

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2013

 ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 7, 2013

The House of Representatives convened at 3:00 p.m. and was called to order by Paul Thissen, Speaker of the House.

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

A quorum was present.

Hackbarth, Lesch, McDonald, Slocum and Zellers 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

Liebling from the Committee on Health and Human Services 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; establishing the right not to participate; 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 2, line 13, before "Public" insert "Exchange enrollment" in both places

Page 2, lines 14, 31, and 34, before "public" insert "exchange enrollment"

Page 2, line 24, after the first comma, insert "suitable and"

Page 2, line 33, delete "and"

Page 2, line 35, after "individual" insert "or group" and delete the period and insert "and develop processes that, to the maximum extent possible, provide for continuous coverage."

Page 2, after line 35, insert:

"(5) establish a name for the Web-based exchange based on market studies that show maximum effectiveness in attracting the uninsured and motivating them to take action; and

(6) evaluate the effectiveness of the outreach and implementation activities of the Minnesota Insurance Marketplace in reducing the rate of uninsurance in Minnesota and in addressing the above responsibilities."

Page 3, line 1, delete "is"

Page 3, line 2, delete "subject to review" and insert "must be reviewed" and after the period, insert "The legislative auditor shall audit the books, accounts, and affairs of the Minnesota Insurance Marketplace once each year or less frequently as the legislative auditor's funds and personnel permit."

Page 3, line 34, before "public" insert "exchange enrollment"

Page 4, line 8, before the second "public" insert "exchange enrollment"

Page 6, line 36, after the period, insert "In order to remain certified under this subdivision, insurance producers must comply with all applicable certification requirements, including the requirements established under paragraphs (d) and (e)."

Page 8, line 11, after the period, insert "In the selection process, the board shall seek to contract with health carriers and health benefit plans so as to provide health coverage choices that offer the optimal combination of choice, value, quality, and service."

Page 8, line 12, before "interests" insert "best" and after the period, insert "In determining the best interests, the board shall consider:"

Page 8, after line 12, insert:

"(1) affordability and value;

(2) promotion of high-quality care;

(3) promotion of prevention and wellness;

(4) ensuring access to care;

(5) alignment and coordination with state agency and private sector purchasing strategies and payment reform efforts; and

(6) other criteria that the board determines appropriate."

Page 9, lines 4 and 11, before "public" insert "exchange enrollment"

Page 9, after line 24, insert:

"Subd. 8. **Limitations; risk-bearing.** (a) The board shall not bear insurance risk or enter into any agreement with health care providers to pay claims.

(b) Nothing in this subdivision shall prevent the Minnesota Insurance Marketplace from providing insurance for its employees."

Page 10, line 24, after "and" insert "for the fiscal year ending June 30, 2014,"

Page 10, line 25, delete everything after the period

Page 10, delete line 26

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance and Veterans Affairs.

The report was adopted.

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 90, A bill for an act relating to crime; allowing offenses for financial exploitation of a vulnerable adult to be aggregated over a six-month period; expanding venue options for financial exploitation of a vulnerable adult; amending Minnesota Statutes 2012, section 609.2335, by adding subdivisions.

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

The report was adopted.

Dill from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 141, A bill for an act relating to elections; soil and water conservation districts; modifying timeline in which a copy of the resolution establishing supervision districts is filed; amending Minnesota Statutes 2012, section 103C.311, subdivision 2.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 90 and 141 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hamilton; Faust; Petersburg; Swedzinski; Benson, M.; Nornes; FitzSimmons; Albright; Schomacker; Anderson, P.; Cornish; Kiel; Howe; Fabian and Urdahl introduced:

H. F. No. 407, A bill for an act relating to agriculture; appropriating money for the agricultural growth, research, and innovation program.

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

Norton; Abeler; Loeffler; Huntley; Morgan; Fritz; Halverson; Davids; Allen; Peppin; Laine; Moran; Anderson, S.; Hamilton; Erhardt; Anzelc; Ward, J.E.; Zellers; Mariani; Isaacson; Mahoney and Dean, M., introduced:

H. F. No. 408, A bill for an act relating to human services; modifying dental reimbursement provisions; amending Minnesota Statutes 2012, section 256B.76, subdivision 2.

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

Norton; Davids; Benson, M.; Liebling; Mahoney; Daudt; Hansen; Halverson and Quam introduced:

H. F. No. 409, A bill for an act relating to economic development; establishing a medical center development authority and providing for its organization, powers, and duties; providing for medical center development districts; authorizing the issuance of revenue obligations by the authority; authorizing city bonds; authorizing state assistance; providing for tax increment financing within a medical center development district; appropriating money; amending Minnesota Statutes 2012, sections 272.02, subdivision 39; 469.174, subdivision 8; 469.176, subdivisions 1b, 4c; 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.

Hilstrom introduced:

H. F. No. 410, A bill for an act relating to crime victims; authorizing a victim's estate to request or enforce an order for restitution; amending Minnesota Statutes 2012, section 611A.04, by adding a subdivision.

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

Hilstrom introduced:

H. F. No. 411, A bill for an act relating to crime; providing for forfeiture of money used or intended for use to facilitate a prostitution or sex trafficking offense; amending Minnesota Statutes 2012, section 609.5312, subdivision 1.

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

Falk; Hortman; Bly; Atkins; Hansen; Kahn; Hornstein; Johnson, S.; Hausman and Wagenius introduced:

H. F. No. 412, A bill for an act relating to lobbying reports; amending the reporting requirements for lobbying expenses for certain procedures at the Public Utilities Commission; amending Minnesota Statutes 2012, section 10A.04, subdivision 6.

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

Dill; Davids; Persell; Anderson, P.; Fabian; Erickson, R.; Melin; Anzelc and Radinovich introduced:

H. F. No. 413, A bill for an act relating to local aid payments; providing for inflation adjustments to payments in lieu of taxes for certain natural resource lands; appropriating money; amending Minnesota Statutes 2012, sections 477A.12, subdivision 1; 477A.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

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

Hornstein introduced:

H. F. No. 414, A bill for an act relating to state government; designating the month of April as Genocide Awareness and Prevention Month; proposing coding for new law in Minnesota Statutes, chapter 10.

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

Moran introduced:

H. F. No. 415, A bill for an act relating to human services; clarifying an exception to the transfer prohibition for medical assistance eligibility; amending Minnesota Statutes 2012, section 256B.0595, subdivisions 1, 4; Laws 2009, chapter 173, article 1, section 17, as amended.

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

Radinovich, Anzelc, Morgan, Newton, Mariani, Davnie, Slocum and Melin introduced:

H. F. No. 416, A bill for an act relating to education finance; creating an annual minimum increase in the general education basic formula allowance; amending Minnesota Statutes 2012, section 126C.10, subdivision 2.

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

Dean, M., introduced:

H. F. No. 417, A bill for an act relating to natural resources; permitting the use of muffler cutouts and bypasses in certain circumstances; amending Minnesota Statutes 2012, section 86B.521, subdivision 1.

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

Dill introduced:

H. F. No. 418, A bill for an act relating to natural resources; appropriating money for public water access restrooms.

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

Drazkowski; Davids; Anderson, M.; Scott; Cornish; O'Neill; Pugh; Newberger; Green; Albright; Lohmer; Peppin; Benson, M.; Petersburg; Uglem; FitzSimmons; Beard and McDonald introduced:

H. F. No. 419, A bill for an act relating to public safety; firearms; providing that any new federal law designed to ban or limit any personal firearm, magazine, accessory, or ammunition or to require the registration of any firearm or firearm owner shall be unenforceable; providing for criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 624.

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

Hilstrom introduced:

H. F. No. 420, A bill for an act relating to retirement; allowing termination of certain survivor designations in public pension plans; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Quam and Drazkowski introduced:

H. F. No. 421, A bill for an act relating to energy; hydroelectric energy; establishing a revolving loan fund to facilitate the dredging of lakes to improve water flow for hydroelectric projects; requiring a report; appropriating money; amending Minnesota Statutes 2012, section 116C.779, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Quam and Draskowski introduced:

H. F. No. 422, A bill for an act relating to natural resources; appropriating money from the clean water fund for the removal of sedimentation from Lake Zumbro.

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

Quam; Kresha; Hackbarth; Erickson, S.; Torkelson; Fabian; Draskowski; Hamilton; Swedzinski and Benson, M., introduced:

H. F. No. 423, A bill for an act relating to education; allowing sponsored agriculture education community experts; amending Minnesota Statutes 2012, section 122A.25, by adding a subdivision.

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

Masin introduced:

H. F. No. 424, A bill for an act relating to motor vehicles; establishing American Red Cross special license plates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Hansen, Davids and Hornstein introduced:

H. F. No. 425, A bill for an act relating to capital investment; appropriating money for scientific and natural areas acquisition and for acquisition of easements in wellhead protection areas; 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.

Davnie, Lillie, Davids, Dill and Paymar introduced:

H. F. No. 426, A bill for an act relating to taxation; clarifying the imposition of sales tax on motor vehicle paint and materials; amending Minnesota Statutes 2012, section 297A.61, subdivision 4, by adding a subdivision.

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

Laine; Ward, J.E.; Loeffler; Brynaert; Bernardy; Clark; Bly; Hausman; Johnson, S.; Masin; McNamar; Anzelc; Fritz; Slocum; Benson, J.; Melin; Erhardt; Allen; Winkler and Davnie introduced:

H. F. No. 427, A bill for an act relating to health records; decreasing the cost a provider may charge a patient for copying records; amending Minnesota Statutes 2012, section 144.292, subdivision 6.

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

Anzelc; Ward, J.E.; Cornish; Gunther; Brynaert and Anderson, P., introduced:

H. F. No. 428, A bill for an act relating to taxation; sales and use; expanding exemption for public safety radio communication systems; amending Minnesota Statutes 2012, section 297A.70, subdivision 8.

