that the name of Slocum be added as an author on H. F. No. 22. The motion prevailed.

Slocum moved that her name be stricken as an author on H. F. No. 27. The motion prevailed.

Hilstrom moved that the name of Abeler be added as an author on H. F. No. 80. The motion prevailed.

Freiberg moved that the name of Lien be added as an author on H. F. No. 83. The motion prevailed.

Lesch moved that the names of Laine and Newton be added as authors on H. F. No. 84. The motion prevailed.

Nelson moved that the names of Slocum and Lien be added as authors on H. F. No. 92. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 93. The motion prevailed.

Lillie moved that the names of Bly and Slocum be added as authors on H. F. No. 95. The motion prevailed.

Ward, J.A., moved that the names of Slocum and Brynaert be added as authors on H. F. No. 105. The motion prevailed.

McNamar moved that the name of Brynaert be added as an author on H. F. No. 118. The motion prevailed.

Woodard moved that the names of Kieffer and Scott be added as authors on H. F. No. 134. The motion prevailed.

Persell moved that the names of Moran, Clark, Paymar and Slocum be added as authors on H. F. No. 143. The motion prevailed.

Newton moved that the name of Clark be added as an author on H. F. No. 144. The motion prevailed.

Newton moved that the names of Clark and Brynaert be added as authors on H. F. No. 145. The motion prevailed.

Howe moved that the name of Ward, J.A., be added as an author on H. F. No. 146. The motion prevailed.

Slocum moved that the name of Clark be added as an author on H. F. No. 147. The motion prevailed.

Dill moved that the name of Scott be added as an author on H. F. No. 148. The motion prevailed.

Persell moved that the name of Clark be added as an author on H. F. No. 149. The motion prevailed.

Hansen moved that the name of Clark be added as an author on H. F. No. 151. The motion prevailed.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, January 28, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 3:00 p.m., Monday, January 28, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives