STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION — 2013

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FIFTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 6, 2013

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

Prayer was offered by the Reverend Gary Dreier, Christ Lutheran Church on Capitol Hill, St. Paul, Minnesota.

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

The roll was called and the following members were present:

Abeler  Albright  Detmer  Hausman  Lien  Newberger  Scott
Allen    Albright  Dill    Hertaus  Lillie  Newton   Selcer
Anderson, M.  Alexander  Dorholt  Hilstrom  Loeffler  Nomnes  Simon
Anderson, P.  Anderson, M.  Drazkowski  Holberg  Lohmer  Norton  Simonson
Anderson, S.  Anderson, P.  Erickson, R.  Hoppa  Loon  O'Driscoll  Stocum
Anzelc  Anderson, S.  Erickson, S.  Hornstein  Mack  O'Neil  Sundin
Atkins   Fisk  Fabian  Hirtman  Mahoney  O'Neil  Swedzinski
Beard    Falk  Howe  Mariani  Paymar  Pelowski  Theis
Benson, J.  Faust  Huntley  Marquart  Peppin  Torkelson
Benson, M.  Bernhardy  Fitzsimmons  Johnson, B.  Masin  Persell  Uglen
Bly     Freiberg  Johnson, C.  McDonald  Petersburg  Urbahl  Wagenius
Brynaert  Fritz  Johnson, S.  McNamar  Pugh  Ward, J.A.
Carlson  Garofalo  Kahn  Melin  Quam  Ward, J.E.
Clark    Green  Kelly  Metsa  Radinovich  Wills
Comish  Gruenhagen  Kieffer  Moran  Rosenthal  Winkler
Dau  Gunther  Kresha  Morgan  Runbeck  Woodard
Davids  Hackbard  Laine  Mullery  Sanders  Yarusso
Davnie  Halverson  Leidiger  Murphy, E.  Savick  Zellers
Dean, M.  Hamilton  Lenczewski  Murphy, M.  Sawatzky  Zerwas
Dehn, R.  Hansen  Lesch  Myhara  Schoen  Spk. Thissen

A quorum was present.

Barrett was excused.

Erhardt was excused until 2:25 p.m.  Kiel was excused until 6:30 p.m.

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

S. F. No. 17 and H. F. No. 276, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dehn, R., moved that the rules be so far suspended that S. F. No. 17 be substituted for H. F. No. 276 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 340 and H. F. No. 368, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mahoney moved that S. F. No. 340 be substituted for H. F. No. 368 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1564 and H. F. No. 1684, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson moved that the rules be so far suspended that S. F. No. 1564 be substituted for H. F. No. 1684 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2013 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:
Carlson from the Committee on Ways and Means to which was referred:

H. F. No. 950, A bill for an act relating to collective bargaining; authorizing collective bargaining for family child care providers and individual providers of direct support services; creating a Quality Consumer-Directed Services Workforce; proposing coding for new law in Minnesota Statutes, chapters 179A; 256B.

Reported the same back with the following amendments:

Page 2, line 20, delete "subdivision" and insert "subdivisions 3 and"

Page 3, line 13, delete "Representation" and insert "Certification"

Page 5, line 20, delete "This chapter" and insert "Chapter 179A"

Page 5, line 22, delete "this chapter" and insert "chapter 179A"

Page 5, line 34, delete "required"

Page 6, line 26, delete "July" and insert "September"

Page 6, line 29, delete "human" and insert "mediation"

Page 6, line 31, before "subsequent" insert "up to three"

Page 6, line 32, delete "for an additional three months" and after the period, insert "The commissioner of mediation services shall provide lists compiled under section 256B.0711, subdivision 11, paragraph (g), upon request, to any employee organizations certified as an exclusive representative of individual providers. The commissioner of human services shall provide the lists to the commissioner of mediation services, upon the request of the commissioner of mediation services."

Page 6, line 33, delete "August" and insert "October"

Page 6, line 35, delete "Representation" and insert "Certification"
Page 7, line 28, after "256B.0915" insert "256B.092."

Page 7, line 31, after "services" insert "in the future"

Page 8, line 2, after "disability" insert "by the employee or the employee of the representative"

Page 8, line 7, delete "and" and insert "but" and delete "an individual from"

Page 8, line 8, delete "workforce assembled, directed, and controlled by" and insert "of" and before the period, insert ", subject to the agency's direction and control commensurate with agency employee status"

Page 8, line 17, delete "participants" and insert "a participant or a participant's representative"

Page 10, line 21, delete "providing such" and insert "affording participants and participants' representatives within the programs the option of receiving"

Page 10, delete lines 25 to 27 and insert "ability to afford to participants and participants' representatives within covered programs who chose not to employ an individual provider, or are unable to do so, the option of receiving similar services through the employees of provider agencies rather than through an individual provider."

Page 10, line 32, before the period, insert "and section 179A.54, including by modifying program operations as necessary to ensure proper classification of individual providers to require that all relevant vendors within covered programs assist and cooperate as needed in the efforts, including providers of fiscal support, fiscal intermediary, financial management, or similar services to provide support to participants and participants' representatives with regard to employing individual providers, and to otherwise fulfill the requirements of this section, including paragraph (g)"

Page 11, line 1, after "programs" insert "within three months of hire" and delete "newly hired"

Page 11, line 2, before "regarding" insert "hired on or after January 1, 2015,"

Page 11, lines 4 and 8, before "provide" insert "have the authority to"

Page 11, line 27, after the period, insert "Except as otherwise provided by law, the commissioner shall not undertake activities in paragraph (c), clauses (3) and (4), prior to July 1, 2015, unless included in a negotiated agreement and an appropriation has been provided by the legislature to the commissioner to perform this work."