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

Norton, Huntley and Quam introduced:

H. F. No. 429, A bill for an act relating to health occupations; providing for a Nurse Licensure Compact; providing for appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Hortman; Lenczewski; Carlson; Liebling; Mariani; Winkler; Atkins; Murphy, E.; Fritz; Mahoney and Johnson, S., introduced:

H. F. No. 430, A bill for an act relating to state government; creating the family economic security act; increasing minimum wage rates; modifying child care assistance; providing a new child care tax credit; expanding the working family tax credit; appropriating money; amending Minnesota Statutes 2012, sections 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.035, subdivision 1; 119B.08, subdivision 3; 119B.09, subdivisions 1, 4a; 177.23, subdivision 7; 177.24, subdivision 1; 177.27, subdivisions 7, 8; 256.017, subdivision 9; 290.0671, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 2012, sections 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 6b, 8; 119B.09, subdivision 3; 177.23, subdivision 11.

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy.

Dorholt and Howe introduced:

H. F. No. 431, A bill for an act relating to education finance; permitting a onetime fund transfer for Independent School District No. 742, St. Cloud.

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

Dorholt introduced:

H. F. No. 432, A bill for an act relating to education finance; reinstating integration revenue; amending Laws 2011, First Special Session chapter 11, article 2, section 51.

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

Allen; Laine; Moran; Dehn, R.; Clark; Davnie; Mariani; Bly; Hornstein; Benson, J.; Slocum; Newton; Hausman; Lesch; Kahn; Mahoney; Huntley and Fischer introduced:

H. F. No. 433, A bill for an act relating to human services; increasing the cash portion of the Minnesota family investment program transitional standard; amending Minnesota Statutes 2012, section 256J.24, subdivision 5.

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 message was received from the Senate:

Mr. Speaker:

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

S. F. No. 58.

JOANNE M. ZOFF, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 58, A bill for an act relating to state government; ratifying labor agreements and compensation plans.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day for Monday, February 11, 2013:

H. F. No. 9.

CALENDAR FOR THE DAY

Murphy, E., moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Huntley moved that the name of Dehn, R., be added as an author on H. F. No. 9. The motion prevailed.

Dettmer moved that the name of Abeler be added as an author on H. F. No. 60. The motion prevailed.

Dettmer moved that the name of Hamilton be added as an author on H. F. No. 71. The motion prevailed.

Norton moved that the name of Abeler be added as an author on H. F. No. 176. The motion prevailed.

Newton moved that the name of Abeler be added as an author on H. F. No. 259. The motion prevailed.

Newton moved that the name of Abeler be added as an author on H. F. No. 260. The motion prevailed.

Loon moved that the name of Lillie be added as an author on H. F. No. 284. The motion prevailed.

Franson moved that the name of Abeler be added as an author on H. F. No. 293. The motion prevailed.

Atkins moved that the name of Lillie be added as an author on H. F. No. 309. The motion prevailed.

McNamar moved that the name of Lillie be added as an author on H. F. No. 320. The motion prevailed.

Urdahl moved that the name of Hamilton be added as an author on H. F. No. 386. The motion prevailed.

Morgan moved that the name of Persell be added as an author on H. F. No. 393. The motion prevailed.

Nelson moved that the name of Abeler be added as an author on H. F. No. 400. The motion prevailed.

Poppe moved that H. F. No. 251, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

PROTEST AND DISSENT

Pursuant to Article IV, Section 11, of the Minnesota Constitution, we the undersigned members of the Minnesota House of Representatives register our protest and dissent regarding the following actions:

On Wednesday, February 6, 2013, Chairwoman Liebling of the Health and Human Services Policy Committee passed House File No. 5 without adequate analysis and debate of the legislation. Democrats claim this bill represents the greatest change to healthcare in 50 years. While the Health and Human Services Policy Committee is one of the most important stops for this bill, Chair Liebling did not permit adequate time to investigate the complete impact of the policies and procedures established in this bill. Rather, she unilaterally limited debate and discussion.

We, the undersigned members, write to express our disagreement and disappointment with Chair Liebling's mismanagement of her committee and discussion of this bill. In quick fashion, she has established an unnecessarily divisive atmosphere in a committee that has traditionally not operated as such. Chair Liebling has not permitted members to question testifiers, has refused to recognize members at times, has interrupted or cut short debate, and has not extended common courtesies that were previously provided to her and other members of the same committee in the past.

Rather than allow thorough discussion of the bill, transparency in the process, and vetting of crucial information, Chair Liebling's decisions are a disservice to the public regarding a bill that will greatly impact Minnesota.

If work on major policy changes is to occur in committee, as implied by the proposed permanent rules of the Minnesota House of Representatives, the committee chair must provide abundant opportunities for full and complete debate of any measure at hand. This includes no limits on the offering and discussion of amendments proposed by the minority caucus.

Signed:

TARA MACK
TONY ALBRIGHT
GLENN GRUENHAGEN
JOE SCHOMACKER

JIM ABELER
MARY FRANSON
KATHY LOHMER
NICK ZERWAS

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, February 11, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, February 11, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

