

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2012

 EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 14, 2012

The House of Representatives convened at 4:30 p.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by the Reverend Grady St. Dennis, House Chaplain.

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:

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

A quorum was present.

Abeler, Davnie, Greene, Hornstein, Mariani and Petersen, B., 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.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

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

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2012</i>	<i>Date Filed 2012</i>
1240		128	9:39 a.m. March 8	March 8
1213		130	9:40 a.m. March 8	March 8

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

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

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

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 1586, A bill for an act relating to education; modifying provisions relating to allocation of funds for motorcycle safety education program; amending Minnesota Statutes 2010, section 121A.36.

Reported the same back with the following amendments:

Page 1, line 9, strike "commissioners" and insert "commissioner"

Page 1, line 10, strike "and education"

Page 1, line 14, strike "education" and insert "public safety"

Page 1, line 23, strike "to the commissioner of education"

Page 2, line 9, delete "2011" and insert "2012"

Page 2, after line 9, insert:

"Sec. 2. **REVISOR'S INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor shall recodify section 121A.36 as section 171.45."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Policy and Finance.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 1813, A bill for an act relating to state government; providing for availability of contractors to assist state agencies in certain reorganization.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **REORGANIZATION SERVICES UNDER MASTER CONTRACT.**

The commissioner of administration must make available under a master contract program a list of eligible contractors who can assist state agencies in using data analytics to:

(1) accomplish agency reorganization along service rather than functional lines in order to provide more efficient and effective service; and

(2) bring about internal reorganization of management functions in order to flatten the organizational structure by requiring that decisions are made closer to the service needed, eliminating redundancies, and optimizing the span of control ratios to public and private sector industry benchmarks.

The commissioner of administration must report to the legislature by January 15, 2013, and January 15, 2014, on state agency use of eligible contractors under this section, and on improvements in efficiency and effectiveness of state services as a result of services provided by contractors."

With the recommendation that when so amended the bill pass.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 1865, A bill for an act relating to skier liability; establishing standards; limiting liability in certain circumstances; proposing coding for new law as Minnesota Statutes, chapter 184C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[184C.01] TITLE.**

This chapter constitutes the "Minnesota Ski Safety Act."

Sec. 2. **[184C.02] DEFINITIONS.**

Subdivision 1. **Application.** As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **ANSI Ski Lift Code.** "ANSI Ski Lift Code" means the American National Standard for Passenger Ropeways-Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors Safety Requirements, B77.1-2011, as published by the American National Standards Institute.

Subd. 3. **Competition.** "Competition" means any event operated by a ski area operator or any other party authorized by the ski area operator at a ski area involving comparison of skills, including a ski race, mogul contest, jumping event, freestyle event, snowcross contest, or other similar contest or event. Competition includes training sessions for a contest or event.

Subd. 4. **Training session.** "Training session" means skiing by a skier who is registered to participate in a competition and who engages in skiing for the purposes of preparing for the competition.

Subd. 5. **Conditions and risks of skiing.** "Conditions and risks of skiing" means:

(1) changes in weather and visibility;

(2) surface or subsurface conditions, including, but not limited to, snow in any condition, ice, crust, slush, soft spots, ridges, rollers, knobs, holes, grooves, tracks from ski area vehicles, bare spots, rocks, boulders, stumps, and logs, brush, or other forest growth or debris or piles thereof;

(3) variations in difficulty of terrain and surface and subsurface conditions on a single trail or route or within a single trail difficulty designation category at a ski area or from one ski area to another;

(4) ski trails that have, fall away, or drop off toward natural or man-made obstacles or hazards including, but not limited to, sharp corners, ridges, jumps, bumps, rollers, moguls, valleys, dips, compressions, cliffs, ravines, drop-offs, streams, rivers, ponds, lakes, stream beds, open water or water with thin ice, holes, steep sections, flat sections, and uphill sections, and all variants and combinations thereof;

(5) the potential for collision with other skiers, spectators, or persons, including ski area personnel, or with equipment such as ski area infrastructure and stationary or moving ski area vehicles, not including a collision:

(i) that is caused by the failure of the ski area operator to comply with the requirements of this chapter; or

(ii) with ski area vehicles, ski area infrastructure, or ski area personnel that could not have been avoided by a reasonably prudent skier who complies with the requirements of this chapter;

(6) the location, construction, design, layout, configuration, and condition of ski trails, freestyle terrain, competition terrain, and tree skiing areas;

(7) that use of ski trails, freestyle terrain, competition terrain, and tree skiing areas and participation in or being near races or other competitions or events, including but not limited to participation as a skier, employee, spectator, or observer, involves the risk of serious injury to person or property or death; and

(8) any other equivalent, comparable, or similar conditions or risks not referenced in clauses (1) through (7).

Subd. 6. **Freestyle terrain.** "Freestyle terrain" means terrain that includes, but is not limited to, terrain parks and terrain park features such as rails, boxes, jumps, hits, jibs, tabletops, spines, ramps, banks, half-pipes, quarter-pipes, picnic tables, logs, pipes, snowcross terrain and features, and other constructed or natural features, but does not include moguls, bumps or rollers, or jumps not built by the ski area operator, unless they are within a designated terrain park area.

Subd. 7. **Qualified lift inspector.** "Qualified lift inspector" means a person knowledgeable of the requirements of the ANSI Ski Lift Code and the design and operation of ski lifts who is either a professional engineer registered in any state or territory of the United States or who has been or is engaged as a lift inspector for an insurance company that provides or has provided insurance coverage to any ski area.

Subd. 8. **Ski area.** "Ski area" means all ski trails or other areas of real property used by skiers that is administered as a single enterprise by a ski area operator.

Subd. 9. **Ski area infrastructure.** "Ski area infrastructure" means the following when the infrastructure is owned, leased, or operated by a ski area operator:

(1) ski lifts and any associated components including, but not limited to, lift towers, concrete tower foundations, tower bolts, tower ladders, lift terminals, chairs, t-bars, gondolas, conveyors, and other structures relating to ski lifts;

(2) snowmaking equipment;

(3) buildings, shacks, fixtures, furniture, and other structures, including utility infrastructure, located on the ski area property; and

(4) signs, fences, ropes, flags, posts, and any other materials or structures used for posting signs or to manage or direct skiers and spectators.

Subd. 10. **Ski area operator.** "Ski area operator" means any entity or person that has responsibility for the operations of a ski area and the owners, partners and members, managers, employees, agents, and affiliates and assigns of the entity or person.

Subd. 11. **Ski area vehicles.** "Ski area vehicles" means vehicles owned, leased, or operated by a ski area operator that are used in the operation and maintenance of ski areas and competitions or used in the transportation of skiers or other persons within the ski area.

Subd. 12. **Skier.** "Skier" means an individual of any age or physical or mental ability who is engaged in skiing, or is a spectator while any individuals are engaged in skiing.

Subd. 13. **Skier responsibility code.** "Skier responsibility code" means the following statement:

"(1) Always stay in control.

(2) People ahead of you have the right of way.

(3) Stop in a safe place for you and others.

(4) Whenever starting downhill or merging, look uphill and yield.

(5) Use devices to help prevent runaway equipment.

(6) Observe signs and warnings, and keep off closed trails.

(7) Know how to use the lifts safely.

KNOW THE CODE. IT'S YOUR RESPONSIBILITY."

Subd. 14. **Spectator or observer.** "Spectator" or "observer" means an individual who is present on a ski trail for the purpose of observing a competition or observing or accompanying a skier engaged in the act of skiing.

Subd. 15. **Skiing.** "Skiing" means:

(1) using a ski trail or other terrain at or near a ski area for sliding, jumping, walking, or traveling for alpine, snowboarding, telemark, snowshoeing or nordic skiing, tobogganing, sledding, or tubing, or use of a minibob, tray, snowbike, or comparable device; or

(2) being a passenger on a ski lift.

Subd. 16. **Ski lift.** "Ski lift" means any chairlift, gondola, tramway, cable car, or other aerial lift and any rope tow, conveyor, t-bar, j-bar, handle tow, or other surface lift used by a ski area operator to transport skiers, tubing participants, spectators, or pedestrians at a ski area.

Subd. 17. **Designated ski trail; ski trail; trail.** "Designated ski trail," "ski trail," or "trail" means any slope, trail, run, freestyle terrain, competition terrain, tree skiing areas, and tubing park areas or any other area at or near a ski area that is used by skiers for skiing as designated by the trail map required in section 184C.03, and includes edges, transition areas to other terrain, and areas used for loading and unloading ski lifts.

Subd. 18. **Snowmaking equipment.** "Snowmaking equipment" means any snowmaking machine, snow gun, or snow or water stick and any associated towers, components, pipe, hydrant, hose, or other structures.

Subd. 19. **Tubing park.** "Tubing park" means an area designated by a ski area operator for sliding on inflatable tubes, minibobs, sleds, toboggans, or any comparable devices down a prepared course or lanes at a ski area.

Sec. 3. **[184C.03] SKI AREA OPERATOR RESPONSIBILITIES.**

Subdivision 1. **Required signage; notice of risks.** (a) Each ski area shall post and maintain a reasonably visible sign at least six square feet in size at or near each of the ski area's ticket sales buildings that states:

"WARNING: ASSUMPTION OF RISKS AND LIABILITY FOR INJURY:

Under the Minnesota Ski Safety Act, a skier is deemed to have accepted and to have knowledge of the risk of injury to person or property that may result. Under this act, every skier has the responsibility to take precautions necessary to avoid injury to person or property. The Minnesota Ski Safety Act sets forth certain other limitations on the liability of ski areas for injuries to person or property or death of skiers. A complete copy of this act is available for review in the ticket sales or customer service area of this ski area. An action for any injury to person or property or death against a ski area operator shall be commenced within two years after the incident or earliest of incidents giving rise to the action and shall be preceded by a notice of intent to file a claim, sent via certified or registered mail, return receipt requested, that is received by the ski area operator within 180 days of such incident. The notice shall include the time, place, and circumstances of the incident, and the names of the individuals known to be involved or known to have witnessed the incident."

(b) Each ski area ticket sales building shall provide a copy of the skier responsibility code, and a copy of this chapter in its entirety, to any skier upon request.

Subd. 2. **Required notice; tickets and season passes.** Every ski area shall print on each ticket or season pass issued by the ski area for skiing the following statement:

"WARNING: Under the Minnesota Ski Safety Act, each skier:

(1) assumes the risk of injury to person or property or death resulting from conditions and risks deemed to be inherent to this recreational activity;

(2) has a number of responsibilities to adhere to while skiing; and

(3) is subject to limitations on the ability to recover damages against a ski area operator for injuries to person or property or death of a skier.

A complete copy of this act and the skier responsibility code are available for review in the ticket sales or customer service area of this ski area. An action for any injury to person or property or death against a ski area operator shall be commenced within two years after the incident or earliest of incidents giving rise to the action and shall be preceded by a notice of intent to file a claim, sent via certified or registered mail, return receipt requested, that is received by the ski area operator within 180 days of such incident. The notice shall include the time, place, and circumstances of the incident, and the names of the individuals known to be involved or known to have witnessed the incident."

Subd. 3. **Required signage; difficulty levels.** (a) Every ski area operator shall install and maintain at or near the beginning of each designated ski trail a sign that contains the name of the trail and any of the applicable difficulty level words and emblems contained in this subdivision, as determined by the ski area operator. The sign must be at least six square feet in size if the ski area encompasses 150 acres or more, and at least three square feet in size if the ski area encompasses less than 150 acres. As applicable, the signs shall state:

(1) "Easiest," and include a green circle emblem;

(2) "Difficult" or "More Difficult," and include a blue square emblem;

(3) "Most Difficult," and include a black diamond emblem;

(4) "Expert" or "Extreme Terrain," and include a two black diamond emblem;

(5) "Freestyle Terrain," and include an orange oval emblem; or

(6) "Tree skiing - CAUTION," designed with an orange background color or orange lettering with black or white background, and the additional statement "This back country is not groomed or patrolled - Never ski alone."

(b) Directional arrows may be included on any sign, but must be included if the sign is located at such a distance or position relative to the beginning of a trail that it would not be understandable by a reasonably prudent skier without directional arrows.

Subd. 4. **Trail maps.** (a) Each ski area operator shall provide trail maps at least eight inches by 11 inches in unfolded size. The maps must be easily accessible to skiers.

(b) If the designated ski trails encompass more than 150 acres, the operator shall post at least one reasonably visible trail map board at least 32 square feet in size at, near, or en route to the principal chalet.

(c) All trail maps shall indicate the skill level designations for each respective trail consistent with the standards provided in subdivision 3.

Subd. 5. **Freestyle terrain.** (a) A ski area operator must construct a barricade through fencing, flagging, or similar means at the entrance to any ski trail containing freestyle terrain. The barricade must contain an entrance opening not wider than 30 feet.

(b) The ski area operator shall post at or near the route to the entrance a reasonably visible sign at least three square feet in size that indicates the location of the freestyle terrain. The sign shall be denoted by an orange oval emblem, a stop sign emblem, the statement "Freestyle Skills Required," and either "Helmets are recommended" or "Consider wearing a helmet." The sign shall also include any freestyle language recommended by the National Ski Areas Association.

Subd. 6. **Tubing park.** (a) Each ski area operator that operates a tubing park shall install and maintain reasonably visible signs at least six square feet in size, as follows:

(1) at, near, or on the route to the loading area of the tubing park ski lift or entrance to the tubing park, a sign that includes the statement:

"WARNING: Under the Minnesota Ski Safety Act, each participant and rider in a tubing park:

(1) assumes the risk of injury to person or property or death resulting from conditions and risks deemed to be inherent to this recreational activity;

(2) has a number of responsibilities to adhere to while tubing; and

(3) is subject to limitations on the ability to recover damages against the tubing area operator in the event of injury to person or property or death.

A complete copy of this act is available for review in the ticket sales or customer service area of this tubing park. An action for any injury to person or property or death against a ski area operator shall be commenced within two years after the incident or earliest of incidents giving rise to the action and shall be preceded by a notice of intent to file a claim, sent via certified or registered mail, return receipt requested, that is received by the ski area operator within 180 days of such incident. The notice shall include the time, place, and circumstances of the incident, and the names of the individuals known to be involved or known to have witnessed the incident."; and

(2) at or near the route to the loading area of the tubing park ski lift or the entrance to the tubing park, a sign that includes the statement:

"WARNING: TUBING PARTICIPANT RESPONSIBILITIES: Under the Minnesota Ski Safety Act, each tubing park participant or rider is responsible for:

(1) knowing the range of one's ability to negotiate and control one's speed down the tubing area and observing all posted information, signs, and other warnings;

(2) assessing the surface conditions, layout, steepness, and difficulty of the tubing trail by observing the trail and the descent of other riders and participants;

(3) tubing within one's ability and maintaining control of speed and direction at all times by such steps as dragging one's feet and observing limits on weight and the number of other riders on the same tube; and

(4) attaining the knowledge and ability to safely load, ride, and unload the tubing park ski lift before boarding such lift and to not load or unload from such lift except at designated areas."

(b) A ski area operator may also comply with this subdivision by maintaining one sign of at least 12 square feet in size at or near the route to the loading area of the tubing park ski lift or entrance to the tubing park that contains both warnings provided in paragraph (a).

Subd. 7. **Lift signs.** (a) If any of the ski lifts at a ski area do not service ski trails that are designated by the ski area operator as "easiest," the ski area operator shall place at, near, or on the route to the loading area of the lift a reasonably visible sign at least six square feet in size that states the following statement:

"WARNING: This lift does not service any trails that are "easiest" (green circle emblem); all of the trails serviced by this lift are as applicable "more difficult" (blue square emblem), "most difficult" (black diamond emblem), "expert" (two black diamond emblem), or "freestyle terrain" (orange oval emblem)."

(b) This subdivision does not apply to tubing areas.

Subd. 8. **Ski area vehicles.** (a) All ski area vehicles present on designated ski trails that are open to skiers during operating hours of the ski lifts at a ski area must have an operating flashing light on or near the top of the vehicle whenever the vehicle is present on a designated ski trail. All snowmobiles, all-terrain vehicles, and any other similarly sized vehicles present on designated ski trails that are open to skiers during operating hours of the ski lifts at a ski area must, in addition, have a red or orange flag that is at least 40 square inches in size and mounted at least five feet from the bottom of the tracks or tires while the vehicle is present on a designated ski trail.

(b) A ski area operator is not liable for injury to person or property or death resulting from a collision with a ski area vehicle equipped as in paragraph (a) that is not on a designated ski trail, or with a ski area vehicle when a designated ski trail is closed to skiers.

Subd. 9. **Variations of signs.** A ski area operator may vary from the specific requirements set forth in this section related to posting of signs, provided that a reasonably prudent skier abiding by all of the skier's responsibilities would be able to find and understand the sign.

Subd. 10. **Ski lift inspections.** (a) During or prior to each ski season, but at least once every 15 months, each ski area operator shall have all ski lifts in the operator's ski area inspected by a qualified lift inspector for compliance with the requirements of the ANSI Ski Lift Code.

(b) A ski area operator shall not be considered a common carrier under Minnesota law, but shall be responsible for any injury to person or property, or death of a skier sustained in a ski lift accident, if such incident is caused by the operator's failure to comply with any mandatory provision of the ANSI Ski Lift Code or by the ski area operator's negligence.

Subd. 11. **Accessibility of information.** The information required to be maintained on a sign, trail map, ticket, or season pass under this section must be provided in an accessible format to persons with disabilities upon request.

Sec. 4. **[184C.04] SKIER RESPONSIBILITIES; LIMITED OPERATOR LIABILITY.**

Subdivision 1. **Duties of skiers.** (a) A skier at all times has a duty to comply with each element of the skier responsibility code. A skier shall be presumed to have seen and understood all postings, signs, and other warnings provided by the ski area operator consistent with the requirements of this chapter.

(b) A person who engages in the act of skiing and is not authorized by the ski area operator to use or be present at the ski area is a trespasser.

Subd. 2. **Helmets.** It is the responsibility of each skier to determine whether to wear a helmet and to properly size, fit, and secure the helmet. Each skier is presumed as a matter of law to know and assume the risk that failure to wear a helmet that is properly sized, fit, and secured increases the risk of injury or death or the risk of a more severe injury, and that helmets may not always be available for purchase or rental at ski areas.

Subd. 3. **Release of liability.** Notwithstanding any other law, in any action brought by a skier against a ski area operator, if the skier has signed a valid release of liability, such release shall be effective so long as it is not ambiguous.

Nothing in this section shall be construed as releasing a ski area operator for damages caused by gross negligence or reckless or intentional acts.

Subd. 4. **Assumption of risks.** (a) A skier assumes knowledge of all conditions and risks of skiing, even if a particular risk or condition was not specifically presented or stated by the ski area operator to the skier. A ski area operator who substantially adheres to the requirements of this chapter is not subject to liability for injury to or death of a person, or injury to property occurring as a result of the conditions and risks of skiing.

(b) A court shall interpret this subdivision, and the definitions provided in section 184C.02, broadly. Whether a particular circumstance or set of circumstances meets the definition of "conditions and risks of skiing" shall be determined as a question of law.

Sec. 5. **[184C.05] STATUTE OF LIMITATIONS; NOTICE OF CLAIM.**

An action for any injury to skier or property or death against a ski area operator shall be commenced within two years after the incident or earliest of incidents giving rise to the action and shall be preceded by a notice of intent to file a claim, sent via certified or registered mail, return receipt requested, that is received by the ski area operator within 180 days of such incident. The notice shall include the time, place, and circumstances of the incident, and the names of the individuals known to be involved and known to have witnessed the incident.

Sec. 6. **EFFECTIVE DATE.**

This act is effective August 1, 2012, and applies to all actions arising out of incidents occurring on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 1917, A bill for an act relating to education; clarifying the ability of school boards to conduct school on certain holidays; amending Minnesota Statutes 2010, section 120A.42.

Reported the same back with the following amendments:

Page 1, line 12, strike "Columbus Day" and delete the comma

With the recommendation that when so amended the bill pass.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 1977, A bill for an act relating to state government; authorizing certain negotiations to avoid layoffs; amending Minnesota Statutes 2010, section 179A.22, by adding a subdivision.

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

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 2025, A bill for an act relating to education; expanding the postsecondary enrollment options program; establishing a career and technical education task force; amending Minnesota Statutes 2010, sections 124D.09, subdivisions 3, 9, 10, 12, 24; 135A.101, subdivision 1; Minnesota Statutes 2011 Supplement, section 124D.09, subdivision 5; repealing Minnesota Statutes 2010, section 124D.09, subdivision 23.

Reported the same back with the following amendments:

Page 1, delete section 1

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

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

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 2032, A bill for an act relating to taxation; sales and use; modifying definition of retail sale; amending Minnesota Statutes 2010, section 297A.61, subdivision 4.

Reported the same back with the following amendments:

Page 3, after line 9, insert:

"Sec. 2. Minnesota Statutes 2010, section 297A.815, subdivision 3, is amended to read:

Subd. 3. **Motor vehicle lease sales tax revenue.** (a) For purposes of this subdivision, "net revenue" means an amount equal to:

(1) the revenues, including interest and penalties, collected under this section and on the leases under section 297A.61, subdivision 4, paragraph (k), clause (3), during the fiscal year; less

(2) in fiscal year 2011, \$30,100,000; in fiscal year 2012, \$31,100,000; and in fiscal year 2013 and following fiscal years, \$32,000,000.

(b) On or before June 30 of each fiscal year, the commissioner of revenue shall estimate the amount of the revenues and subtraction under paragraph (a) for the current fiscal year.

(c) On or after July 1 of the subsequent fiscal year, the commissioner of management and budget shall transfer the net revenue as estimated in paragraph (b) from the general fund, as follows:

(1) 50 percent to the greater Minnesota transit account; and

(2) 50 percent to the county state-aid highway fund. Notwithstanding any other law to the contrary, the commissioner of transportation shall allocate the funds transferred under this clause to the counties in the metropolitan area, as defined in section 473.121, subdivision 4, excluding the counties of Hennepin and Ramsey, so that each county shall receive of such amount the percentage that its population, as defined in section 477A.011, subdivision 3, estimated or established by July 15 of the year prior to the current calendar year, bears to the total population of the counties receiving funds under this clause.

(d) For fiscal years 2010 and 2011, the amount under paragraph (a), clause (1), must be calculated using the following percentages of the total revenues:

(1) for fiscal year 2010, 83.75 percent; and

(2) for fiscal year 2011, 93.75 percent.

EFFECTIVE DATE. This section is effective for leases entered into after June 30, 2012."

Amend the title as follows:

Page 1, line 2, after "sale;" insert "clarifying use of motor vehicle lease sales tax revenue;"

Correct the title numbers accordingly

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

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 2083, A bill for an act relating to education; providing funding and modifying certain early, adult, and kindergarten through grade 12 education provisions, including general education, education excellence, special programs, facilities and technology, nutrition and accounting, libraries, and prevention; providing education forecast adjustments; appropriating money; amending Minnesota Statutes 2010, sections 13.43, subdivision 2; 122A.40, subdivisions 10, 11, 13, 19; 122A.41, subdivisions 14, 15; 123A.75, subdivision 1; 123B.41, by adding a subdivision; 123B.42; 123B.43; 124D.111, subdivision 3; 124D.518, subdivision 3, by adding a subdivision; 124D.531, by adding a subdivision; 126C.10, subdivision 28; Minnesota Statutes 2011 Supplement, sections 122A.245, subdivision 1; 122A.41, subdivision 6; 123B.41, subdivision 2; 124D.11, subdivision 9; 127A.33; 127A.45, subdivision 2; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, 3, 4, 5, 6, 7, 10; article 2, section 50, subdivisions 2, 3, 4, 5, 6, 7, 9; article 3, section 11, subdivisions 2, 3, 4, 5, 6; article 4, section 10, subdivisions 2, 3, 4, 6; article 5, section 12, subdivisions 2, 3, 4; article 6, section 2, subdivisions 2, 3, 5; article 7, section 2, subdivisions 2, 3, 4; article 8, section 2, subdivisions 2, 3; article 9, section 3, subdivision 2; repealing Minnesota Statutes 2010, sections 124D.135, subdivisions 8, 9; 124D.16, subdivisions 6, 7; 124D.20, subdivisions 11, 12.

Reported the same back with the following amendments:

Page 8, delete section 1

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 2087, A bill for an act relating to labor and industry; making changes to the State Building Code; apprenticeship training; amending Minnesota Statutes 2010, sections 178.01; 178.03, subdivisions 3, 4; 178.05, subdivisions 1, 2; 178.06; 178.07; 178.08; 178.09, subdivisions 1, 2; 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; Minnesota Statutes 2011 Supplement, sections 326B.46, subdivision 1a; 326B.49, subdivision 1; repealing Minnesota Rules, parts 1300.0230, subpart 4; 1301.1201; 1302.0600; 3801.3640; 3801.3650; 3801.3660; 3801.3670; 3801.3680; 3801.3690; 3801.3700; 3801.3710; 3801.3720; 3801.3730; 3801.3740; 3801.3760; 3801.3790; 3801.3800.

Reported the same back with the following amendments:

Page 2, line 30, strike "journeymen" and insert "journeyworkers"

With the recommendation that when so amended the bill pass.

The report was adopted.

Gunther from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 2225, A bill for an act relating to human services; transferring an appropriation for Advocating Change Together; amending Laws 2011, First Special Session chapter 4, article 1, section 3, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **SELF-ADVOCACY NETWORK FOR PERSONS WITH DISABILITIES; APPROPRIATION.**

(a) \$95,000 is appropriated from the general fund in fiscal year 2013 to the commissioner of human services to establish and maintain a statewide self-advocacy network for persons with intellectual and developmental disabilities.

(b) The self-advocacy network must focus on ensuring that persons with disabilities are:

(1) informed of and educated about their legal rights in the areas of education, employment, housing, transportation, and voting; and

(2) educated and trained to self-advocate for their rights under law.

(c) Self-advocacy network activities under this section include but are not limited to:

(1) education and training, including preemployment and workplace skills;

(2) establishment and maintenance of a communication and information exchange system for self-advocacy groups; and

(3) financial and technical assistance to self-advocacy groups."

Delete the title and insert:

"A bill for an act relating to human services; establishing a statewide self-advocacy network for persons with disabilities; appropriating money."

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.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 2244, A bill for an act relating to the permanent school fund; changing the Permanent School Fund Advisory Committee into a legislative commission; establishing a permanent school fund board; granting the board authority to employ a director to oversee, manage, and administer school trust lands; amending Minnesota Statutes 2010, sections 16A.06, subdivision 11; 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1;

92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; 127A.30; 477A.11, subdivisions 3, 4, by adding a subdivision; 477A.12, subdivisions 2, 3; Minnesota Statutes 2011 Supplement, section 477A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

Reported the same back with the following amendments:

Page 8, line 33, delete "commission" and insert "board"

Page 9, lines 7 and 8, delete "commission" and insert "board"

Page 12, after line 20, insert:

"Sec. 22. **[127A.3022] AUDIT BY LEGISLATIVE AUDITOR.**

Beginning July 1, 2019, if approved by the Legislative Audit Commission, the legislative auditor shall conduct a financial and program audit of the Permanent School Fund Board's performance of its duties and report to the Legislative Audit Commission and the Legislative Permanent School Fund Commission. If the board has an agreement with the Department of Natural Resources under section 127A.3014, the audit shall include the services provided by the Department of Natural Resources. After the audit conducted under this section, periodic audits and evaluations may be performed by the legislative auditor as authorized under section 3.971, subdivisions 5 and 6."

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 2310, A bill for an act relating to education; repealing obsolete statutes; amending Minnesota Statutes 2010, sections 120A.22, subdivision 2; 126C.12, subdivision 2; Minnesota Statutes 2011 Supplement, section 120B.30, subdivision 1; repealing Minnesota Statutes 2010, sections 120A.28; 120B.019; 120B.13, subdivision 1; 120B.31, subdivision 3; 121A.60, subdivisions 3, 4; 121A.62; 121A.63; 122A.18, subdivision 9; 122A.68.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 4, line 17, after "121A.63;" insert "and"

Page 4, line 18, delete "; and 122A.68"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 2327, A bill for an act relating to elections; modifying certain election administration procedures for individuals who have been convicted of a felony; amending Minnesota Statutes 2010, sections 201.054, subdivision 2, by adding a subdivision; 201.157; 201.275; 204C.14; 241.065, subdivision 2; Minnesota Statutes 2011 Supplement, section 203B.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 244.

Reported the same back with the following amendments:

Page 3, delete subdivision 2 and insert:

"Subd. 2. **Notice to affected individuals.** (a) Between 60 and 65 days prior to a state general election, the Department of Corrections shall provide to the secretary of state a list of offenders, who, at the time the list is prepared, are on supervised release or probation for a felony offense that resulted in the loss of civil rights. The list shall also include former offenders who the data indicates were discharged from all felony-level sentences since the previous list was provided in accordance with this subdivision and who are not serving a felony-level sentence at the time the list is prepared. The data must include the offender's name; date of birth; last known residential address that is not a correctional facility; if available, corrections state identification number and driver's license or state identification card number; and if an offender has completed the sentence, the date the discharge occurred.

(b) The secretary of state shall use the data provided in paragraph (a) to mail written notices at least one month prior to a state general election, as follows:

(1) a notice to each individual on probation for a felony offense that would result in the loss of civil rights, informing the individual that registration or voting while on probation for the offense is itself a felony offense and may result in the loss of the individual's probation status; and

(2) a notice to each individual who has completed a term of probation resulting in the loss of civil rights and who has no new felony conviction, that the individual's right to vote has been restored."

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

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 2339, A bill for an act relating to health care; creating a health care compact; proposing coding for new law as Minnesota Statutes, chapter 143.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2345, A bill for an act relating to insurance; permitting sale to Minnesota residents of health plans permitted under Minnesota law but not under federal law; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 2347, A bill for an act relating to insurance; expanding the small employer health insurance market; amending Minnesota Statutes 2010, sections 62L.02, subdivision 26, by adding a subdivision; 62L.08, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 62L.02, subdivision 26, is amended to read:

Subd. 26. **Small employer.** (a) "Small employer" means, with respect to a calendar year and a plan year, a person, firm, corporation, partnership, association, or other entity actively engaged in business in Minnesota, including a political subdivision of the state, that employed an average of no fewer than two nor more than 50 current employees on business days during the preceding calendar year and that employs at least two current employees on the first day of the plan year. If an employer has only one eligible employee who has not waived coverage, the sale of a health plan to or for that eligible employee is not a sale to a small employer and is not subject to this chapter and may be treated as the sale of an individual health plan. A small employer plan may be offered through a domiciled association to self-employed individuals and small employers who are members of the association, even if the self-employed individual or small employer has fewer than two current employees. Entities that are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the federal Internal Revenue Code are considered a single employer for purposes of determining the number of current employees. Small employer status must be determined on an annual basis as of the renewal date of the health benefit plan. The provisions of this chapter continue to apply to an employer who no longer meets the requirements of this definition until the annual renewal date of the employer's health benefit plan. If an employer was not in existence throughout the preceding calendar year, the determination of whether the employer is a small employer is based upon the average number of current employees that it is reasonably expected that the employer will employ on business days in the current calendar year. For purposes of this definition, the term employer includes any predecessor of the employer. An employer that has more than 50 current employees but has 50 or fewer employees, as "employee" is defined under United States Code, title 29, section 1002(6), is a small employer under this subdivision.

(b) Where an association, as defined in section 62L.045, comprised of employers contracts with a health carrier to provide coverage to its members who are small employers, the association and health benefit plans it provides to small employers, are subject to section 62L.045, with respect to small employers in the association, even though the association also provides coverage to its members that do not qualify as small employers.

(c) If an employer has employees covered under a trust specified in a collective bargaining agreement under the federal Labor-Management Relations Act of 1947, United States Code, title 29, section 141, et seq., as amended, or employees whose health coverage is determined by a collective bargaining agreement and, as a result of the collective bargaining agreement, is purchased separately from the health plan provided to other employees, those

employees are excluded in determining whether the employer qualifies as a small employer. Those employees are considered to be a separate small employer if they constitute a group that would qualify as a small employer in the absence of the employees who are not subject to the collective bargaining agreement.

(d) The definition provided in this subdivision shall not change or be changed to include employers that have more than 50 current employees, except by legislation enacted under the laws of this state.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. **[62L.085] LARGER SMALL EMPLOYERS.**

Subdivision 1. **Definitions.** "Larger small employer" means an employer that would meet the definition of small employer as defined in section 62L.02, subdivision 26, except that it has more than 50 but fewer than 101 eligible employees, as that term is defined in section 62L.02, subdivision 13.

Subd. 2. **Premium rate increase.** A health carrier, as defined in section 62L.02, subdivision 16, must comply with section 62L.08, subdivision 2a, in regard to renewal premium increases for coverage of larger small employers, except that the adjustment limit of 15 percent specified in section 62L.08, subdivision 2a, paragraph (a), clause (2), is 20 percent for purposes of such premium increases under this subdivision.

EFFECTIVE DATE. This section is effective for coverage offered, issued, or renewed on or after January 1, 2013."

Correct the title numbers accordingly

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

The report was adopted.

Beard from the Committee on Transportation Policy and Finance to which was referred:

H. F. No. 2378, A bill for an act relating to transportation; contracts; authorizing completion of design-build projects approved under pilot program; amending Laws 2009, chapter 36, article 3, sections 28, subdivision 2, by adding a subdivision; 29, subdivisions 2, 4, 7; repealing Laws 2009, chapter 36, article 3, section 28, subdivisions 1, 3, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2009, chapter 36, article 3, section 28, is amended to read:

Sec. 28. **DESIGN-BUILD PROJECT SELECTION COUNCIL LOCAL PROJECTS.**

~~Subdivision 1. **Establishment of council.** A Design-Build Project Selection Council is established to select, evaluate, and support county and municipal transportation projects on the state-aid system that are conducive to use of the design-build method of contracting and to report to the legislature.~~

Subd. 1a. **Selection authority.** The commissioner of transportation or the commissioner's designee from the Department of Transportation State Aid for Local Transportation Division shall select, evaluate, and support county and municipal transportation projects on the state-aid system that are conducive to use of the design-build method of contracting.

Subd. 2. **Duties of ~~council~~ commissioner.** In order to accomplish these purposes, the ~~council~~ commissioner shall:

- (1) review applications for participation received by the commissioner from counties and cities;
- (2) select projects for participation in ~~the pilot program a maximum of 15 projects on the state aid system, no more than ten of which may be on the county state aid highway system, and no more than ten of which may be on the municipal state aid street system~~ each calendar year;
- (3) determine that the use of design-build in the selected projects would serve the public interest, after considering, at a minimum:
 - (i) the extent to which the municipality can adequately define the project requirements in a proposed scope of the design and construction desired;
 - (ii) the time constraints for delivery of the project;
 - (iii) the capability of potential contractors with the design-build method of project delivery;
 - (iv) the suitability of the project for use of the design-build method of project delivery with respect to time, schedule, costs, and quality factors;
 - (v) the capability of the municipality to manage the project, including the employment of experienced personnel or outside consultants; and
 - (vi) the original character of the product or the services; and
- (4) periodically review and evaluate the use of design-build in the selected projects; ~~and~~
- (5) ~~assist the commissioner in preparing a report to the legislature at the conclusion of the pilot program.~~

Subd. 3. **Membership.** (a) ~~The council is composed of the following members:~~

- (1) ~~two contractors, at least one of whom represents a small contracting firm, selected by the Associated General Contractors, Minnesota chapter;~~
 - (2) ~~two project designers selected by the American Council of Engineering Companies, Minnesota chapter;~~
 - (3) ~~one representative of a metropolitan area county selected by the Association of Minnesota Counties;~~
 - (4) ~~one representative of a greater Minnesota county selected by the Association of Minnesota Counties;~~
 - (5) ~~one representative of a metropolitan area city selected by the League of Minnesota Cities;~~
 - (6) ~~one representative of a greater Minnesota city selected by the League of Minnesota Cities; and~~
 - (7) ~~the commissioner of transportation or a designee from the Minnesota Department of Transportation Division of State Aid for Local Transportation.~~
- (b) ~~All appointments required by paragraph (a) must be completed by August 1, 2009.~~

~~(c) The commissioner or the commissioner's designee shall convene the first meeting of the council within two weeks after the members have been appointed to the council and shall serve as chair of the council.~~

~~Subd. 4. **Report to legislature.** Annually, by January 15, the council shall submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation budget and policy, and to the legislature as provided under Minnesota Statutes, section 15.059. The report must summarize the design-build pilot program selection process, including the number of applications considered; the proposal process for each project that was selected; the contracting process for each project that was completed; and project costs. The report must evaluate the process and results applying the performance based measures with which the commissioner evaluates trunk highway design-build projects. The report must include any recommendations for future legislation.~~

EFFECTIVE DATE. This section is effective the day following final enactment and expires upon completion of nine design-build projects.

Sec. 2. Laws 2009, chapter 36, article 3, section 28, the effective date, is amended to read:

~~**EFFECTIVE DATE.** This section is effective the day following final enactment and expires on October 1, 2012, or upon completion of nine design-build projects under this pilot program, whichever occurs first.~~

Sec. 3. Laws 2009, chapter 36, article 3, section 29, is amended to read:

Sec. 29. **DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

Subdivision 1. **Definitions.** The following terms have the meanings given:

- (1) "commissioner" means the commissioner of transportation;
- (2) "municipality" means a county or statutory or home rule charter city;
- (3) "design-build contract" means a single contract between a municipality and a design-build company or firm to furnish the architectural or engineering and related design services as well as the labor, material, supplies, equipment, and construction services for the transportation project;
- (4) "design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, or any legal entity;
- (5) "design professional" means a person who holds a license under Minnesota Statutes, chapter 326B, that is required to be registered under Minnesota law;
- (6) "design-build transportation project" means the procurement of both the design and construction of a transportation project in a single contract with a company or companies capable of providing the necessary engineering services and construction;
- (7) "design-builder" means the design-build firm that proposes to design and build a transportation project governed by the procedures of this section;
- (8) "request for proposals" or "RFP" means the document by which the municipality solicits proposals from qualified design-build firms to design and construct the transportation project;
- (9) "request for qualifications" or "RFQ" means a document to qualify potential design-build firms; and

(10) "responsive proposal" means a technical proposal of which no major component (i) contradicts the goals of the project, (ii) materially violates an RFP requirement so as to give the proposer a competitive advantage, or (iii) places conditions on a proposal inconsistent with the requirements of the RFP.

Subd. 2. **Establishment of ~~pilot~~ the program.** (a) The commissioner of transportation shall conduct a design-build contracting ~~pilot~~ program to select local transportation projects for participation in the program, to conduct information sessions for engineers and contractors, to support and evaluate the use of the design-build method of contracting by counties and statutory and home rule charter cities in constructing, improving, and maintaining streets and highways on the state-aid system, ~~and to report to the legislature.~~

(b) The commissioner must concur in the RFQ and RFP prior to solicitation.

(c) The selection of design-build projects under the ~~pilot~~ program must be as made by the ~~Design-Build Project Selection Council established~~ commissioner as provided in section 28.

Subd. 3. **Licensing requirements.** (a) Each design-builder shall employ, or have as a partner, member, officer, coventurer, or subcontractor, a person duly licensed and registered to provide the design services required to complete the project and do business in the state, including the provision of sureties of sufficient amount to protect the interests of the awarding municipality.

(b) A design-builder may enter into a contract to provide professional or construction services for a project that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides those services through subcontractors with duly licensed, registered, or otherwise qualified individuals in accordance with Minnesota Statutes, sections 161.3410 to 161.3428.

(c) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state, municipality, or other third party under existing law.

(d) The design service portion of a design-build contract must be considered a service and not a product.

Subd. 4. **Information session for municipal engineer.** After a project is selected for participation in the design-build contracting ~~pilot~~ program, the commissioner or the commissioner's designee with design-build experience shall conduct an information session for the municipality's engineer for each selected project, in which issues unique to design-build must be discussed, including, but not limited to, writing an RFP, project oversight requirements, assessing risk, and communication with the design-build firm. After participation in the information session, the municipality's engineer is qualified to post the selected project, along with any future design-build project RFP in the ~~pilot~~ program.

Subd. 5. **Technical Review Committee.** During the phase one RFQ and before solicitation, the municipality shall appoint a Technical Review Committee of at least five individuals. The Technical Review Committee must include an individual whose name and qualifications are submitted to the municipality by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the Technical Review Committee who are not state employees are subject to the Minnesota Government Data Practices Act and Minnesota Statutes, section 16C.06, to the same extent that state agencies are subject to those provisions. A Technical Review Committee member may not participate in the review or discussion of responses to the RFQ or RFP when a design-build firm in which the member has a financial interest has responded to the RFQ or RFP. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to an RFQ or RFP for a specific project, or having any other economic interest in that design-build firm. The members of the Technical Review Committee must be treated as municipal employees in the event of litigation resulting from any action arising out of their service on the committee.

Subd. 6. **Phase one; design-build RFQ.** The municipality shall prepare an RFQ, which must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the request for proposals (RFP) requirements;
- (7) the maximum time allowed for design and construction;
- (8) the municipality's estimated cost of design and construction;
- (9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and
- (10) a statement that "past performance" or "experience" or other criteria used in the RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

Subd. 7. **Information session for prospective design-build firms.** After a design-build project is advertised, any prospective design-build firm shall attend a design-build information session conducted by the commissioner or the commissioner's designee with design-build experience. The information must include information about design-build contracts, including, but not limited to, communication with partner firms, project oversight requirements, assessing risk, and communication with the municipality's engineer. After participation in the information session, the design-build firm is eligible to bid on the design-build project and any future design-build ~~pilot~~ program projects.

Subd. 8. **Evaluation.** The selection team shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the municipality may readvertise or cancel the project as the municipality deems necessary.

Subd. 9. **Phase two; design-build RFP.** The municipality shall prepare an RFP, which must include:

- (1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) specifications consistent with state standards and specifications, and (iv) functional and operational elements for the delivery of the completed project, all of which must be prepared by a registered or licensed professional engineer;
- (2) copies of the contract documents that the successful proposer will be expected to sign;
- (3) the maximum time allowable for design and construction;
- (4) the road authority's estimated cost of design and construction;

(5) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(6) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(7) the requirement that the technical proposal include a critical path method, bar schedule of the work to be performed, or similar schematic; preliminary design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(8) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;

(9) the requirement that surety be submitted equal to the total amount of the proposal;

(10) a description of the qualifications required of the design-builder and the selection criteria, including the weight of each criterion and subcriterion;

(11) the date, time, and location of the public opening of the sealed price proposals;

(12) the amount of, and eligibility for, a stipulated fee;

(13) other information relevant to the project; and

(14) a statement that "past performance," "experience," or other criteria used in the RFP evaluation process does not include the exercise or assertion of a person's legal rights.

Subd. 10. **Design-build award; computation; announcement.** A design-build contract shall be awarded as follows:

(a) The Technical Review Committee shall score the technical proposals of the proposers selected under subdivision 8 using the selection criteria in the RFP. The Technical Review Committee shall then submit a technical proposal score for each design-builder to the municipality. The Technical Review Committee shall reject any nonresponsive proposal, including those unable to provide sufficient surety to guarantee project completion. The municipality shall review the technical proposal scores.

(b) The commissioner or the commissioner's designee shall review the technical proposal scores. The commissioner shall submit the final technical proposal scores to the municipality.

(c) The municipality shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the commissioner has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest.

(d) If a time factor is included with the selection criteria in the RFP package, the municipality may use a value of the time factor established by the municipality as a criterion in the RFP.

(e) Unless all proposals are rejected, the municipality shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The municipality shall reserve the right to reject all proposals.

(f) The municipality shall award a stipulated fee not less than two-tenths of one percent of the municipality's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. If the municipality does not award a contract, all short-listed proposers must receive the

stipulated fee. If the municipality cancels the contract before reviewing the technical proposals, the municipality shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the municipality's estimated cost of design and construction. The municipality shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the municipality may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the municipality may not use ideas and information contained in that proposer's proposal. Upon the request of the municipality, a proposer who waived a stipulated fee may withdraw the waiver, in which case the municipality shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

(g) The municipality shall not limit the ability of design-builders that have submitted proposals to protest a contemplated or actual award by the commissioner by, among other things, unreasonably restricting the time to protest; restricting the right to seek judicial review of the commissioner's actions; attempting to change the judicial standard of review; or requiring the protestor to pay attorney fees for an unsuccessful, nonfrivolous protest. Unless all design-builders that have submitted proposals agree to execution of a contract for the project without a waiting period beforehand, the municipality shall wait at least seven days after both the award of the project and public disclosure of the Technical Review Committee's scoring data and the successful proposal before executing a contract for the project.

Subd. 11. **Low-bid design-build process.** (a) The municipality may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require an RFQ and short-listing, and must require an RFP.

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) the first step is the review of the technical proposal by the Technical Review Committee as provided in subdivision 5. The Technical Review Committee must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The Technical Review Committee may not perform any ranking or scoring of the technical proposals; and

(2) the second step is the determination of the low bidder based on the price proposal. The municipality may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements as determined by the Technical Review Committee and that is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the municipality has required an RFQ and short-listed the most highly qualified responsive bidders.

EFFECTIVE DATE. This section is effective the day following final enactment and expires upon completion of nine design-build projects.

Sec. 4. Laws 2009, chapter 36, article 3, section 29, the effective date, is amended to read:

~~**EFFECTIVE DATE.** This section is effective the day following final enactment and expires on October 1, 2012, or upon completion of nine design-build projects under this pilot program, whichever occurs first."~~

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2435, A bill for an act relating to public safety; providing for a fusion center to assist with detection, prevention, and investigation of, and response to, criminal and terrorist activities; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reported the same back with the following amendments:

Page 1, line 7, before "government" insert "state"

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

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2470, A bill for an act relating to public safety; classifying criminal intelligence data under the Data Practices Act; establishing standards; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Civil Law without further recommendation.

The report was adopted.

Westrom from the Committee on Civil Law to which was referred:

H. F. No. 2527, A bill for an act relating to state government; enacting the Uniform Electronic Legal Material Act approved by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law as Minnesota Statutes, chapter 3E.

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

The report was adopted.

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

H. F. No. 2531, A bill for an act relating to family law; requiring mediation to develop parenting plans; requiring training; amending Minnesota Statutes 2010, section 480.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Page 1, delete section 2 and insert:

"Sec. 2. **[518.161] MEDIATION.**

(a) When parties file for a dissolution of marriage in which child custody matters will be determined, the court shall send notice to the parties of the requirement for them to attend two hours of mediation to develop a parenting plan. The notice must be included with paperwork normally mailed to the parties by the court in regard to the initial hearing or initial case management conference. The court shall also include a form that lists the exceptions to the mediation requirement contained in paragraph (b).

(b) Parties are not required to comply with the mediation requirement if:

(1) one party has authorization from a court to proceed in forma pauperis or cannot afford mediation. However, the other party may agree to pay for the total cost of mediation;

(2) section 518.179 applies;

(3) there has been a finding by a court that a parent has committed domestic abuse against a parent or a child who is a party to, or subject of, the matter before the court;

(4) one party is concerned for his or her personal safety;

(5) the parties have agreed upon and submitted to the court a written parenting plan or final agreement regarding custody and parenting time; or

(6) at the initial hearing or the initial case management conference, the court grants the request of a party to be relieved of the mediation requirement.

(c) The two hours of mediation should be completed no later than 30 days from the date of filing. The parties must submit verification to the court that they have completed the mediation.

(d) The court must order the parties to participate in mediation before the court may order the parties to participate in early neutral evaluation unless one of the exceptions in paragraph (b) applies."

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

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2585, A bill for an act relating to public safety; expanding and updating the authority of the Statewide Radio Board to include the latest emergency communication technologies; authorizing the Statewide Radio Board to elect to become a statewide emergency communication board; including tribal governments in regional radio board structure; providing comprehensive authority under board to address all emergency communications; providing for rulemaking; amending Minnesota Statutes 2010, sections 403.02; 403.025; 403.03; 403.05; 403.06; 403.07; 403.08; 403.09, subdivision 2; 403.10; 403.11; 403.113; 403.15; 403.21, subdivisions 2, 13, by adding a subdivision; 403.37, subdivision 1; 403.38; 403.39; 403.40, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Minnesota Statutes 2010, sections 403.21, subdivision 6; 403.33.

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

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

H. F. No. 2596, A bill for an act relating to education; prohibiting the commissioner of education from enforcing unadopted rules; amending Minnesota Statutes 2010, section 127A.05, subdivision 4.

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

The report was adopted.

McNamara from the Committee on Environment, Energy and Natural Resources Policy and Finance to which was referred:

H. F. No. 2634, A bill for an act relating to environment; providing for alternative local standards for subsurface sewage treatment systems; requiring rulemaking; amending Minnesota Statutes 2010, section 115.55, subdivision 7.

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

The report was adopted.

Garofalo from the Committee on Education Finance to which was referred:

H. F. No. 2645, A bill for an act relating to education; limiting cooperative facilities grants; amending Minnesota Statutes 2010, section 123A.442, subdivision 3.

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

The report was adopted.

Lanning from the Committee on State Government Finance to which was referred:

H. F. No. 2655, A bill for an act relating to taxation; income; providing for a film investment credit; proposing coding for new law in Minnesota Statutes, chapter 290.

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

The report was adopted.

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

H. F. No. 2680, A bill for an act relating to courts; removing limitation on voter list data received by courts for jury selection; amending Minnesota Statutes 2010, section 201.091, subdivision 9.

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

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2706, A bill for an act relating to crime; expanding grant awards for the prevention of automobile theft and financial crimes; transferring funds; amending Minnesota Statutes 2010, sections 65B.84, subdivisions 1, 3; 168A.40, subdivision 4; 299A.681, subdivisions 2, 7, 10.

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

The report was adopted.

Gottwalt from the Committee on Health and Human Services Reform to which was referred:

H. F. No. 2715, A bill for an act relating to human services; creating critical access nursing facility designation; appropriating money; amending Minnesota Statutes 2010, section 256B.441, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 11, after the comma, insert "beginning October 1, 2014,"

Page 2, line 12, delete everything after "50"

Page 2, line 13, delete everything before "shall"

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.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2723, A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2010, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

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

The report was adopted.

Holberg from the Committee on Ways and Means to which was referred:

H. F. No. 2738, A bill for an act proposing an amendment to the Minnesota Constitution, article VII, section 1; requiring voters to present photographic identification; providing photographic identification to voters at no charge; requiring substantially equivalent verification standards for all voters; allowing provisional balloting for voters unable to present photographic identification.

Reported the same back with the following amendments:

Page 1, line 19, delete "identity and"

Page 2, line 5, delete everything after the period and insert "If approved, the amendment is effective July 1, 2013, for all voting at elections scheduled to be conducted November 5, 2013, and thereafter."

Page 2, line 6, delete "30, 2013."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Cornish from the Committee on Public Safety and Crime Prevention Policy and Finance to which was referred:

H. F. No. 2744, A bill for an act relating to public safety; clarifying the community notification law by adding cross-references; amending Minnesota Statutes 2010, section 244.052, subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Reform.

The report was adopted.

Erickson from the Committee on Education Reform to which was referred:

S. F. No. 1656, A bill for an act relating to education; requiring the legislature to authorize any cyclical revisions of academic standards and high school graduation requirements; amending Minnesota Statutes 2011 Supplement, section 120B.023, 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. 358, 1813, 1865, 1917, 1977, 2083, 2087, 2244, 2310, 2345, 2378, 2527, 2596, 2645 and 2680 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1656 was read for the second time.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Holberg announced her intention to place H. F. No. 2083 on the Fiscal Calendar for Thursday, March 15, 2012.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Mariani introduced:

H. F. No. 2840, A bill for an act relating to education; implementing integration revenue replacement advisory task force recommendations; repurposing integration revenue by establishing the "Achievement and Integration for Minnesota" program to increase student performance and equitable educational opportunities and prepare all students to be effective citizens; 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.

Benson, M., introduced:

H. F. No. 2841, A bill for an act relating to public safety; requiring all 911 public safety answering points to provide for emergency medical instruction for certain emergency calls; specifically providing that any expenses related to this change be covered under the current allowable expenditures for 911 funds; amending Minnesota Statutes 2010, section 403.113, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Wardlow introduced:

H. F. No. 2842, A bill for an act relating to insurance; prohibiting the creation, operation, or existence of a health insurance exchange in Minnesota; enacting the Minnesota Healthcare Marketplace Preservation Act; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Dettmer introduced:

H. F. No. 2843, A bill for an act relating to environment; directing the Environmental Quality Board to amend rules relating to alternative urban areawide review.

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

Champion and Loeffler introduced:

H. F. No. 2844, A bill for an act relating to health; providing for an exemption for the Webber Pool project in the city of Minneapolis; amending Minnesota Statutes 2010, section 144.1222, by adding a subdivision.

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

Sanders, Hausman, Howes and Myhra introduced:

H. F. No. 2845, A bill for an act relating to capital investment; appropriating money for transportation and access improvements to Como Regional Park; authorizing the sale and issuance of state bonds.

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

Kahn, Atkins, Morrow, Banaian and Huntley introduced:

H. F. No. 2846, A bill for an act relating to higher education; modifying membership of the Student Advisory Council; amending Minnesota Statutes 2010, section 136A.031, subdivision 3.

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

Johnson introduced:

H. F. No. 2847, A bill for an act relating to public safety; making it a crime to falsely report the loss or theft of a firearm; expanding the crime of transferring certain firearms to an ineligible person; making a person convicted of these crimes ineligible to possess a firearm; amending Minnesota Statutes 2010, sections 609.165, subdivision 1a; 609.505, by adding a subdivision; 624.713, subdivision 1; 624.7141, subdivisions 1, 2, 3.

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

Banaian, Gottwalt and Davids introduced:

H. F. No. 2848, A bill for an act relating to tax increment financing; authorizing certain expenditures of tax increments by the St. Cloud Economic Development Authority; ratifying certain tax increment financing actions.

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

Banaian, Gottwalt and Davids introduced:

H. F. No. 2849, A bill for an act relating to taxation; property; modifying the allowable holding period for exempt property held for economic development; amending Minnesota Statutes 2011 Supplement, section 272.02, subdivision 39.

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

Hoppe and Mahoney introduced:

H. F. No. 2850, A bill for an act relating to taxes; income and corporate franchise; modifying the historic structure rehabilitation credit; amending Minnesota Statutes 2010, section 290.0681, subdivisions 1, 3, 4, 5; Laws 2010, chapter 216, section 11.

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

Liebling introduced:

H. F. No. 2851, A bill for an act relating to public safety; establishing a court facility security grant program; utilizing forfeiture proceeds to fund grant program; requiring a report; amending Minnesota Statutes 2010, section 609.5315, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Beard introduced:

H. F. No. 2852, A bill for an act relating to transportation; mass transit; transit fares; establishing a distance-based fare surcharge pilot program for replacement service transit providers.

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

Barrett introduced:

H. F. No. 2853, A bill for an act relating to legislative procedure; prohibiting final passage of a bill or conference committee report on the day it is received by a body, with certain exceptions; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Lanning, Hamilton, Murray, Vogel, Kiel and Schomacker introduced:

H. F. No. 2854, A bill for an act relating to workforce development; establishing a new jobs training program; providing a credit against withholding tax liability; establishing accounts; authorizing administrative rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116L.

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

Liebling introduced:

H. F. No. 2855, A bill for an act relating to commerce; regulating collection agency license fees; requiring a reduced fee in certain cases; amending Minnesota Statutes 2010, section 332.33, subdivision 3.

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

Norton introduced:

H. F. No. 2856, A bill for an act relating to education; establishing a State Board of Education; amending Minnesota Statutes 2010, sections 120A.05, by adding a subdivision; 127A.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Stensrud and Kahn introduced:

H. F. No. 2857, A bill for an act relating to labor and industry; eliminating the Plumbing Board; creating a Plumbing Advisory Board; amending Minnesota Statutes 2010, section 326B.43, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2010, section 326B.435, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, 10; Minnesota Statutes 2011 Supplement, section 326B.435, subdivision 2.

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

Loon; Sanders; Anderson, S.; Davids; Dill; Zellers and Daudt introduced:

H. F. No. 2858, A bill for an act relating to taxes; expanding the sales tax exemption for certain meals and drinks; expanding the sales tax exemption for certain capital equipment purchases; amending Minnesota Statutes 2010, section 297A.68, subdivision 5, by adding subdivisions.

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

Loon, Sanders, Daudt, Gunther and Zellers introduced:

H. F. No. 2859, A bill for an act relating to employment; providing for the application of gratuities in calculating the minimum wage; amending Minnesota Statutes 2010, section 177.24, subdivisions 1, 2.

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

Cornish introduced:

H. F. No. 2860, A bill for an act relating to public safety; appropriating money for fire safety services.

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

McElfatrick introduced:

H. F. No. 2861, A bill for an act relating to local government; authorizing municipalities to make grants to emergency medical services agencies; amending Minnesota Statutes 2010, section 465.037.

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

Hancock, Dill and Fabian introduced:

H. F. No. 2862, A bill for an act relating to civil liability; including noncommercial aviation activities in recreational land use immunities; amending Minnesota Statutes 2010, section 604A.21, subdivision 5.

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

Scott; Anderson, S.; Dettmer and Lohmer introduced:

H. F. No. 2863, A bill for an act relating to metropolitan government; adding duties to the Legislative Commission on Metropolitan Government; providing for fiscal year starting July 1 for the Metropolitan Council; requiring legislative approval of the council's budgets; amending Minnesota Statutes 2010, sections 3.8841, subdivisions 7, 8; 473.13, subdivision 1; 473.535.

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

Atkins introduced:

H. F. No. 2864, A bill for an act relating to transportation; establishing certification and training requirements for performance of certain bridge protective coating work; proposing coding for new law in Minnesota Statutes, chapter 165.

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

Gottwalt introduced:

H. F. No. 2865, A bill for an act relating to health occupations; clarifying that physicians must report to the Board of Medical Practice any physician diverting controlled substances for self-administration; amending Minnesota Statutes 2010, sections 147.111, subdivision 4; 214.33, subdivision 1.

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

McDonald, Norton, Barrett, Abeler and Gottwalt introduced:

H. F. No. 2866, A bill for an act relating to human services; establishing the Nonemergency Medical Transportation Advisory Committee; requiring the commissioner of human services to establish a single administrative structure and delivery system for nonemergency medical transportation, a statewide enrollee assessment process, and measures to evaluate the performance and cost-effectiveness of nonemergency medical transportation services; providing appointments; amending Minnesota Statutes 2010, section 256B.0625, by adding subdivisions.

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

Hackbarth introduced:

H. F. No. 2867, A bill for an act relating to water; providing a grant amendment for the city of Elk River to allow the beneficial use of wastewater effluent.

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

Lohmer, Dean and Dettmer introduced:

H. F. No. 2868, A bill for an act relating to transportation; municipal state-aid street fund; governing eligibility and apportionment; amending Minnesota Statutes 2010, section 162.09, by adding a subdivision.

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

Hansen, Rukavina, Mahoney, Nelson, Melin, Wagenius, Loeffler, Lillie, Kahn and Knuth introduced:

H. F. No. 2869, A bill for an act relating to state government; prohibiting the state from purchasing products from Crystal Sugar Cooperative or its subsidiaries until a certain date.

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

McNamara and Hansen introduced:

H. F. No. 2870, A bill for an act relating to water; modifying migratory waterfowl sanctuary and waterfowl feeding and resting area designations; modifying temporary public water drawdown provisions; defining shallow lakes; amending Minnesota Statutes 2010, sections 97A.095, subdivisions 1, 2; 103G.005, by adding a subdivision; 103G.408.

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

Champion introduced:

H. F. No. 2871, A bill for an act relating to intoxicating liquor; authorizing the relocation of an existing off-sale liquor license in the city of Minneapolis.

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

Peppin introduced:

H. F. No. 2872, A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited lands bordering public waters.

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

Kahn, Hansen, Carlson and Davnie introduced:

H. F. No. 2873, A bill for an act relating to capital investment; appropriating money for projects at the University of Minnesota; authorizing the sale and issuance of state bonds.

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

Leidiger introduced:

H. F. No. 2874, A bill for an act relating to economic development; modifying the greater Minnesota business development public infrastructure grant program; amending Minnesota Statutes 2010, section 116J.431, subdivision 1a.

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

Kiel introduced:

H. F. No. 2875, A bill for an act relating to state government; changing provisions of grant management; changing control and oversight of the film production jobs program to the commissioner of administration; amending Minnesota Statutes 2010, sections 16B.98, subdivisions 5, 7; 116U.26.

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

Knuth, Simon, Murray and Atkins introduced:

H. F. No. 2876, A bill for an act relating to commerce; providing financial protection for Minnesota investors who invest through self-directed IRA custodians; requiring registration; amending Minnesota Statutes 2010, section 80A.76; proposing coding for new law in Minnesota Statutes, chapter 80A.

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

Downey introduced:

H. F. No. 2877, A bill for an act relating to public safety; drivers' licenses; allowing provisional driver license holder to carry passengers when driving for employment purposes; amending Minnesota Statutes 2010, section 171.055, subdivision 2.

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

Doepke introduced:

H. F. No. 2878, A bill for an act relating to education; amending provisions relating to teacher candidates passing a basic skills examination.

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

Vogel introduced:

H. F. No. 2879, A bill for an act relating to transportation; traffic regulations; allowing certain vehicles carrying sewage to avoid seasonal or weather-related road restrictions; amending Minnesota Statutes 2010, section 169.87, subdivision 6.

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

Mazorol, Morrow and Banaian introduced:

H. F. No. 2880, A bill for an act relating to higher education; modifying definition of student for purposes of the statement of immunization; amending Minnesota Statutes 2010, section 135A.14, subdivision 1.

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

Winkler introduced:

H. F. No. 2881, A bill for an act relating to Hennepin County; modifying requirements for financial statements and audits; amending Minnesota Statutes 2010, section 383B.119, subdivisions 1, 3.

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

Winkler introduced:

H. F. No. 2882, A bill for an act relating to local government; authorizing certain counties to publish the proceedings of the county board on the county's Web site; amending Minnesota Statutes 2010, section 375.12.

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

Gauthier introduced:

H. F. No. 2883, A bill for an act relating to public safety; modifying provisions relating to 911 funds to make them available for statewide public safety radio communications; amending Minnesota Statutes 2010, section 403.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Rukavina, Hansen and Fritz introduced:

H. F. No. 2884, A bill for an act relating to the Capitol; requiring the Capitol Area Architectural and Planning Board to commission a new work of art.

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

Winkler introduced:

H. F. No. 2885, A bill for an act relating to campaign finance; modifying provisions related to certain contributions to political committees or funds, independent expenditures, and campaign expenditures; prohibiting contributions by foreign nationals; amending Minnesota Statutes 2010, sections 10A.01, by adding a subdivision; 10A.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Marquart introduced:

H. F. No. 2886, A bill for an act relating to taxation; corporate franchise; modifying provisions related to foreign operating corporations; amending Minnesota Statutes 2010, sections 290.01, subdivision 19d; 290.17, subdivision 4; 290.21, subdivision 4.

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

Torkelson introduced:

H. F. No. 2887, A bill for an act relating to natural resources; modifying the distribution of revenue from the in lieu of sales tax on lottery tickets; amending Minnesota Statutes 2010, section 297A.94.

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

LeMieur introduced:

H. F. No. 2888, A bill for an act relating to capital investment; appropriating money for Camp Ripley/Veterans State Trail; authorizing the sale and issuance of state bonds.

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

LeMieur introduced:

H. F. No. 2889, A bill for an act relating to energy; allowing landlords to register to be notified of impending utility disconnections of units in their buildings; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Dean from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 15, 2012:

H. F. Nos. 1524, 2078, 329, 1708, 2291, 1983, 2441, 2293 and 2506.

CALENDAR FOR THE DAY

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

MOTIONS AND RESOLUTIONS

Morrow moved that the name of Allen be added as an author on H. F. No. 1014. The motion prevailed.

Downey moved that the name of Bills be shown as chief author on H. F. No. 1069. The motion prevailed.

Slawik moved that the name of Lillie be added as an author on H. F. No. 1791. The motion prevailed.

Kriesel moved that the name of Winkler be added as an author on H. F. No. 1838. The motion prevailed.

Howes moved that the name of Myhra be added as an author on H. F. No. 1922. The motion prevailed.

Garofalo moved that the names of Lohmer; Barrett; Sanders; Schomacker; Scott; Gottwalt; Petersen, B., and Shimanski be added as authors on H. F. No. 2083. The motion prevailed.

Atkins moved that the name of Brynaert be added as an author on H. F. No. 2137. The motion prevailed.

Banaian moved that the name of Kiel be added as an author on H. F. No. 2210. The motion prevailed.

Holberg moved that the name of Torkelson be added as an author on H. F. No. 2329. The motion prevailed.

Murray moved that the name of Kiel be added as an author on H. F. No. 2332. The motion prevailed.

Hackbarth moved that the names of Cornish, LeMieur, McNamara and Smith be added as authors on H. F. No. 2353. The motion prevailed.

Schomacker moved that the name of LeMieur be added as an author on H. F. No. 2375. The motion prevailed.

Torkelson moved that the name of Simon be added as an author on H. F. No. 2458. The motion prevailed.

Howes moved that the name of Allen be added as an author on H. F. No. 2485. The motion prevailed.

Barrett moved that the name of Quam be added as an author on H. F. No. 2540. The motion prevailed.

Knuth moved that the name of Brynaert be added as an author on H. F. No. 2543. The motion prevailed.

Torkelson moved that the name of Kiel be added as an author on H. F. No. 2634. The motion prevailed.

Kieffer moved that the name of Kiel be added as an author on H. F. No. 2641. The motion prevailed.

Melin moved that her name be stricken as an author on H. F. No. 2723. The motion prevailed.

Woodard moved that the name of Mullery be added as an author on H. F. No. 2723. The motion prevailed.

Kiffmeyer moved that the name of Vogel be added as an author on H. F. No. 2738. The motion prevailed.

Benson, M., moved that the name of Slocum be added as an author on H. F. No. 2771. The motion prevailed.

Persell moved that the names of Slocum and Brynaert be added as authors on H. F. No. 2782. The motion prevailed.

Gruenhagen moved that the names of Slocum and Brynaert be added as authors on H. F. No. 2783. The motion prevailed.

McDonald moved that the name of Slocum be added as an author on H. F. No. 2789. The motion prevailed.

Loon moved that the name of Doepke be added as an author on H. F. No. 2796. The motion prevailed.

Hausman moved that the name of Paymar be added as an author on H. F. No. 2800. The motion prevailed.

Mullery moved that the name of Slocum be added as an author on H. F. No. 2823. The motion prevailed.

Hortman moved that the name of Champion be added as an author on H. F. No. 2825. The motion prevailed.

Anderson, P., moved that H. F. No. 2398 be recalled from the Committee on Civil Law and be re-referred to the Committee on Government Operations and Elections. The motion prevailed.

ANNOUNCEMENT FROM THE COMMITTEE ON
RULES AND LEGISLATIVE ADMINISTRATION

Pursuant to rules 1.21 and 1.22, the Committee on Rules and Legislative Administration specified Wednesday, March 14, 2012, as the date after which the 5:00 p.m. deadlines no longer apply to the designation of bills to be placed on the Calendar for the Day and to the announcement of the intention to request that bills be considered by the House on the Fiscal Calendar.

Pursuant to rule 3.14, the Committee on Rules and Legislative Administration specified Wednesday, March 14, 2012, as the date after which notice of intent to move to reconsider must not be given.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 15, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, March 15, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