Page 11, line 28, delete "this act" and insert "section 179A.54"

Page 11, line 33, delete everything after "entity" and insert "providing relevant services within covered programs, including providers of fiscal support, fiscal intermediary, financial management, or similar services to provide support to participants and participants' representatives with regard to employing"

Page 11, delete line 34

Page 11, line 35, delete "to the employment of"

Page 12, line 1, delete everything after "commissioner's" and insert "obligations"

Page 12, line 2, delete "paragraph" and insert "paragraphs (b) and"
Page 12, line 3, delete "July" and insert "September"

Page 12, line 11, after the period, insert "In order to effectuate this section and section 179A.54, questions of employee organization access to other relevant data on individual providers relating to their employment or prospective employment within covered programs shall be governed by chapter 179A and section 13.43 and shall be treated the same as labor organization access to personnel data under section 13.43, subdivision 6. This shall not include access to private data on participants or participants' representatives. Nothing in this section or section 179A.54 shall alter the access rights of other private parties to data on individual providers."

Page 12, line 14, after "section" insert ", to gather all information that may be needed for promptly compiling required lists under this section, including information from current vendors within covered programs, and"

Page 12, after line 15, insert:

"(i) Beginning January 1, 2014, the commissioner of human services shall specifically require that any fiscal support, fiscal intermediary, financial management, or similar entities providing payroll assistance services with respect to individual providers shall make all needed deductions, on behalf of the state, of dues check off amounts or fair share fees for the exclusive representative, pursuant to section 179A.06, subdivisions 3 and 6. All contracts with entities for the provision of payroll-related services must include this requirement."

Page 12, after line 22, insert:

"ARTICLE 3
APPROPRIATIONS

Section 1. HUMAN SERVICES.

$1,476,000 is appropriated to the commissioner of human services from the general fund in fiscal year 2014 and $1,287,000 is appropriated to the commissioner of human services from the general fund in fiscal year 2015 to implement articles 1 and 2 of this act. The base for this appropriation is $2,901,000 in fiscal year 2016 and $1,823,000 in fiscal year 2017.

Sec. 2. MANAGEMENT AND BUDGET.

$235,000 is appropriated from the general fund to the commissioner of management and budget in fiscal year 2014 and $235,000 is appropriated from the general fund to the commissioner of management and budget in fiscal year 2015 to implement articles 1 and 2 of this act. The base for this appropriation is $118,000 in fiscal year 2016 and $118,000 in fiscal year 2017.

Sec. 3. MEDIATION SERVICES.

$207,000 is appropriated from the general fund in fiscal year 2014 to the commissioner of mediation services to implement articles 1 and 2. This is a onetime appropriation."

Amend the title as follows:

Page 1, line 4, after "Workforce;" insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.
SECOND READING OF HOUSE BILLS

H. F. No. 950 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 17, 340 and 1564 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Metsa; Laine; Gunther; Garofalo; Hansen; Peppin; Beard; Zerwas; Uglem; Hamilton; Kahn; Fischer; Atkins; Bly; Davnie; Huntley; Mariani; Lillie; Johnson, S.; Kieffer and Cornish introduced:

H. F. No. 1823, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Compensation Council; amending Minnesota Statutes 2012, section 15A.082, subdivisions 1, 2, 3.

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

Johnson, B., introduced:

H. F. No. 1824, A bill for an act relating to retirement; public employees police and fire retirement plan; revising early retirement reductions; exempting persons at least age 47; amending Minnesota Statutes 2012, section 353.651, subdivision 4.

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 459:

Atkins, Lillie and Abeler.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Simon.
MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 947, A bill for an act relating to human services; distinguishing and clarifying law regarding civil commitment of sexually dangerous persons and persons with sexual psychopathic personalities from other civil commitments; amending Minnesota Statutes 2012, sections 253B.02, subdivisions 18a, 24; 253B.03, subdivision 1a; 253B.045, subdivision 1a; 253B.092, subdivision 1; 253B.17, subdivision 1; 253B.185; 253B.19, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 253D.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1113, A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying provisions for Legislative-Citizen Commission on Minnesota Resources; modifying requirements for land acquisition with trust fund money; amending Minnesota Statutes 2012, sections 116P.05, subdivisions 1, 2; 116P.09, subdivision 2; 116P.15; 116P.16; 116P.17; proposing coding for new law in Minnesota Statutes, chapter 116P.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 194, A bill for an act relating to commerce; preventing fraud; requiring a money transmitter to notify the sender when someone tries to receive wired funds at a location other than the location specified by the sender; amending Minnesota Statutes 2012, section 53B.27, by adding a subdivision.

JOANNE M. ZOFF, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Atkins moved that the House concur in the Senate amendments to H. F. No. 194 and that the bill be repassed as amended by the Senate. The motion prevailed.
H. F. No. 194, A bill for an act relating to commerce; preventing fraud; regulating money transmissions; establishing a no transmit list; requiring certain notifications and verifications; amending Minnesota Statutes 2012, sections 13.712, by adding a subdivision; 53B.27, by adding subdivisions.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler
Albright
Allen
Anderson, M.
Anderson, P.
Anderson, S.
Anzelc
Atkins
Beard
Benson, J.
Benson, M.
Bernardy
Clark
Cornish
Daudt
Davids
Davies
Dean, M.
Dettmer
Dill
Dorholt
Erickson, R.
Fabian
Falk
Faulk
Fawst
Fischer
FitzSimmons
Franson
Freiberg
Fritz
Garofalo

Hausman
Hertaus
Hilstrum
Huber
Hoppe
Hortman
Howe
Huntley
Isaacson
Johnson, B.
Johnson, C.
Johnson, S.
Lien
Lillie
Lofeffer
Lohmer
Loos
Mack
Mahoney
Mariani
Marquette
McNamara
Melin
Metsa
Murphy, E.
Lenschewski
Lesh
Liebling
Nelson
Newton
Nornes
Norton
O'Driscoll
O'Neill
Paymar
Pelowski
Peppin
Petersburg
Persell
Poppe
Pugh
Quam

Those who voted in the negative were:

Drazkowski
Garofalo
Gruenhagen
Gunther
Hackbarth
Halverson
Hamilton
Hansen
Hertaus
Hilstrum
Huber
Hoppe
Hortman
Howe
Huntley
Isaacson
Johnson, B.
Johnson, C.
Johnson, S.
Kahn
Kelly
Kieffer
Kresha
Laine
Lenschewski
Lesch
Liebling

Lillie
Lofeffer
Lohmer
Loos
Mack
Mahoney
Mariani
Marquette
McNamara
Melin
Metsa
Murphy, E.
Lenschewski
Lesh
Liebling
Nelson
Newton
Nornes
Norton
O'Driscoll
O'Neill
Paymar
Pelowski
Peppin
Petersburg
Persell
Poppe
Pugh
Quam

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 588, A bill for an act relating to health; requiring a hospital staffing report; requiring a study on nurse staffing levels and patient outcomes.

JOANNE M. ZOFF, Secretary of the Senate
CONCURRENCE AND REPASSAGE

Atkins moved that the House concur in the Senate amendments to H. F. No. 588 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The question was taken on the Atkins motion and the roll was called. There were 75 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed.

H. F. No. 588, A bill for an act relating to health; requiring a hospital staffing report; requiring a study on nurse staffing levels and patient outcomes; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 76 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeler  Atkins  Bly  Clark  Dehn, R.  Erhardt
Allen  Benson, J.  Brynaert  Davids  Dill  Erickson, R.
Anzelc  Bernardy  Carlson  Davnie  Dorholt  Falk
Those who voted in the negative were:

Albright
Anderson, M.
Anderson, P.
Anderson, S.
Beard
Benson, M.
Cornish
Daudt
Dean, M.
Dettmer
Drazkowski
Erickson, S.
Fabian
FitzSimmons
Garofalo
Green
Gruenhagen
Gunther
Hackbart
Hamilton
Hertaus
Holberg
Hoppe
Johnson, B.
Kelly
Kieffer
Kressa
Leidiger
Lohmer
Loon
Mack
McDonald
Myhra
Nornes
O’Neill
Peppin
Petersburg
Pugh
Quam
Runbeck
Sanders
Schomacker
Scott
O’Driscoll
Sawatzky
Schoen
Selcer
Simon
Simonson
Sundin
Savick
Wagenius
Ward, J.A.
Ward, J.E.
Winkler
Yarusso
Spk. Thissen

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 131, A bill for an act relating to commerce; requiring estate sale conductors to post a bond to protect owners of the property to be sold; proposing coding for new law in Minnesota Statutes, chapter 325E.

JOANNE M. ZOFF, Secretary of the Senate

Slocum moved that the House refuse to concur in the Senate amendments to H. F. No. 131, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Atkins was excused for the remainder of today’s session.

CALENDAR FOR THE DAY

H. F. No. 826 was reported to the House.

Davnie moved to amend H. F. No. 826, the fifth engrossment, as follows:

Page 2, line 30, delete "off the school premises" and insert "to the extent such use is reasonably foreseeable to substantially and materially disrupt student learning or the school environment"
Page 5, line 28, after the first "to" insert "avoid," and after the second "to" insert a comma

Page 7, line 17, delete the first "and" and insert a comma and after the second "to" insert ", or not engage in"

Page 8, line 2, delete "or"

Page 8, line 4, delete the period and insert ": or"

Page 8, after line 4, insert:

"(3) interfere with a person's rights of free speech and expression under the First Amendment of the United States Constitution."

Page 15, line 4, delete "20" and insert "24"

The motion prevailed and the amendment was adopted.

Erickson, S., moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 5, line 16, after the first semicolon, insert "immediately notifying law enforcement officials if the person investigating a report of prohibited conduct against a student by a teacher, other district or school employee, or school volunteer reasonably believes that the prohibited conduct against the student is a crime;"

A roll call was requested and properly seconded.

The question was taken on the Erickson, S., amendment and the roll was called. There were 123 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler
Albright
Allen
Anderson, M.
Anderson, P.
Anderson, S.
Anzele
Beard
Benson, J.
Benson, M.
Bernardy
Bly
Brynaert
Carlson
Clark
Comish
Daudt
Davids
Davnie
Dean, M.
Dehn, R.

Dettmer
Dill
Dorholt
Erhardt
Erickson, R.
Erickson, S.
Fabian
Falk
Faust
Fischer
FitzSimmons
Franson
Freiberg
Fritz
Garofalo
Green
Gruenhagen
Gunther
Hackbarth
Halverson
Hamilton
Hansen
Hausman
Hertaus
Hilstrom
Holberg
Hoppe
Hornstein
Hortman
Isaacson
Huntley
Isaacs
Johnson, B.
Johnson, S.
Kahn
Kelly
Kephart
Kelly
Kieffer
Klesen
Klesen
Leidiger
Lenczewski

Lien
Lillie
Loeffler
Lohmer
Loon
Mack
Mahoney
Mariani
Masin
McDonald
McNamara
Moran
Morgan
Mullery
Murphy, M.
Myhra
Newberger
Newton
Norris
Norton
ODriscoll
O'Neill
Paymar
Pepper
Petersburg
Poppe
Quam
Radinovich
Wagenius
Ward, J.A.
Ward, J.E.
Wills
Winkler
Woodard
Yarusso
Zellers
Zerwas
Spk. Thissen

Slocum
Sundin
Swedzinski
Theis
Torkelson
Uglen
Urdahl
Wagenius
Ward, J.A.
Those who voted in the negative were:

Lesch  Metsa  Nelson  Persell
Melin  Murphy, E.  Pelowski

The motion prevailed and the amendment was adopted.

Holberg moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 8, after line 5, insert:

"Sec. 4. [121A.0311] NOTICE OF THE RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS UNDER THE SAFE AND SUPPORTIVE MINNESOTA SCHOOLS ACT.

A district or school subject to section 121A.031 must include in the student discipline policy it distributes or otherwise transmits to students and their parents annually at the beginning of each school year notice about the rights and responsibilities of students and their parents under the Safe and Supportive Minnesota Schools Act.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg amendment and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler  Dean, M.  Gruenhagen  Kahn  McDonald  Pelowski
Albright  Dehn, R.  Gunther  Kelly  McNamar  Peppin
Allen  Dettmer  Hackbarth  Kieffer  McNamara  Persell
Anderson, M.  Dill  Halverson  Kresha  Melin  Petersburg
Anderson, P.  Dorholt  Hamilton  Laine  Metsa  Poppe
Anderson, S.  Drazkowski  Hansen  Leidiger  Moran  Pugh
Anzelc  Erhardt  Hausman  Lenczewski  Morgan  Quam
Beard  Erickson, R.  Hertaus  Lesch  Mullery  Radinovich
Benson, J.  Erickson, S.  Hilstrom  Liebling  Murphy, E.  Rosenthal
Benson, M.  Fabian  Holberg  Lien  Murphy, M.  Runbeck
Bernardy  Falk  Hoppe  Lillie  Myhra  Sanders
Bly  Faust  Hornstein  Loeffler  Nelson  Savick
Brynnaert  Fischer  Hortman  Lohmer  Newberger  Sawatzky
Carlson  FitzSimmons  Howe  Loon  Newton  Schoen
Clark  Franson  Huntley  Mack  Nornes  Schomacker
Cornish  Freiberg  Isaacson  Mahoney  Norton  Scott
Daudt  Fritz  Johnson, B.  Mariani  OD'iscoll  Selcer
Davids  Garofalo  Johnson, C.  Marquette  O'Neill  Simon
Davnie  Green  Johnson, S.  Masin  Paymar  Simonson
The motion prevailed and the amendment was adopted.

Kresha moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 3, line 9, delete "consistent with this section"

Page 3, line 11, delete "under" and insert "consistent with" and delete "comply"

Kresha moved to amend his amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, delete line 3 and insert:

"Page 3, line 11, delete "under" and insert "informed by" and delete "comply"

Page 1, after line 3, insert:

"Page 7, line 5, delete "A district"

Page 7, delete lines 6 to 8

"Page 7, line 9, delete "state policy"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:
Those who voted in the negative were:

Allen  Falk  Isaacson  Mariani  Norton  Simonson
Benson, J.  Faust  Johnson, C.  Marquart  Paymar  Slocum
Bernardy  Fischer  Johnson, S.  Masin  Pelowski  Sundin
Bly  Freiberger  Kahn  McNamar  Persell  Wagenius
Brynaert  Fritz  Kahn  McNamar  Persell  Wagenius
Carlson  Halverson  Lenczewski  Metsa  Radinovich  Ward, J.A.
Clark  Hansen  Lech  Moran  Rosenthal  Ward, J.E.
Davnie  Haasman  Liebling  Morgan  Savick  Yarusso
Dehn, R.  Hilstrom  Lien  Mullery  Sawatzky  Spk. Thissen
Dorholt  Hornstein  Lillie  Murphy, E.  Schoen  Spk. Thissen
Erhardt  Hortman  Loeffler  Murphy, M.  Selcer
Erickson, R.  Huntley  Mahoney  Newton  Simon

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

Kresha withdrew his amendment to H. F. No. 826, the fifth engrossment, as amended.

Woodard moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 3, line 32, after "commissioner" insert "and may include with the policy the total costs the district or school incurred in the immediately preceding school year to comply with this section, including the unfunded costs."

A roll call was requested and properly seconded.

Woodard moved to amend his amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, after line 4, insert:

"Page 3, after line 32, insert:

"(e) Each district and school is not required to comply with a mandate under this section if the costs to the district exceed the funds provided by the state, and those costs are reported to the commissioner under paragraph (d)."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler  Beard  Dean, M.  FitzSimmons  Gunther  Hoppe
Albright  Benson, M.  Dettmer  Franson  Hackbarth  Howe
Anderson, M.  Cornish  Drazkowski  Garofalo  Hamilton  Johnson, B.
Anderson, P.  Daudt  Erickson, S.  Green  Hertaus  Kelly
Anderson, S.  Davids  Fabian  Gruenhagen  Holberg  Kieffer
Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Allen</th>
<th>Erhardt</th>
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<td>Rosenthal</td>
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<tr>
<td>Dill</td>
<td>Hilstrom</td>
<td>Lien</td>
<td>Mullery</td>
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<tr>
<td>Dorholt</td>
<td>Hornstein</td>
<td>Lillie</td>
<td>Murphy, E.</td>
<td>Sawatzky</td>
<td>Spk. Thissen</td>
</tr>
</tbody>
</table>

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

The question recurred on the Woodard amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dean, M.</th>
<th>Gunther</th>
<th>Kresha</th>
<th>O'Driscoll</th>
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<td>Albright</td>
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<td>McDonald</td>
<td>Quam</td>
<td>Will</td>
</tr>
<tr>
<td>Benson, M.</td>
<td>Franson</td>
<td>Howe</td>
<td>McNamara</td>
<td>Runbeck</td>
<td>Woodard</td>
</tr>
<tr>
<td>Cornish</td>
<td>Garofalo</td>
<td>Johnson, B.</td>
<td>Myhra</td>
<td>Sanders</td>
<td>Zellers</td>
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<td>Scott</td>
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Those who voted in the negative were:

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</table>

The motion did not prevail and the amendment was not adopted.
Zellers was excused for the remainder of today's session.

Woodard moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 17, delete section 14

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Woodard amendment and the roll was called. There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler
Albright
Anderson, M.
Anderson, P.
Anderson, S.
Beard
Benson, M.
Cornish
Daudt
Davids

Those who voted in the negative were:

Allen
Anzelc
Benson, J.
Bernardy
Bly
Brynaert
Carlson
Clark
Davnie
Dehn, R.
Dill
Dorholt

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

Woodard moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 7, after line 36, insert:
"Subd. 6a. **Compliance.** A district or school and its employees, contractors, and volunteers are immune from liability in any civil action related to prohibited conduct under this section if the district or school and its employees, contractors, and volunteers made a good faith effort to comply with the provisions of this section."

A roll call was requested and properly seconded.

Woodard moved to amend his amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, line 3, after "Compliance" insert "and liability" and before "A" insert "Notwithstanding other law to the contrary."

Page 1, line 4, delete "are immune from liability" and insert "and the state of Minnesota are jointly liable"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 57 yeas and 72 nays as follows:

Those who voted in the affirmative were:

<table>
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<tr>
<th>Abeler</th>
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<td></td>
</tr>
<tr>
<td>Davids</td>
<td>Gruenhagen</td>
<td>Kresha</td>
<td>O'Driscoll</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

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

The motion did not prevail and the amendment to the amendment was not adopted.
The question recurred on the Woodard amendment and the roll was called. There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Erickson, S., moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 5, line 35, delete "and"
Page 6, line 5, delete the period and insert "; and"
Page 6, after line 5, insert:

"(12) where an investigation shows that a licensed teacher engaged in prohibited conduct against a student, require the primary contact person or other school administrator to report the information to the Board of Teaching, which may act to refuse to renew, to suspend, or to revoke the teacher's license, consistent with section 122A.20, subdivision 1."

Page 9, after line 3, insert:

"Sec. 6. Minnesota Statutes 2012, section 122A.20, subdivision 1, is amended to read:

Subdivision 1. **Grounds for revocation, suspension, or denial.** (a) The Board of Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:
(1) immoral character or conduct;
(2) failure, without justifiable cause, to teach for the term of the teacher's contract;
(3) gross inefficiency or willful neglect of duty;
(4) failure to meet licensure requirements; or
(5) fraud or misrepresentation in obtaining a license; or
(6) prohibited conduct under section 121A.031.

The written complaint must specify the nature and character of the charges.

(b) The Board of Teaching or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, shall refuse to issue, refuse to renew, or automatically revoke a teacher's license to teach without the right to a hearing upon receiving a certified copy of a conviction showing that the teacher has been convicted of child abuse, as defined in section 609.185, sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, using minors in a sexual performance under section 617.246, or possessing pornographic works involving a minor under section 617.247, or under a similar law of another state or the United States. The board shall send notice of this licensing action to the district in which the teacher is currently employed.

(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the Court of Appeals or the Supreme Court or if the person has received a pardon for the offense. The petitioner shall attach a certified copy of the appellate court's final decision or the pardon to the petition. Upon receiving the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2, unless the petitioner waives the right to a hearing. If the board finds that, notwithstanding the reversal of the petitioner's criminal conviction or the issuance of a pardon, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action.

(d) For purposes of this subdivision, the Board of Teaching is delegated the authority to suspend or revoke coaching licenses.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Erickson, S., amendment and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler     Anderson, P.     Benson, M.     Davids     Drazkowski     Fabian
Albright   Anderson, S.     Cornish       Dean, M.   Erickson, R.   FitzSimmons
Anderson, M. Beard       Daudt        Dettmer     Erickson, S.   Franson
The motion did not prevail and the amendment was not adopted.

Erickson, S., moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 6, after line 15, insert:

"(c) A local policy must include disciplinary procedures and remedial responses to intervene in and stop a school teacher, other staff person or volunteer from engaging in prohibited conduct affecting a student in the school."

A roll call was requested and properly seconded.

Erickson, S., moved to amend her amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, after line 5, insert:

"(d) Notwithstanding other law to the contrary, a board may suspend without pay a teacher or other district or school employee who is reported under subdivision 4 to have engaged in prohibited conduct against a student. If the investigation and resulting record show the teacher engaged in the prohibited conduct against the student, the board may immediately discharge the teacher or other employee. If a teacher or other employee is suspended without pay and the investigation and resulting record show the teacher did not engage in the prohibited conduct, the board must reimburse the teacher or other employee for any salary or compensation withheld."

A roll call was requested and properly seconded.
The question was taken on the amendment to the amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Albright</th>
<th>Erickson, S.</th>
<th>Hertaus</th>
<th>Lohmer</th>
<th>Peppin</th>
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<td>Dean, M.</td>
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Those who voted in the negative were:

<table>
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<td>Davnie</td>
<td>Hausman</td>
<td>Loeffer</td>
<td>Nelson</td>
<td>Simonson</td>
<td></td>
</tr>
<tr>
<td>Dehn, R.</td>
<td>Hilstrom</td>
<td>Loeffler</td>
<td>Nelson</td>
<td>Simonson</td>
<td></td>
</tr>
</tbody>
</table>

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

The question recurred on the Erickson, S., amendment and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dean, M.</th>
<th>Gunther</th>
<th>Kresha</th>
<th>Nornes</th>
<th>Schomacker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albright</td>
<td>Dettmer</td>
<td>Hackerth</td>
<td>Leidiger</td>
<td>O'Driscoll</td>
<td>Scott</td>
</tr>
<tr>
<td>Anderson, M.</td>
<td>Drazkowski</td>
<td>Hamilton</td>
<td>Lenczewski</td>
<td>O'Neill</td>
<td>Swedzinski</td>
</tr>
<tr>
<td>Anderson, P.</td>
<td>Erickson, S.</td>
<td>Hertaus</td>
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<td>Peppin</td>
<td>Theis</td>
</tr>
<tr>
<td>Anderson, S.</td>
<td>Fabian</td>
<td>Holberg</td>
<td>Loon</td>
<td>Petersburg</td>
<td>Torkelson</td>
</tr>
<tr>
<td>Beard</td>
<td>FitzSimmons</td>
<td>Hoppe</td>
<td>Mack</td>
<td>Pugh</td>
<td>Uglen</td>
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<tr>
<td>Benson, M.</td>
<td>Franson</td>
<td>Howe</td>
<td>McDonald</td>
<td>Quam</td>
<td>Urdahl</td>
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<tr>
<td>Cornish</td>
<td>Garofalo</td>
<td>Johnson, B.</td>
<td>McNamara</td>
<td>Rosenthal</td>
<td>Wills</td>
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<td>Daudt</td>
<td>Green</td>
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<td>Myhra</td>
<td>Runbeck</td>
<td>Woodard</td>
</tr>
<tr>
<td>Davids</td>
<td>Gruenhagen</td>
<td>Kieffer</td>
<td>Newberger</td>
<td>Sanders</td>
<td>Zerwas</td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Allen</th>
<th>Bernardy</th>
<th>Carlson</th>
<th>Dehn, R.</th>
<th>Erhardt</th>
<th>Faust</th>
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</thead>
<tbody>
<tr>
<td>Anzelc</td>
<td>Bly</td>
<td>Clark</td>
<td>Dill</td>
<td>Erickson, R.</td>
<td>Fischer</td>
</tr>
<tr>
<td>Benson, J.</td>
<td>Brynaert</td>
<td>Davnie</td>
<td>Dorholt</td>
<td>Falk</td>
<td>Freiberg</td>
</tr>
</tbody>
</table>
The motion did not prevail and the amendment was not adopted.

Woodard moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 5, line 24, after "provide" insert "age-appropriate"

Page 5, line 25, delete ", as appropriate"

A roll call was requested and properly seconded.

Woodard moved to amend his amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, delete line 3 and insert:

"Page 5, line 25, delete ", as appropriate" and insert "and inform affected parents or guardians, consistent with state and federal data practices provisions, that the district or school has provided this information to the student"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 59 yeas and 71 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dean, M.</th>
<th>Gunther</th>
<th>Kresha</th>
<th>Nornes</th>
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<tr>
<td>Cornish</td>
<td>Garofalo</td>
<td>Johnson, B.</td>
<td>Moran</td>
<td>Runbeck</td>
<td>Woodard</td>
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<tr>
<td>Daudt</td>
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<td>Kelly</td>
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<td>Kieffer</td>
<td>Newberger</td>
<td>Schomacker</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Allen</th>
<th>Bernardy</th>
<th>Carlson</th>
<th>Dehn, R.</th>
<th>Erhardt</th>
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<td>Brynaert</td>
<td>Davnie</td>
<td>Dorholt</td>
<td>Falk</td>
<td>Freiberg</td>
</tr>
</tbody>
</table>
The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Woodard amendment and the roll was called. There were 58 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeler  
Albright  
Anderson, M.  
Anderson, P.  
Anderson, S.  
Beard  
Benson, M.  
Cornish  
Daudt  
Davids  

Those who voted in the negative were:

Allen  
Anzelc  
Benson, J.  
Bernardy  
Bly  
Brynaert  
Carlson  
Clark  
Davnie  
Dehn, R.  
Dill  
Dorholt  

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

Woodard moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 5, line 13, delete "at the school administrator's discretion and"

Page 5, line 15, delete "or" and insert "and, at the school administrator's discretion, notifying"

A roll call was requested and properly seconded.
Holberg moved to amend the Woodard amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Page 5, line 14, delete "notifying the parent of the reported target of the""

Page 1, delete lines 3 and 4 and insert:

"Page 5, line 15, delete everything before "law" and insert "and, at the school administrator's discretion, notifying"

Page 1, after line 4, insert:

"Page 5, line 35, delete "and"

Page 6, line 5, delete the period and insert "; and"

Page 6, after line 5, insert:

"(12) implement the following standards related to data on incidents of prohibited conduct:

(i) a presumption that a district or school official will notify the parent of any student affected by alleged prohibited conduct of facts related to the incident and any disciplinary or remedial action taken by the school or district, unless notification to the parent is otherwise prohibited by law or the official, in consultation with the district's responsible authority, determines that notifying the parent is not in the best interest of the student, as consistent with section 13.02, subdivision 8;

(ii) establishment of written procedures for affected students and parents of affected students to access all data maintained by the school or district related to the incident, including authorization for a student or parent to contest the accuracy or completeness of the data, consistent with section 13.04, subdivision 4;

(iii) establishment of a schedule for retention and destruction of data related to incidents of prohibited conduct, including expedited destruction of data related to allegations of prohibited conduct determined to be without factual basis;

(iv) establishment of security procedures to ensure that, except for summary data, data on incidents of prohibited conduct are not shared with or disseminated to any individual or entity not expressly authorized by law to access the data, unless an affected student or that student's parent consents to sharing or dissemination of data on that student's involvement in the incident for the specific purpose for which the data will be shared or disseminated; and

(v) establishment of procedures to ensure that data designated as "summary data" comply with section 13.02, subdivision 19, requiring that the data do not identify an individual or contain characteristics that could be used to ascertain an individual's identity."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 73 yeas and 57 nays as follows:

Those who voted in the affirmative were:
The motion prevailed and the amendment to the amendment was adopted.

Anderson, S., was excused for the remainder of today's session.

The question recurred on the Woodard amendment, as amended, and the roll was called. There were 66 yeas and 63 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Drazkowski</th>
<th>Halverson</th>
<th>Lenczewski</th>
<th>Norton</th>
<th>Sanders</th>
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<tbody>
<tr>
<td>Albright</td>
<td>Erickson, S.</td>
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<td>Rosenthal</td>
<td>Woodward</td>
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<tr>
<td>Dean, M.</td>
<td>Gunther</td>
<td>Kresha</td>
<td>Newman</td>
<td>Runbeck</td>
<td>Zerwas</td>
</tr>
<tr>
<td>Dettmer</td>
<td>Hackbart</td>
<td>Leidiger</td>
<td>Nornes</td>
<td>Sanders</td>
<td>Woodard</td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Allen</th>
<th>Clark</th>
<th>Falk</th>
<th>Hornstein</th>
<th>Laine</th>
<th>Marquart</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anzelc</td>
<td>Davnie</td>
<td>Fischer</td>
<td>Hortman</td>
<td>Lesch</td>
<td>Masin</td>
</tr>
<tr>
<td>Benson, J.</td>
<td>Dehn, R.</td>
<td>Freiberg</td>
<td>Huntley</td>
<td>Lien</td>
<td>Melin</td>
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<tr>
<td>Bernardy</td>
<td>Dill</td>
<td>Fritz</td>
<td>Isaacsen</td>
<td>Lillie</td>
<td>Melsa</td>
</tr>
<tr>
<td>Bly</td>
<td>Dorholt</td>
<td>Hansen</td>
<td>Johnson, C.</td>
<td>Loeffer</td>
<td>Moran</td>
</tr>
<tr>
<td>Brynaert</td>
<td>Erhardt</td>
<td>Hausman</td>
<td>Johnson, S.</td>
<td>Mahoney</td>
<td>Morgan</td>
</tr>
<tr>
<td>Carlson</td>
<td>Erickson, R.</td>
<td>Hiistrom</td>
<td>Kahn</td>
<td>Mariani</td>
<td>Mullery</td>
</tr>
</tbody>
</table>
The motion prevailed and the amendment, as amended, was adopted.

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

Holberg moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 8, after line 5, insert:

"Sec. 4. [121A.24] NOTICE REQUIREMENTS FOR STUDENT SURVEYS AND SIMILAR INSTRUMENTS.

(a) A school district must provide the parent or guardian of a minor or dependent child with a copy of an academic or nonacademic student survey, assessment, analysis, evaluation, or similar instrument that solicits information about the student or student's family.

(b) When providing a copy of the instrument, the district must make the instrument readily accessible to the parent or guardian at the school, by mail, or by electronic means.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Holberg moved to amend her amendment to H. F. No. 826, the fifth engrossment, as amended, as follows:

Page 1, delete lines 5 to 10 and insert:

"(a) A school district must obtain prior written informed consent from a parent or guardian of a minor or dependent child before administering an academic or nonacademic student survey, assessment, analysis, evaluation, or similar instrument that solicits information about the student or the student's family concerning:

(1) political affiliations or beliefs;

(2) mental or psychological problems;

(3) sexual behavior or attitudes;

(4) illegal, antisocial, self-incriminating, or demeaning behavior;

(5) critical appraisals of another individual with whom a student has a close family relationship;

(6) legally recognized privileged or analogous relationships, such as those with a lawyer, physician, or minister;
(7) religious practices, affiliations, or beliefs;

(8) income or other income-related information required by law to determine eligibility to participate in or receive financial assistance under a program; or

(9) prohibited conduct under section 121A.031 where the student was the reported target of the prohibited conduct or engaged in the prohibited conduct.

(b) When asking a parent or guardian to provide informed written consent, the school district must:

(1) make a copy of the instrument readily accessible to the parent or guardian at a convenient location and reasonable time; and

(2) specifically identify the information in paragraph (a) that will be solicited through the instrument.

The district must request the consent of the parent or guardian at least 14 days before administering the instrument.

(c) A parent or guardian seeking to compel a school district to comply with this section has available the civil remedies under section 13.08, subdivision 4, in addition to other remedies provided by law."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail and the amendment to the amendment was not adopted.
The question recurred on the Holberg amendment to H. F. No. 826, the fifth engrossment, as amended. The motion did not prevail and the amendment was not adopted.

Urdahl moved to amend H. F. No. 826, the fifth engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 121A.0695, is amended to read:

121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.

(a) Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.

(b) A school board that uses the Minnesota School Boards Association model policy 514 on prohibiting bullying and model policy 524 on acceptable Internet use and safety as guidelines to adopt and implement a policy under this section satisfies the requirements of this section.

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

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Urdahl amendment and the roll was called. There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Allen        Clark            Falk           Hausman       Johnson, S.   Lillie
Anzelc       Davnie           Faust          Hillstrom     Kahn          Loeffler
Benson, J.   Dehn, R.        Fischer        Hornstein     Laine         Mahoney
Bernardy     Dill             Freiberg       Hortman       Lenczewski    Mariani
Bly           Dorholt          Fritz          Huntley       Lesch         Marquart
Brynaert     Erhardt          Halverson      Isaacsen      Liebling      Masin
Carlson      Erickson, R.     Hansen         Johnson, C.  Lien          McNamar
The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

H. F. No. 826, A bill for an act relating to education; providing for safe and supportive schools; authorizing rulemaking; amending Minnesota Statutes 2012, sections 120B.36, subdivision 1; 121A.55; 121A.69, subdivision 3; 122A.60, subdivisions 1a, 3; 124D.10, subdivision 8; 124D.895, subdivision 1; 124D.8955; 125B.15; 127A.42, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 127A; repealing Minnesota Statutes 2012, sections 121A.03; 121A.0695.

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

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed, as amended, and its title agreed to.
H. F. No. 215, A bill for an act relating to health; permitting licensed health care professionals to order use of physical agent modalities, electrical stimulation, and ultrasound devices; amending Minnesota Statutes 2012, section 148.6440, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1451, A bill for an act relating to transportation; bridges; providing for disposition of remnant steel of I-35W bridge; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler  Anzelc  Bly  Davids  Dill  Erickson, S.
Albright  Beard  Brynaert  Davnie  Dorholt  Fabian
Allen  Benson, J.  Carlson  Dean, M.  Drzagowski  Falk
Anderson, M.  Benson, M.  Clark  Dehn, R.  Erhardt  Faust
Anderson, P.  Bernardy  Cornish  Dettmer  Erickson, R.  Fischer
The bill was passed and its title agreed to.

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

H. F. No. 461, A bill for an act relating to natural resources; requiring general permit for mechanical control of certain cattails.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 17 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Allen</th>
<th>Anderson, P.</th>
<th>Anzele</th>
<th>Beard</th>
<th>Benson, J.</th>
<th>Benson, M.</th>
<th>Bernardy</th>
<th>Bly</th>
<th>Brynaert</th>
<th>Carlson</th>
<th>Clark</th>
<th>Cornish</th>
<th>Davids</th>
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<td>Dill</td>
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</table>

The bill was passed and its title agreed to.

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

H. F. No. 461, A bill for an act relating to natural resources; requiring general permit for mechanical control of certain cattails.

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

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 17 nays as follows:

Those who voted in the affirmative were:
Those who voted in the negative were:

Albright  Erickson, S.  Hackbart  Kresha  Sanders  Torkelson
Anderson, M.  FitzSimmons  Howe  Newberger  Scott  Wills
Drazkowski  Garofalo  Kieffer  Peppin  Swedzinski

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

Abeler  Drazkowski  Hilstrom  Lillie  Nornes  Simon
Abright  Erhardt  Holberg  Loeffler  Norton  Simonson
Allen  Erickson, R.  Hoppe  Lohmer  O’Driscoll  Slocum
Anderson, M.  Erickson, S.  Hornstein  Mahoney  Paymar  Sundin
Anderson, P.  Fabian  Hortman  Mariani  Pelowski  Swedzinski
Anzele  Falk  Howe  Marquart  Peppin  Torkelson
Beard  Faust  Huntley  Masin  Persell  Uglen
Benson, J.  Fischer  Isaacson  Martin  Murphy, E.  Ward, J.
Benson, M.  FitzSimmons  Johnson, B.  McDonald  Petersburg  Urdahl
Bernardy  Franson  Johnson, C.  McNamar  Poppe  Wagenius
Bly  Freiberg  Johnson, S.  McNamar  Pugh  Ward, J.E.
Brynaert  Fritz  Kahl  Melin  Quam  Wills
Carlson  Garofalo  Kelly  Mesta  Radinovich  Winkler
Clark  Green  Kieffer  Moran  Rosenthal  Woodard
Comish  Gruenhagen  Kiel  Morgan  Runbeck  Yarusso
Davids  Gunther  Kresha  Mullery  Sanders  Zerwas
Davnie  Hackbart  Laine  Murphy, E.  Savick  Spk. Thissen
Dean, M.  Halverson  Leidiger  Murphy, M.  Sawatzky 
Dehn, R.  Hamilton  Lenczewski  Myhra  Schoen  
Dettmer  Hansen  Lesch  Nelson  Schomacker  
Dill  Haussman  Liebling  Newberger  Scott  
Dorholt  Hertaus  Lien  Newton  Selcer  

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 8, 2013 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 894, 799, 316 and 1510; S. F. No. 523; and H. F. Nos. 1112, 392, 1136, 1114 and 653.
ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 131:

Slocum, Fritz and Davids.

MOTIONS AND RESOLUTIONS

Johnson, B., moved that the name of Howe be added as an author on H. F. No. 228. The motion prevailed.

Dehn, R., moved that the names of Dorholt and Melin be added as authors on H. F. No. 276. The motion prevailed.

Melin moved that the name of FitzSimmons be added as an author on H. F. No. 392. The motion prevailed.

Mahoney moved that the name of FitzSimmons be added as an author on H. F. No. 690. The motion prevailed.

Carlson moved that H. F. No. 1054, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, May 7, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Tuesday, May 7, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives