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

A quorum was present.

Atkins and Slawik were excused until 11:35 a.m. Falk and Greene were excused until 11:50 a.m. Howes was excused until 12:10 p.m. Kelly was excused until 1:00 p.m. Clark was excused until 1:35 p.m. Doepke was excused until 1:50 p.m. Mariani was excused until 2:05 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. 1573 and H. F. No. 2065, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nornes moved that the rules be so far suspended that S. F. No. 1573 be substituted for H. F. No. 2065 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1573 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Fritz introduced:

H. F. No. 3003, A bill for an act relating to state government; requiring preference for purchasing from local growers or distributors when purchasing fresh produce for consumption in state correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1974:

Drazkowski; Benson, M., and Downey.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 288:

Kelly, Abeler and Huntley.
Dean moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Wagenius was excused between the hours of 11:25 a.m. and 1:05 p.m.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 795, A bill for an act relating to child support; instructing the commissioner to initiate a foreign reciprocal agreement.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hoppe moved that the House concur in the Senate amendments to H. F. No. 795 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 795, A bill for an act relating to child support; instructing the commissioner to initiate a foreign reciprocal agreement.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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. 1850, A bill for an act relating to state government; increasing the maximum award amount in the state employee gainsharing program; amending Minnesota Statutes 2011 Supplement, section 16A.90.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Downey moved that the House concur in the Senate amendments to H. F. No. 1850 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1850, A bill for an act relating to state government; increasing the maximum award amount in the state employee gainsharing program; amending Minnesota Statutes 2011 Supplement, section 16A.90.

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 105 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

8446  JOURNAL OF THE HOUSE  [104TH DAY]
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. 2506, A bill for an act relating to education; striking the requirement to allocate portions of reserved staff development revenue for particular purposes; amending Minnesota Statutes 2010, section 122A.61, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Loon moved that the House concur in the Senate amendments to H. F. No. 2506 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2506, A bill for an act relating to education; clarifying CPR training and instruction requirements; striking the requirement to allocate portions of reserved staff development revenue for particular purposes; amending Minnesota Statutes 2010, sections 120B.236; 122A.61, subdivision 1.

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 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler  Anderson, P.  Barrett  Bills  Daudt  Dettmer
Anderson, B.  Anderson, S.  Beard  Cornish  Davids  Dittrich
Anderson, D.  Banaian  Benson, M.  Crawford  Dean  Downey
Those who voted in the negative were:

- Allen
- Anzelc
- Atkins
- Benson, J.
- Bynaeart
- Buesgens
- Carlson
- Champion
- Davnie
- Drazkowski
- Erickson
- Fabian
- Franson
- Garofalo
- Gottwalt
- Greiling
- Gruenhagen
- Gunther
- Hackbarth
- Hamilton
- Hancock
- Holberg
- Hoppe
- Kath
- Kieffer
- Kiel
- Kiffmeyer
- Kiresel
- Lanning
- Leidiger
- LeMieur
- Lohmer
- Loon
- Mack
- Mazorol
- McDonald
- McElfatick
- McFarlane
- McNamara
- Morrow
- Mullery
- Murdock
- Murray
- Myhra
- Nornes
- O'Driscoll
- Peppin
- Petersen, B.
- Quam
- Runbeck
- Sanders
- Scalze
- Schomacker
- Scott
- Smith
- Stensrud
- Swedzinski
- Torkelson

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 Senate File, herewith transmitted:

S. F. No. 1694.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1694, A bill for an act relating to public safety; regulating the manufacture, sale, and use of fireworks; amending Minnesota Statutes 2010, section 624.20, subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

CALENDAR FOR THE DAY

H. F. No. 2341 was reported to the House.

Kahn moved to amend H. F. No. 2341 as follows:

Page 1, line 3, delete "abortion-inducing"
Page 1, line 6, delete "ABORTION REGULATION;"

Page 1, line 23, after the comma, insert "or when Viagra or any other drug is used for the purpose of treating penile erectile dysfunction."

Page 2, line 2, after "abortion" insert "or treating the erectile dysfunction"

Page 2, line 3, after "abortion" insert "or treating the erectile dysfunction"

Page 2, line 4, after "(mifepristone)" insert ", Viagra."

Page 2, line 6, after "terminated" insert "or that the erectile dysfunction has been successfully treated"

Page 2, line 10, after "abortion" insert "or treats erectile dysfunction"

Page 2, line 12, after the period, insert "No penalty may be assessed against the male treated for erectile dysfunction."

Page 2, after line 20, insert:

"(b) For any male who has been treated for penile erectile dysfunction, the woman who potentially could be impregnated and who was married to the man at the time a drug was given, or either parent of the man (potential future grandparent) being treated for erectile dysfunction, may maintain an action against the person who attempted to treat the erectile dysfunction in knowing or reckless violation of this section for actual and punitive damages. Any male upon whom treatment for erectile dysfunction was performed in knowing or reckless violation of this section may maintain an action against the person who attempted to treat erectile dysfunction for actual and punitive damage."

Page 2, line 21, delete "(b)" and insert "(c)"

Page 2, line 23, after the second "performed" insert ", or maintained by the man upon whom treatment for erectile dysfunction has been performed or attempted."

Page 2, line 26, after "section" insert ", or the man upon whom treatment for erectile dysfunction has been performed or attempted"

Page 2, line 33, after "woman" insert "or impotent man" and after the period, insert "(a)"

Page 2, after line 36, insert:

"(b) No impotent man who obtains or possesses Viagra or other drug or chemical for the purpose of inducing an erection shall be subject to any action brought under subdivision 4."

Page 3, line 3, after "attempted" insert ", or the male upon whom treatment for erectile dysfunction has been performed or attempted."

Page 3, line 5, after "her" insert "or his"

Page 3, line 8, after "her" insert "or his"

Page 3, line 9, after "female" insert "or male"
Page 3, line 13, after "attempted," insert "or the male upon whom treatment for erectile dysfunction has been performed or attempted."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 28 yeas and 95 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Allen</th>
<th>Falk</th>
<th>Hornstein</th>
<th>Lesch</th>
<th>Moran</th>
<th>Slocum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anzelc</td>
<td>Greene</td>
<td>Hortman</td>
<td>Liebling</td>
<td>Murphy, E.</td>
<td>Tillberry</td>
</tr>
<tr>
<td>Benson, J.</td>
<td>Greiling</td>
<td>Kahn</td>
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<td>Norton</td>
<td>Winkler</td>
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<td>Brynaert</td>
<td>Hilstrom</td>
<td>Knuth</td>
<td>Loeffler</td>
<td>Persell</td>
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<tr>
<td>Davnie</td>
<td>Hilty</td>
<td>Laine</td>
<td>Melin</td>
<td>Slawik</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Daudt</th>
<th>Gruenhagen</th>
<th>Lanning</th>
<th>Murdock</th>
<th>Schomacker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson, B.</td>
<td>Davids</td>
<td>Gunther</td>
<td>Leidiger</td>
<td>Murphy, M.</td>
<td>Scott</td>
</tr>
<tr>
<td>Anderson, D.</td>
<td>Dean</td>
<td>Hackbarth</td>
<td>LeMieur</td>
<td>Murray</td>
<td>Shimanski</td>
</tr>
<tr>
<td>Anderson, P.</td>
<td>Dettmer</td>
<td>Hamilton</td>
<td>Lenczewski</td>
<td>Myhra</td>
<td>Simon</td>
</tr>
<tr>
<td>Anderson, S.</td>
<td>Dill</td>
<td>Hancock</td>
<td>Lohmer</td>
<td>Nornes</td>
<td>Smith</td>
</tr>
<tr>
<td>Atkins</td>
<td>Dittrich</td>
<td>Hansen</td>
<td>Loon</td>
<td>O'Driscoll</td>
<td>Stensrud</td>
</tr>
<tr>
<td>Banaian</td>
<td>Downey</td>
<td>Holberg</td>
<td>Mack</td>
<td>Pelowski</td>
<td>Swedzinski</td>
</tr>
<tr>
<td>Barrett</td>
<td>Drazkowski</td>
<td>Hoppe</td>
<td>Mahoney</td>
<td>Peppin</td>
<td>Torkelson</td>
</tr>
<tr>
<td>Beard</td>
<td>Eken</td>
<td>Hosch</td>
<td>Marquart</td>
<td>Peterson, B.</td>
<td>Udahl</td>
</tr>
<tr>
<td>Benson, M.</td>
<td>Erickson</td>
<td>Howes</td>
<td>Mazorol</td>
<td>Peterson, S.</td>
<td>Vogel</td>
</tr>
<tr>
<td>Bills</td>
<td>Fabian</td>
<td>Huntley</td>
<td>McDonald</td>
<td>Poppe</td>
<td>Ward</td>
</tr>
<tr>
<td>Buesgens</td>
<td>Franson</td>
<td>Kath</td>
<td>McElfatrick</td>
<td>Quam</td>
<td>Wardlow</td>
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<tr>
<td>Carlson</td>
<td>Fritz</td>
<td>Kieffer</td>
<td>McFarlane</td>
<td>Rukavina</td>
<td>Westrom</td>
</tr>
<tr>
<td>Champion</td>
<td>Garofalo</td>
<td>Kiel</td>
<td>McNamara</td>
<td>Runbeck</td>
<td>Woodard</td>
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<tr>
<td>Cornish</td>
<td>Gauthier</td>
<td>Kiffmeyer</td>
<td>Morrow</td>
<td>Sanders</td>
<td>Spk. Zellers</td>
</tr>
<tr>
<td>Crawford</td>
<td>Gottwald</td>
<td>Kriesel</td>
<td>Mullery</td>
<td>Scalze</td>
<td></td>
</tr>
</tbody>
</table>

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

H. F. No. 2341, A bill for an act relating to health; requiring a prescribing physician be physically present when certain abortion-inducing drugs are administered; providing for criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 145.

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 80 yeas and 48 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Anderson, P.</th>
<th>Barrett</th>
<th>Bills</th>
<th>Crawford</th>
<th>Dean</th>
</tr>
</thead>
<tbody>
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<td>Anderson, B.</td>
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<td>Beard</td>
<td>Buesgens</td>
<td>Daudt</td>
<td>Dettmer</td>
</tr>
<tr>
<td>Anderson, D.</td>
<td>Banaian</td>
<td>Benson, M.</td>
<td>Cornish</td>
<td>Davids</td>
<td>Dill</td>
</tr>
</tbody>
</table>
Downey        Hackbarth        Kriesel        McElfatrick       Petersen, B.        Udahl
Drazkowski    Hamilton        Lanning        McFarlane        Quam            Vogel
Eken          Hancock        Leidiger        McNamara         Runbeck         Ward
Erickson      Holberg        LeMieur        Murdock          Sanders         Wardlow
Fabian        Hoppe          Lenczewski     Murphy, M.      Schomacker       Westrom
Franson       Hsieh           Lohmer         Murray           Scott           Woodard
Fritz         Howes          Loon           Myhra            Shimanski       Spk. Zellers
Garofalo      Kahl           Mack           Nornes           Smith
Gottwald      Kieffer        Marquard       O'Driscoll       Stensrud
Gruenhagen    Kiel           Mazorol        Pelowski        Swedzinski
Gunther       Kiffmeyer      McDonald       Peppin           Torkelson

Those who voted in the negative were:

Allen         Dittrich        Hilty          Lesch            Mullery         Rukavina
Anzelc        Falk            Hornstein      Liebling         Murphy, E.      Scalze
Atkins        Gauthier       Hortman        Lillie           Nelson          Simon
Benson, J.    Greene          Huntley        Loeffer          Norton          Slawik
Brynaert      Greiling       Johnson        Mahoney         Paymar          Stlocum
Carlson       Hansen         Kahn           Melin            Persell          Thissen
Champion      Hausman        Knuth          Moran            Peterson, S.    Tillberry
Davnie        Hilstrom       Laine          Morrow           Poppe           Winkler

The bill was passed and its title agreed to.

H. F. No. 2789, A bill for an act relating to public safety; amending the definitions of drug paraphernalia and methamphetamine paraphernalia; amending Minnesota Statutes 2010, sections 152.01, subdivision 18; 152.137, 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 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler         Cornish         Gottwald       Kahl             Mack            Nelson
Allan          Crawford       Greene         Kieffer          Mahoney         Nornes
Anderson, B.  Daadt           Greiling       Kiel             Marquart        Norton
Anderson, D.  Davids         Gruenhagen    Kiffmeyer       Mazorol         Paymar
Anderson, P.  Davnie         Gunther        Knuth            McDonald        Pelowski
Anderson, S.  Dettmer         Hackbarth     Kriesel          McElfatrick     Peppin
Anzelc        Dittrich        Hancock       Laine            McFarlane       Persell
Atkins        Downey          Hansen        Lanning          McNamara        Peterson, S.
Banaian        Drazkowski     Hilstrom       Leidiger         Melin           Poppe
Barrett       Eken            Hilty          LeMieur          Moran           Quam
Beard          Erickson       Hoppe          Lenczewski       Morrow          Runbeck
Benson, J.    Fabian          Hornstein     Lesch            Mullery         Sanders
Benson, M.    Falk             Hosch          Liebling         Murphy, E.      Scalze
Bills          Franson         Howes          Lillie           Murphy, M.      Schomacker
Brynaert      Fritz           Huntley        Loeffer          Murphy, M.      Scott
Carlson       Garofalo        Johnson       Lohmer            Murray          Shimanski
Champion      Gauthier       Kahn           Loon             Myhra           Simon
Those who voted in the negative were:

Buesgens    Petersen, B.     Rukavina

The bill was passed and its title agreed to.

S. F. No. 1675 was reported to the House.

Abeler, Gottwalt, Huntley and Liebling moved to amend S. F. No. 1675, the unofficial engrossment, as follows:

Page 56, line 8, delete "24-hour"
Page 56, line 24, delete "24-hour"
Page 122, line 33, delete everything after "shall"
Page 122, delete line 34 and insert "provide notary services for parents who complete the recognition of parentage form; and"
Page 123, line 1, before the period, insert "unless otherwise instructed by the Office of the State Registrar of Vital Statistics"
Page 154, line 10, after "Biennially" insert a comma
Page 155, line 27, delete "licensing or" and delete "and"
Page 155, line 28, delete everything before the semicolon and insert ". until the agency determines those violations have been corrected"
Page 155, after line 28, insert:

"(4) the provider is operating after receipt of an order of suspension or an order of revocation of the provider's license, or the provider has been issued an order citing violations of licensing standards that affect the health and safety of children in care due to the nature, chronicity, or severity of the licensing violations, until the licensing agency determines those violations have been corrected;"
Page 155, line 29, delete "(4)" and insert "(5)"
Page 155, line 31, delete "(5)" and insert "(6)"
Page 157, delete sections 4 and 5
Page 158, delete section 6
Page 159, delete section 7
Page 160, delete section 8

Page 162, line 10, after the third comma, insert "or" and strike ", (9), or (10)"

Page 176, line 32, after "chairs" insert "and ranking minority members"

Page 189, after line 2, insert:

"Sec. 19. Minnesota Statutes 2010, section 256B.0659, subdivision 20, is amended to read:

Subd. 20. **Personal care assistance choice option; administration.** (a) Before services commence under the personal care assistance choice option, and annually thereafter, the personal care assistance choice provider agency and the recipient or responsible party shall enter into a written agreement. The annual agreement must be provided to the recipient or responsible party, each personal care assistant, and the qualified professional when completed, and include at a minimum:

(1) duties of the recipient, qualified professional, personal care assistant, and personal care assistance choice provider agency;

(2) salary and benefits for the personal care assistant and the qualified professional;

(3) administrative fee of the personal care assistance choice provider agency and services paid for with that fee, including background study fees;

(4) grievance procedures to respond to complaints;

(5) procedures for hiring and terminating the personal care assistant; and

(6) documentation requirements including, but not limited to, time sheets, activity records, and the personal care assistance care plan.

(b) Effective January 1, 2010, except for the administrative fee of the personal care assistance choice provider agency as reported on the written agreement, the remainder of the rates paid to the personal care assistance choice provider agency must be used to pay for the salary and benefits for the personal care assistant or the qualified professional. The provider agency must use a minimum of 72.5 percent of the revenue generated by the medical assistance rate for personal care assistance services for employee personal care assistant wages and benefits. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation.

(c) The commissioner shall deny, revoke, or suspend the authorization to use the personal care assistance choice option if:

(1) it has been determined by the qualified professional or public health nurse that the use of this option jeopardizes the recipient's health and safety;

(2) the parties have failed to comply with the written agreement specified in this subdivision;

(3) the use of the option has led to abusive or fraudulent billing for personal care assistance services; or

(4) the department terminates the personal care assistance choice option.
(d) The recipient or responsible party may appeal the commissioner's decision in paragraph (c) according to section 256.045. The denial, revocation, or suspension to use the personal care assistance choice option must not affect the recipient's authorized level of personal care assistance services."

Page 190, line 12, after "providers" insert ". The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation"

Page 191, after line 11, insert:

"Sec. 20. Minnesota Statutes 2010, section 256B.0659, subdivision 24, is amended to read:

Subd. 24. Personal care assistance provider agency; general duties. A personal care assistance provider agency shall:

(1) enroll as a Medicaid provider meeting all provider standards, including completion of the required provider training;

(2) comply with general medical assistance coverage requirements;

(3) demonstrate compliance with law and policies of the personal care assistance program to be determined by the commissioner;

(4) comply with background study requirements;

(5) verify and keep records of hours worked by the personal care assistant and qualified professional;

(6) not engage in any agency-initiated direct contact or marketing in person, by phone, or other electronic means to potential recipients, guardians, or family members;

(7) pay the personal care assistant and qualified professional based on actual hours of services provided;

(8) withhold and pay all applicable federal and state taxes;

(9) effective January 1, 2010, document that the agency uses a minimum of 72.5 percent of the revenue generated by the medical assistance rate for personal care assistance services for employee personal care assistant wages and benefits. The revenue generated by the qualified professional and the reasonable costs associated with the qualified professional shall not be used in making this calculation;

(10) make the arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(11) enter into a written agreement under subdivision 20 before services are provided;

(12) report suspected neglect and abuse to the common entry point according to section 256B.0651;

(13) provide the recipient with a copy of the home care bill of rights at start of service; and

(14) request reassessments at least 60 days prior to the end of the current authorization for personal care assistance services, on forms provided by the commissioner."
"Sec. 29. Minnesota Statutes 2011 Supplement, section 626.557, subdivision 9a, is amended to read:

Subd. 9a. Evaluation and referral of reports made to common entry point unit. The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals as follows:

1) if the common entry point determines that there is an immediate need for adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

3) the common entry point shall refer all reports of alleged or suspected maltreatment to the appropriate lead investigative agency as soon as possible, but in any event no longer than two working days; and

4) if the report involves services licensed by the Department of Human Services and subject to chapter 245D, the common entry point shall refer the report to the county as the lead agency according to clause (3), but shall also notify the Department of Human Services of the report; and

4) (5) if the report contains information about a suspicious death, the common entry point shall immediately notify the local medical examiner and the ombudsman for mental health and developmental disabilities established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law."

"Sec. 30. Laws 2008, chapter 338, section 3, subdivision 1, is amended to read:

Subdivision 1. Establishment. (a) The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall develop and implement, beginning July 1, 2009, a three-year five-year demonstration project for older adult services community consortiums. An older adult services community consortium may consist of health care and social service providers, county agencies, health plan companies, and other community stakeholders within a demonstration site that have established a process for joint decision making. Demonstration sites may include a portion of a county, an entire county, or multiple counties.

(b) Each community consortium seeking to participate as a demonstration site must submit an application to the commissioner. The application must include:

1) a description of the entities participating in the consortium, the scope of collaboration, and the process to be used for joint-decision making;

2) the methods by which the consortium plans to achieve the goals specified in subdivision 2;

3) a description of the proposed demonstration site; and

4) other information the commissioner determines to be necessary to evaluate proposals.

(c) The commissioner of human services shall establish a process to review and consider applicants. The commissioner shall designate up to three community consortiums as demonstration projects.
(d) Each community consortium selected to participate shall establish a local group to assist in planning, designing, implementing, and evaluating the coordinated service delivery system within the demonstration site. Planning for each consortium shall build upon current planning processes developed by county gaps analyses and Elder Care Development Partnerships under Minnesota Statutes, section 256B.0917.

Sec. 31. Laws 2008, chapter 338, section 3, subdivision 8, is amended to read:

Subd. 8. Evaluation and report. The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall evaluate the demonstration project, and report preliminary findings and recommendations to the legislature by November 15, 2011, on whether the demonstration project should be continued and whether the number of demonstration project sites increased. The final report of findings and recommendations shall be delivered to the legislature by January 15, 2013. The preliminary and final evaluation and report must include:

(1) a comparison of the performance of demonstration sites relative to nonconsortium communities on the quality measures specified in subdivision 5;

(2) an assessment of the extent to which the demonstration project can be successfully expanded to other parts of the state;

(3) legislative changes necessary to improve the effectiveness of the demonstration project and to expand the projects to other parts of the state; and

(4) any actions taken by the commissioner of health under subdivision 5.

The commissioner of human services may withhold up to $50,000 of the funding provided to each participating community consortium under this section to fund the evaluation and report."

Page 203, line 17, after the semicolon, insert "and"

Page 203, strike lines 18 and 19

Page 203, line 20, strike "(4)" and insert "(3)"

Page 224, line 31, strike "paragraph (b)" and insert "paragraphs (a) and (c)"

Page 272, delete section 16

Page 279, delete section 19

Page 283, delete section 22

Page 290, line 20, delete "and status"

Page 294, line 11, after "245A" insert ", 245B,"

Page 297, line 2, delete everything after the first "a" and insert "notarized signature of the applicant."

Page 297, delete line 3
Page 297, delete lines 4 to 13 and insert:

“(g) When an applicant is a nonindividual, the applicant must provide the applicant's Minnesota tax identification number, the first, middle, and last name, and address for all individuals who will be controlling individuals, including all officers, owners, and managerial officials as defined in section 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant for each controlling individual. The applicant must also provide the first, middle, and last name, mailing address, and notarized signature of the agent authorized by the applicant to accept service on behalf of the controlling individuals.”

Page 301, delete section 6

Page 313, lines 26 and 27, delete "180" and insert "90"

Page 317, delete section 24

Page 318, delete section 25

Page 321, delete section 29

Page 332, delete lines 15 to 36

Page 333, delete lines 1 to 3 and insert:

“Subd. 3. Implementation. (a) The commissioner shall implement the responsibilities of this chapter according to the timelines in paragraphs (b) and (c) only within the limits of available appropriations or other administrative cost recovery methodology.

(b) The licensure of home and community-based services according to this section shall be implemented January 1, 2014. License applications shall be received and processed on a phased-in schedule as determined by the commissioner beginning July 1, 2013. Licenses will be issued thereafter upon the commissioner’s determination that the application is complete according to section 245A.04.

(c) Within the limits of available appropriations or other administrative cost recovery methodology, implementation of compliance monitoring must be phased in after January 1, 2014.

(1) Applicants who do not currently hold a license issued under this chapter must receive an initial compliance monitoring visit after 12 months of the effective date of the initial license for the purpose of providing technical assistance on how to achieve and maintain compliance with the applicable law or rules governing the provision of home and community-based services under chapter 245D. If during the review the commissioner finds that the license holder has failed to achieve compliance with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the commissioner may issue a licensing review report with recommendations for achieving and maintaining compliance.

(2) Applicants who do currently hold a license issued under this chapter must receive a compliance monitoring visit after 24 months of the effective date of the initial license.

(d) Nothing in this subdivision shall be construed to limit the commissioner’s authority to suspend or revoke a license or issue a fine at any time under section 245A.07, or make correction orders and make a license conditional for failure to comply with applicable laws or rules under section 245A.06, based on the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.”
Subd. 4. **Stakeholder consultation.** The commissioner shall consult with the existing stakeholder group established as part of the provider standards process to gather input related to the development of an administrative cost recovery methodology to implement the provisions in chapter 245D."

Page 352, line 1, delete everything after "(e)"

Page 352, line 2, delete "information."

Page 352, line 6, delete "discovery of the death."

Page 353, line 16, before "The" insert "(a)"

Page 353, line 18, after the period, insert "(b)"

Page 353, line 21, after the period, insert "Applicants and license holders who have reason to believe they may be serving an individual who will need emergency use of restraints or seclusion, may request a variance on the application or reapplication, and the commissioner shall automatically review the request for a variance as part of the application or reapplication process. License holders may also request the variance any time after issuance of a license. In the event a license holder uses restraint or seclusion for any reason without first obtaining a variance as required, the licensee holder must report the unauthorized use of restraint or seclusion to the commissioner within 24 hours of the occurrence and request the required variance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Davids to the Chair.

S. F. No. 1675, A bill for an act relating to human services; modifying provisions related to children and family services; reforming adoptions under guardianship of the commissioner; modifying statutory provisions related to child support, child care, child safety, and MFIP; amending Minnesota Statutes 2010, sections 13.46, subdivision 2; 13.461, subdivision 17; 13.465, by adding a subdivision; 119B.09, subdivision 7; 119B.12, subdivisions 1, 2; 119B.125, subdivisions 1a, 2, 6; 119B.13, subdivision 6; 145.902, subdivisions 1, 3; 256.198, subdivisions 1, 5; 256J.08, subdivision 11; 256J.24, subdivisions 2, 5; 256J.32, subdivision 6; 256J.621; 256J.68, subdivision 7; 256J.95, subdivision 3; 257.01; 257.75, subdivision 7; 259.22, subdivision 2; 259.23, subdivision 1; 259.24, subdivisions 1, 3, 5, 6a, 7; 259.29, subdivision 2; 259.69; 259.73; 260.012; 260C.001; 260C.007, subdivision 4, by adding subdivisions; 260C.101, subdivision 2; 260C.150, subdivision 1; 260C.157, subdivision 1; 260C.163, subdivisions 1, 4; 260C.178, subdivisions 1, 7; 260C.193, subdivisions 3, 6; 260C.201, subdivisions 2, 10, 11a; 260C.212, subdivisions 1, 2, 5, 7; 260C.215, subdivisions 4, 6; 260C.217; 260C.301, subdivisions 1, 8; 260C.317, subdivisions 3, 4; 260C.325, subdivisions 1, 3, 4; 260C.328; 260C.451; 260D.08; 518C.205; 541.04; 548.09, subdivision 1; 609.3785; 626.556, subdivisions 2, 10, 10e, 10f, 10i, 10k, 11; Minnesota Statutes 2011 Supplement, sections 119B.13, subdivision 1; 256.01, subdivision 14b; proposing coding for new law in Minnesota Statutes, chapters 260C; 611; proposing coding for new law as Minnesota Statutes, chapter 259A; repealing Minnesota Statutes 2010, sections 256.022; 259.67; 259.71; 260C.201, subdivision 11; 260C.215, subdivision 2; 260C.456; Minnesota Rules, parts 9560.0071; 9560.0082; 9560.0083; 9560.0091; 9560.0093, subparts 1, 3, 4; 9560.0101; 9560.0102.
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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

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

S. F. No. 1717 was reported to the House.

LeMieur moved to amend S. F. No. 1717, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2087, the second engrossment:

"Section 1. Minnesota Statutes 2010, section 178.01, is amended to read:

178.01 PURPOSES.

The purposes of this chapter are: to open to young all people regardless of race, sex, creed, color or national origin, the opportunity to obtain training and on-the-job learning that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved apprentice
apprenticeship agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade or occupation, with concurrent, supplementary instruction in related subjects; to promote apprenticeship opportunities under conditions providing adequate training and on-the-job learning and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Board and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Labor Standards and Apprenticeship within the Department of Labor and Industry; to provide for reports to the legislature regarding the status of apprentice training in the state; to establish a procedure for the determination of apprentice apprenticeship agreement controversies; and to accomplish related ends.

Sec. 2. Minnesota Statutes 2010, section 178.03, subdivision 3, is amended to read:

Subd. 3. Duties and functions. The director, under the supervision of the commissioner, and with the advice and consultation of the Apprenticeship Board, is authorized: to administer the provisions of this chapter; to promote apprenticeship and other forms of on-the-job learning; to establish, in cooperation and consultation with the Apprenticeship Board and with the apprenticeship committees, conditions, training, and learning standards for the approval of apprenticeship programs and agreements, which conditions and standards shall in no case be lower than those (1) prescribed by this chapter, and (2) established under Code of Federal Regulations, title 29, part 29; to promote equal employment opportunity in apprenticeship and other on-the-job learning and to establish a Minnesota plan for equal employment opportunity in apprenticeship which shall be consistent with standards established under Code of Federal Regulations, title 29, part 30, as amended; to issue certificates of registration to sponsors of approved apprenticeship programs; to act as secretary of the Apprenticeship Board; to approve, if of the opinion that approval is for the best interest of the apprentice, any apprenticeship agreement which meets the standards established hereunder; to terminate any apprenticeship agreement in accordance with the provisions of such agreement; to keep a record of apprenticeship agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as the commissioner deems necessary to carry out the intent of this chapter; provided, that the administration and supervision of supplementary instruction in related subjects for apprentices; coordination of instruction on a concurrent basis with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the function of state and local boards responsible for vocational education. The director shall have the authority to make wage determinations applicable to the graduated schedule of wages and journeyman journeyworker wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeyman journeyworkers that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

Sec. 3. Minnesota Statutes 2010, section 178.03, subdivision 4, is amended to read:

Subd. 4. Reciprocity approval. The director, if requested by a sponsoring entity, shall grant reciprocity approval to apprenticeship programs of employers and unions who jointly form a sponsoring entity on a multistate basis in other than the building construction industry if such programs are in conformity with this chapter and have been registered in compliance with Code of Federal Regulations, title 29, part 29, by a state apprenticeship council recognized by or registered with the Bureau of Apprenticeship and Training, United States Department of Labor, Office of Apprenticeship, when such approval is necessary for federal purposes under Code of Federal Regulations, title 29, section 29.13(a) or 29.13(b)(7).

Sec. 4. Minnesota Statutes 2010, section 178.05, subdivision 1, is amended to read:

Subdivision 1. Establishment of committees. Apprenticeship committees may be established by the director to supervise the operation of apprenticeship programs. Establishment of a committee may be considered justified if either of the following conditions are met:
(a) When the employers and employees in a trade or occupation or trades or occupations are parties to a collective bargaining agreement requiring joint participation in program operation; or

(b) When five or more apprentices are enrolled under a program.

Sec. 5. Minnesota Statutes 2010, section 178.05, subdivision 2, is amended to read:

Subd. 2. Members. (a) The total number of members on a committee may range from four to twelve.

(b) In joint participation there shall be equal representation of employers and employees.

(c) Members shall be selected by the group or groups they represent subject to approval by the director.

(d) A committee may have as one of its employee representatives, an active apprentice of record, provided that the apprentice has completed a minimum of 6,000 hours of an apprenticeship term or has entered the fourth year of the term.

Sec. 6. Minnesota Statutes 2010, section 178.06, is amended to read:

178.06 APPRENTICE.

The term "apprentice," as used herein, means a person at least 16 years of age who has entered into a written agreement, hereinafter called an apprentice apprenticeship agreement, with a committee, an employer, an association of employers, or an organization of employees, which apprentice agreement provides for learning consistent with this chapter and Code of Federal Regulations, title 29, section 29.5(b)(1) and (b)(2):

(1) a time-based approach involving not less than 2,000 hours or one year of reasonably continuous employment for such person and for participation in an approved program of on-the-job learning through employment and through concurrent, supplementary education in related subjects;

(2) a competency-based approach involving successful demonstration of acquired skills and knowledge by an apprentice plus on-the-job learning; or

(3) a hybrid approach involving the completion of a specified minimum number of hours plus the successful demonstration of competency.

Whenever a minimum age exceeding 16 years is prescribed by federal or state law to apply to workers in certain hazardous occupations, the minimum age so prescribed shall be applicable to apprentices.

Sec. 7. Minnesota Statutes 2010, section 178.07, is amended to read:

178.07 APPRENTICE APPRENTICESHIP AGREEMENTS.

Every apprentice apprenticeship agreement entered into under this chapter shall contain:

(1) the names of the contracting parties;

(2) the date of birth, and information as to the race and sex of the apprentice;

(3) a statement of the trade, craft, occupation, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end;
(4) a statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in concurrent, supplementary instruction in related subjects, which instruction shall be not less than 144 hours during each year of the apprenticeship term. The maximum number of hours of work per week not including time spent in related and supplemental instruction for any apprentice shall not exceed either the number prescribed by law or the customary regular number of hours per week for the employees of the company by which the apprentice is employed. An apprentice may be allowed to work overtime provided that the overtime work does not conflict with supplementary instruction course attendance. All time in excess of the number of hours of work per week as specified in the apprenticeship agreement shall be considered overtime. For overtime, the apprentice’s rate of pay shall be increased by the same percentage as the journeyman’s rate of pay for overtime is increased in the same industry or establishment;

(5) a statement setting forth a schedule of the processes in the trade, occupation, or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process;

(6) a statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

(7) a statement providing for a period of probation of not more than 500 hours of employment and instruction extending over not more than four months, during which time the apprentice agreement shall be terminated by the director upon written request of either party, and providing that after such probationary period the apprentice agreement may be terminated by the director by mutual agreement of all parties thereto, or terminated by the director for good and sufficient reason;

(8) a provision that controversies or differences concerning the terms of the apprentice agreement which cannot be resolved by the parties thereto, or which are not covered by a collective bargaining agreement, may be submitted to the director for determination as provided for in section 178.09;

(9) a provision that an employer who is unable to fulfill an obligation under the apprentice agreement may, with the approval of the director, transfer such contract to any other employer, provided that the apprentice consents and that such other employer agrees to assume the obligations of the apprentice agreement; and

(10) such additional terms and conditions as may be prescribed or approved by the director not inconsistent with the provisions of this chapter.

Sec. 8. Minnesota Statutes 2010, section 178.08, is amended to read:

**178.08 DIRECTOR TO APPROVE APPRENTICE APPRENTICESHIP AGREEMENTS.**

Every apprentice agreement is subject to approval by the director and shall be signed by the committee, the employer, an association of employers, or an organization of employees, and by the apprentice, and if the apprentice is a minor, by a parent or legal guardian. When a minor enters into an apprentice agreement under this chapter for a period of learning extending into majority the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Sec. 9. Minnesota Statutes 2010, section 178.09, subdivision 1, is amended to read:

Subdivision 1. **Complaint.** Upon the complaint of any interested person or upon the director's own initiative the director may investigate to determine if there has been a violation of the terms of an apprentice agreement made under this chapter. The director may conduct such proceedings as are necessary for that investigation and determination. All such proceedings shall be on a fair and impartial basis and shall be conducted according to rules promulgated under section 178.041.
Sec. 10. Minnesota Statutes 2010, section 178.09, subdivision 2, is amended to read:

Subd. 2. **Determination; appeal.** The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected by it. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the council apprenticeship board appointed under section 178.02, one member being a representative of an employer organization, one representative being a member of an employee organization, and one member representing the general public. The board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons for it. Within 30 days after submission, the commissioner may adopt the recommended decision of the board, or disregard the recommended decision of the board and prepare a decision based on the findings of fact and accompanied by a memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected by it. Any person aggrieved or affected by any determination or order of the commissioner may appeal from it to the district court having jurisdiction at any time within 30 days after the date of the order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the court administrator of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after its service, file it, with proof of service, with the court administrator of the court to which the appeal is taken. The district court shall then have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal as in other civil cases.

Sec. 11. Minnesota Statutes 2010, section 326B.092, subdivision 2, is amended to read:

Subd. 2. **Licenses not requiring examination administered by commissioner.** If the applicant for a license is not required to pass an examination in order to obtain the license, or is required to pass an examination that is not administered by the commissioner, then the license fee must accompany the application for the license. If the application is for a license issued under sections 326B.802 to 326B.885 and is not an application for license renewal, then the contractor recovery fund fee required under section 326B.89, subdivision 3, is due after the department has determined that the applicant meets the qualifications for licensing and before the license is issued.

Sec. 12. Minnesota Statutes 2010, section 326B.092, subdivision 7, is amended to read:

Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license except a renewed license shall be the base license fee plus any applicable board fee, as set forth in this subdivision. The license renewal fee for each renewed license is the base license fee plus any applicable board fee, continuing education fee, and contractor recovery fund fee and additional assessment, as set forth in this subdivision.

(b) For purposes of this section, "license duration" means the number of years for which the license is issued except that:

(1) if the initial license is not issued for a whole number of years, the license duration shall be rounded up to the next whole number; and

(2) if the department receives an application for license renewal after the renewal deadline, license duration means the number of years for which the renewed license would have been issued if the renewal application had been submitted on time and all other requirements for renewal had been met.
(c) The base license fee shall depend on whether the license is classified as an entry level, master, journeyman, or business license, and on the license duration. The base license fee shall be:

<table>
<thead>
<tr>
<th>License Classification</th>
<th>1 Year</th>
<th>2 Years</th>
<th>3 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry level</td>
<td>$10</td>
<td>$20</td>
<td>$30</td>
</tr>
<tr>
<td>Journeyman</td>
<td>$20</td>
<td>$40</td>
<td>$60</td>
</tr>
<tr>
<td>Master</td>
<td>$40</td>
<td>$80</td>
<td>$120</td>
</tr>
<tr>
<td>Business</td>
<td>$90</td>
<td>$180</td>
<td>$270</td>
</tr>
</tbody>
</table>

(d) If there is a continuing education requirement for renewal of the license, then a continuing education fee must be included in the renewal license fee. The continuing education fee for all license classifications shall be: $10 if the renewal license duration is one year; $20 if the renewal license duration is two years; and $30 if the renewal license duration is three years.

(e) If the license is issued under sections 326B.31 to 326B.90 or 326B.93, then a board fee must be included in the license fee and the renewal license fee. The board fee for all license classifications shall be: $4 if the license duration is one year; $8 if the license duration is two years; and $12 if the license duration is three years.

(f) If the application is for the renewal of a license issued under sections 326B.802 to 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision 3, and any additional assessment required under section 326B.89, subdivision 16, must be included in the license renewal fee.

Sec. 13. Minnesota Statutes 2010, section 326B.103, subdivision 3, is amended to read:

Subd. 3. Agricultural building. "Agricultural building" means a structure that is:

(1) on agricultural land as defined in determined by the governing assessor for the municipality or county under section 273.13, subdivision 23;

(2) designed, constructed, and used to house farm implements, livestock, or agricultural produce or products under section 273.13, subdivision 23; and

(3) used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Sec. 14. Minnesota Statutes 2011 Supplement, section 326B.46, subdivision 1a, is amended to read:

Subd. 1a. Exemptions from licensing. (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible individual. The responsible individual must be a master plumber or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, a restricted master plumber. The certificate must be signed by the responsible individual and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with sections 326B.41 to 326B.49,
all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible individual with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible individual, the employer must resubmit a certificate of responsible individual, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible individual does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as a plumber's apprentice an unlicensed individual.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

(d) A person may perform and offer to perform building sewer or water service installation without a contractor's license if the person is in compliance with the bond and insurance requirements of subdivision 2.

Sec. 15. Minnesota Statutes 2011 Supplement, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. Application, examination, and license fees. (a) Applications for master and journeyman plumber's licenses shall be made to the commissioner, with all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness.

(b) All initial journeyman plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber and restricted journeyman plumber; and

(4) the registration of a plumber's apprentice an unlicensed individual under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible individual by an employer, the fee is $100.

(f) The commissioner shall charge each person giving bond under section 326B.46, subdivision 2, paragraph (b), a biennial bond filing fee of $100, unless the person is a licensed contractor.
Sec. 16. **REPEALER.**

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; and 3801.3800, are repealed."

Delete the title and insert:

"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."

The motion prevailed and the amendment was adopted.

S. F. No. 1717, A bill for an act relating to labor and industry; making changes to the State Building Code; 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; 299F.011, by adding a subdivision; 326B.092, subdivisions 2, 7; 326B.103, subdivision 3; 326B.809; Minnesota Statutes 2011 Supplement, sections 326B.0981, subdivision 1; 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.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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<tr>
<th>Abeler</th>
<th>Crawford</th>
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The bill was passed, as amended, and its title agreed to.

S. F. No. 2379, 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.

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

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of H. F. No. 322.

H. F. No. 322 was reported to the House.
Hortman moved to amend H. F. No. 322, the third engrossment, as follows:

Page 10, line 10, after the period, insert "Upon making a finding or findings, the court shall report those findings pursuant to the Reporting of Maltreatment of Minors Act, section 626.556."

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 322, the third engrossment, as amended, as follows:

Page 8, line 24, after "child" insert ", the sole exception to the presumption of joint physical custody being when the mother is breastfeeding the child"

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 51 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Allen  Eken  Hornstein  Lenczewski  Murphy, M.  Smith
Anzelc  Falk  Hortman  Liebling  Nelson  Thissen
Benson, J.  Fritz  Hosch  Loeffler  Paymar  Tillberry
Brynaert  Gauthier  Johnson  Loon  Persell  Wagenius
Carlson  Greene  Kahl  Mack  Poppe  Ward
Champion  Greiling  Kath  Melin  Rukavina  Winkler
Davnie  Hansen  Kieffer  Moran  Simon
Dill  Hilstrom  Knuth  Morrow  Slawik
Dittrich  Hilty  Laine  Murphy, E.  Slocum

Those who voted in the negative were:

Abeler  Crawford  Gunther  LeMieur  Murray  Scott
Anderson, B.  Dault  Hackbart  Lesch  Myhra  Shimanski
Anderson, D.  Davids  Hamilton  Lillie  Nornes  Stensrud
Anderson, P.  Dean  Hancock  Lohmer  O'Driscoll  Swedzinski
Anderson, S.  Dettmer  Hoppe  Mahoney  Pelowski  Torkelson
Atkins  Downey  Howes  Marquart  Peppin  Udahl
Banaian  Drazkowski  Huntley  Mazorol  Petersen, B.  Vogel
Barrett  Erickson  Kelly  McDonald  Peterson, S.  Wardlow
Beard  Fabian  Kiel  McElfratrick  Quam  Westrom
Benson, M.  Franson  Kifflmeyer  McFarlane  Runbeck  Woodard
Buesgens  Gottwald  Lanning  Mullery  Sanders  Spk. Zellers
Cornish  Gruenhagen  Leidiger  Murdock  Schomacker

The motion did not prevail and the amendment was not adopted.
Lesch moved to amend H. F. No. 322, the third engrossment, as amended, as follows:

Page 12, after line 10, insert:

"Sec. 12. Minnesota Statutes 2010, section 518.1705, subdivision 2, is amended to read:

Subd. 2. Plan elements. (a) A parenting plan must include the following:

(1) a schedule of the time each parent spends with the child;
(2) a designation of decision-making responsibilities regarding the child; and
(3) a method of dispute resolution; and
(4) virtual parenting time, if the equipment necessary for virtual parenting time is reasonably available.

(b) A parenting plan may include other issues and matters the parents agree to regarding the child.

(c) Parents voluntarily agreeing to parenting plans may substitute other terms for physical and legal custody, including designations of joint or sole custody, provided that the terms used in the substitution are defined in the parenting plan.

(d) For purposes of this subdivision, "virtual parenting time" means reasonable and uncensored time during which a parent and the parent's child communicate during reasonable hours by using communication tools such as a telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or other medium of communication. Virtual parenting time may only be used to supplement parenting time with the child. Virtual parenting time may not be used as a replacement or as a substitute for parenting time with the child."

Page 12, after line 26, insert:

"(f) If the parents cannot agree on whether virtual parenting time equipment is reasonably available for purposes of subdivision 2, paragraph (a), clause (4), the court shall decide whether the equipment is reasonably available, taking into consideration:

(1) the best interests of the child;
(2) each parent's ability to handle any additional expenses for virtual parenting time; and
(3) any other factors the court considers material."

Page 13, delete section 14 and insert:

"Sec. 15. Minnesota Statutes 2010, section 518.1705, subdivision 9, is amended to read:

Subd. 9. Modification of parenting plans. (a) Parents may modify by agreement:

(1) the schedule of the time each parent spends with the child or;
(2) the decision-making provisions of a parenting plan by agreement; or
(3) the parenting plan by adding virtual parenting time.
To be enforceable, modifications must be confirmed by court order. A motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by section 518.18.

(b) The parties may agree, but the court must not require them, to apply the best interests standard in section 518.17 or 257.025, as applicable, or another standard for deciding a motion for modification that would change the child's primary residence or the physical custodial arrangement for the child, provided that:

(1) both parties were represented by counsel when the parenting plan was approved; or

(2) the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.

(c) If the parties do not agree to apply the best interests standard or another standard, section 518.18, paragraph (d), applies."

Page 14, delete lines 5 to 8 and insert:

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

(1) a specific schedule for parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless parenting time is restricted, denied, or reserved; and

(2) virtual parenting time, as defined in section 518.1705, subdivision 2, paragraph (d), at reasonable hours and for a reasonable duration, unless parenting time is restricted, denied, or reserved, and if the equipment is reasonably available, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parenting time is reasonably available, taking into consideration:

(i) the best interests of the child;

(ii) each parent's ability to handle any additional expenses for virtual parenting time; and

(iii) any other factors the court considers material."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 322, A bill for an act relating to family law; changing certain custody and parenting time provisions; amending Minnesota Statutes 2010, sections 257.541; 518.003, subdivision 3; 518.091; 518.131, subdivisions 1, 7; 518.155; 518.156; 518.167, subdivision 2; 518.17, subdivisions 1, 3; 518.1705, subdivisions 2, 3, 5, 9; 518.175, subdivision 1; 518.179, subdivision 1; 518.18; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2010, section 518.17, subdivision 2.

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 80 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeler  Davids  Gottwald  Leidiger  Nornes  Stensrud
Anderson, B.  Davnie  Gruenhagen  LeMieur  Norton  Swedzinski
Anderson, D.  Dean  Gunther  Lesch  O'Driscoll  Torkelson
Anderson, P.  Dettmer  Hackbarth  Lohmer  Peppin  Udahl
Anderson, S.  Dill  Hamilton  Mahoney  Petersen, B.  Vogel
Banaian  Dittrich  Hancock  Mazorol  Peterson, S.  Ward
Barrett  Doepke  Hansen  McDonald  Quam  Wardlow
Beard  Downey  Hoppe  McElfatrick  Rukavina  Westrom
Benson, M.  Drazkowski  Howes  McFarlane  Runbeck  Woodward
Bills  Eken  Kelly  McNamara  Sanders  Spk. Zellers
Buesgens  Erickson  Kiel  Murdoch  Scalze  
Cornish  Fabian  Kiffmeyer  Murray  Schomacker  
Crawford  Franson  Kriesel  Myhra  Scott  
Daudt  Garofalo  Lanning  Nelson  Shimanski  

Those who voted in the negative were:

Allen  Fritz  Hornman  Lenczewski  Moran  Simon  
Anzelc  Gauthier  Hosch  Liebling  Morrow  Slawik  
Atkins  Greene  Huntley  Lillie  Mullery  Slocum  
Benson, J.  Greiling  Johnson  Loefler  Murphy, E.  Smith  
Brynaert  Hausman  Kahn  Loon  Murphy, M.  Thissen  
Carlson  Hilstrom  Kath  Mack  Paymar  Tillberry  
Champion  Hilty  Kieffer  Mariani  Pelowski  Wagenius  
Clark  Holberg  Knuth  Marquart  Persell  Winkler  
Falk  Hornstein  Laine  Melin  Poppe  

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

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 248.

S. F. No. 248, A bill for an act relating to health; establishing criteria that must be met before a new radiation therapy facility can be constructed; requiring a study of radiation therapy facilities capacity; amending Minnesota Statutes 2010, section 144.5509.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler  Anderson, S.  Beard  Buesgens  Crawford  Dettmer
Allen  Anzelc  Benson, J.  Carlson  Daudt  Dill  
Anderson, B.  Atkins  Benson, M.  Champion  Davids  Dittrich  
Anderson, D.  Banaian  Bills  Clark  Davnie  Doepke  
Anderson, P.  Barrett  Brynaert  Cornish  Dean  Downey
Those who voted in the negative were:

Liebling

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 2324.

S. F. No. 2324, A bill for an act relating to occupational licensing; modifying electrical licenses; amending Minnesota Statutes 2010, sections 326B.31, subdivision 14, by adding subdivisions; 326B.33, subdivisions 17, 19, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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<th>Abeler</th>
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The bill was passed and its title agreed to.

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 1678.

S. F. No. 1678, A bill for an act relating to public defenders; amending provisions related to public defender representation, appointment, and reimbursement obligations; outlining financial responsibility for public defender costs, cost for counsel in CHIPS cases, pretrial appeals costs, and standby counsel costs; amending Minnesota Statutes 2010, sections 244.052, subdivision 6; 257.69, subdivision 1; 260B.163, subdivision 4; 260B.331, subdivision 5; 260C.163, subdivision 3; 260C.331, subdivision 5; 609.115, subdivision 4; 609.131, subdivision 1; 611.14; 611.16; 611.17; 611.18; 611.20, subdivision 4; 611.25, subdivision 1; 611.26, subdivision 6; 611.27, subdivision 5, by adding a subdivision; repealing Minnesota Statutes 2010, section 611.20, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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<tr>
<th>Abeler</th>
<th>Crawford</th>
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The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2160, A bill for an act relating to public safety; permitting law enforcement to take fingerprints of an offender interacting with the criminal justice system for any offense to eliminate a suspense record; amending Minnesota Statutes 2011 Supplement, section 299C.10, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2174, A bill for an act relating to local government finance; authorizing certain investments; providing for designated depositories; amending Minnesota Statutes 2010, sections 123B.14, subdivision 3; 366.01, subdivision 4; 385.07; 427.06.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2373, A bill for an act relating to public safety; extending the felony of fraudulent or other improper finance statements to include retaliation against a sheriff or county recorder for performance of official duties regarding real property; amending Minnesota Statutes 2010, section 609.7475, subdivision 3.

CAL R. LUDEMAN, Secretary of the Senate
Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 247.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

CAL R. LUDEMAN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 247

A bill for an act relating to insurance; regulating service cooperative refunds; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 123A.21, by adding a subdivision; 471.611, subdivision 2.

April 2, 2012

The Honorable Michelle L. Fischbach
President of the Senate

The Honorable Kurt Zellers
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 247 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request the adoption of this report and repassage of the bill.

Senate Conferees: GARY H. DAHMS, CLAIRE A. ROBLING and KATHY SHERAN.

House Conferees: JOE HOPPE, KATHY BRYNAERT and MINDY GREILING.

Hoppe moved that the report of the Conference Committee on S. F. No. 247 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 247, A bill for an act relating to insurance; regulating service cooperative refunds; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 123A.21, by adding a subdivision; 471.611, subdivision 2.

The bill was read for the third time, as amended by Conference, 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 57 nays as follows:

Those who voted in the affirmative were:

Abeler   Crawford   Greiling   Kriesel   Murdock   Shimanski
Anderson, B.  Daudt    Gruenhagen  Lanning   Murray     Smith
Anderson, D.  Dean    Gunther    Leidiger  Myhra     Stensrud
Anderson, P.  Dettmer  Hackbart   LeMieur   Nornes     Swedzinski
Anderson, S.  Dittrich Hamilton  Lohmer    Norton     Torkelson
Banaian    Doepke    Hancock   Loom     O’Driscoll  Urdahl
Barrett    Downey    Holberg    Mack     Peppin     Vogel
Beard      Drazkowski Hoppe    Mariani   Petersen, B.  Wardlow
Benson, M.  Erickson  Howes     Mazorol   Quam       Westrom
Bills      Fabian     Kelly     McDonald  Runbeck    Woodard
Brynaert   Franson   Kieffer    McElfatrick  Sanders    Spk. Zellers
Buesgens  Garofalo   Kiel      McFarlane Schomacker
Cornish    Gottwald  Kiffmeyer  McNamara Scott

Those who voted in the negative were:

Allen     Eken      Hortman   Liebling  Murphy, M.  Slawik
Anzele    Falk      Hosch     Lillie     Nelson     Sticcum
Atkins    Fritz     Huntley   Loeffer    Paymar     Thissen
Benson, J. Gauthier  Johnson  Mahoney  Pelowski  Tillberry
Carlson   Greene    Kahn      Marquart  Melin      Persell
Champion  Hansen   Kath      Moran     Peterson, S.  Ward
Clark     Hausman  Knuth     Moran     Poppe      Rukavina
Davies    Hilstrom  Laine     Morrow    Rukavina
Davnie    Hilty     Lenczewski Mullery    Scalze
Dill      Hornstein Lesch     Murphy, E. Simon

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

The Speaker resumed the Chair.

Mr. Speaker:

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

S. F. Nos. 1921, 1199 and 2187.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1921, A bill for an act relating to health; requiring licensure of certain facilities that perform abortions; requiring a licensing fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time.

Holberg moved that S. F. No. 1921 and H. F. No. 2340, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.
S. F. No. 1199, A bill for an act relating to labor and employment; modifying prevailing wage provisions; amending Minnesota Statutes 2010, sections 177.42, subdivision 4; 177.43, subdivision 7.

The bill was read for the first time.

Scott moved that S. F. No. 1199 and H. F. No. 1476, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2187, A resolution memorializing the President and Congress to enact legislation and take other federal government action related to interim storage of used nuclear fuel.

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

CALENDAR FOR THE DAY

H. F. No. 358 was reported to the House.

H. F. No. 358 was read for the third time.

The Speaker called Davids to the Chair.

Fritz and Allen were excused for the remainder of today's session.

POINT OF ORDER

Winkler raised a point of order pursuant to rule 4.13 relating to Bills Affecting State Government Powers and Structure.

Speaker pro tempore Davids submitted the following question to the House: "Is it the judgment of the House that the Winkler point of order is well taken?"

A roll call was requested and properly seconded.

The vote was taken on the question "Is it the judgment of the House that the Winkler point of order is well taken?" and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anzelc  Atkins  Atkinson  Brynaert  Carlson  Champion  Benson, J.  Dill  Dittrich  Downey  Eken  Falk  Gauthier  Greene  Hornstein  Hilty  Johnson  Kahan  Kath  Knuth  Laine  Lenczewski  Lesch  Liebling  Lillie  Loeffler  Lanning  Loon
Those who voted in the negative were:

Abeler  Crawford  Gruenhagen  Kriesel  Nornes  Torkelson
Anderson, B.  Daudt  Gunther  Leidiger  O'Driscoll  Urdaahl
Anderson, D.  Davids  Hackbarth  LeMieur  Peppin  Vogel
Anderson, P.  Dean  Hamilton  Lohmer  Quam  Wardlow
Anderson, S.  Dettmer  Hancock  Mack  Runbeck  Westrom
Banaian  Doepke  Holberg  McDonald  Sanders  Woodard
Barrett  Drazkowski  Hoppe  McElfratrick  Schomacker  Spk. Zellers
Beard  Erickson  Howes  McFarlane  Scott  
Benson, M.  Fabian  Kelly  McNamara  Shimanski  
Bills  Franson  Kieffer  Murdock  Smith  
Buesgens  Garofalo  Kiel  Murray  Stensrud  
Cornish  Gottwald  Kiffmeyer  Myhra  Swedzinski  

So it was the judgment of the House that the Winkler point of order was not well taken.

The Speaker resumed the Chair.

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

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.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler  Daudt  Gottwald  Kiffmeyer  McFarlane  Scott
Anderson, B.  Davids  Gruenhagen  Kriesel  McNamara  Shimanski
Anderson, D.  Dean  Gunther  Lanning  Murdock  Smith
Anderson, P.  Dettmer  Hackbarth  Leidiger  Murray  Stensrud
Anderson, S.  Dittrich  Hamilton  LeMieur  Myhra  Swedzinski
Banaian  Doepke  Hancock  Lenczewski  Nornes  Torkelson
Barrett  Downey  Holberg  Lohmer  O'Driscoll  Urdaahl
Beard  Drazkowski  Hoppe  Loon  Peppin  Vogel
Benson, M.  Eken  Howes  Mack  Quam  Wardlow
Bills  Erickson  Kath  Marquart  Runbeck  Westrom
Buesgens  Fabian  Kelly  Mazorol  Sanders  Woodard
Cornish  Franson  Kieffer  McDonald  Scalze  Spk. Zellers
Crawford  Garofalo  Kiel  McElfratrick  Schomacker
Those who voted in the negative were:

Anzelc  Falk  Hortman  Lillie  Murphy, M.  Simon
Atkins  Gauthier  Hosch  Loeffler  Nelson  Slocum
Benson, J.  Greene  Huntley  Mahoney  Norton  Thissen
Brynaert  Greiling  Johnson  Mariani  Paymar  Tillberry
Carlson  Hansen  Kahn  Melin  Pelowski  Wagenius
Champion  Hausman  Knuth  Melan  Persell  Ward
Clark  Hilstrom  Laine  Morrow  Peterson, S.  Winkler
Davnie  Hilty  Lesch  Mullery  Poppe  
Dill  Hornstein  Liebling  Murphy, E.  Rukavina

The bill was passed and its title agreed to.

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

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of H. F. No. 2580.

H. F. No. 2580 was reported to the House.

Loon moved to amend H. F. No. 2580, the second engrossment, as follows:

Page 1, line 18, after "arrangement" insert "in this paragraph" and delete "under section"
Page 1, delete line 19
Page 1, line 20, delete everything before the fourth comma
Page 2, line 24, delete "persistently lowest performing" and insert ""Priority"
Page 2, line 29, delete "persistently low-performing" and insert ""Priority"

Renumber the sections in sequence and correct the internal references
Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2580, A bill for an act relating to education; empowering parents to request a school district intervene in a "Priority" school; proposing coding for new law in Minnesota Statutes, chapter 120B.

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:

Abeler        Crawford  Gottwalt  Kifflmeyer  McNamara  Scott
Anderson, B.  Daudt     Gruenhagen Kriesel      Murdoch    Shimanski
Anderson, D.  Davids    Gunther   Lanning     Murray     Smith
Anderson, P.  Dean      Hackbarth Leidiger     Myhra      Stensrud
Anderson, S.  Dettmer   Hamilton  LeMueer     Nornes     Swedzinski
Banaian       Doepke     Hancock  Lohmer      O'Driscoll Torkelson
Barrett       Downey     Holberg   Loon        Peppin     Udahl
Beard         Drazkowski Hoppe    Mack        Petersen, B Vogel
Benson, M.    Erickson  Howes    Mazorol     Quam       Wardlow
Bills         Fabian     Kelly     McDonald    Runbeck    Westrom
Buesgens      Franson   Kieffer  McElfratnick Sanders  Woodard
Cornish       Garofalo  Kiel     McFarlane   Schomaker  Spk. Zellers

Those who voted in the negative were:

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

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

**CALENDAR FOR THE DAY, Continued**

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

**REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION**

Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved,* by the House of Representatives of the State of Minnesota, that it retains the use of the Speaker's parking place in front of the capitol building just east of the porte-cochère and parking lots B, C, D, N, O and the state office building parking ramp for members and employees of the House of Representatives during the time between adjournment in 2012 and the convening of the House of Representatives in 2013. The Sergeant at Arms is directed to manage the use of the lots and ramp while the House of Representatives is adjourned. The Controller of the House may continue to deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege.

The motion prevailed and the resolution was adopted.
Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved*, by the House of Representatives of the State of Minnesota, that the Chief Clerk is directed to correct and approve the Journal of the House for the last day of the 2012 Regular Session.

*Be It Further Resolved* that the Chief Clerk is authorized to include in the Journal for the last day of the 2012 Regular Session any proceedings, including subsequent proceedings and any legislative interim committees or commissions created or appointments made to them by legislative action or by law.

The motion prevailed and the resolution was adopted.

Dean for the Committee on Rules and Legislative Administration offered the following resolution and moved its adoption:

*Be It Resolved*, by the House of Representatives of the State of Minnesota, that during the time between adjournment in 2012 and the convening of the House of Representatives in 2013, the Chief Clerk and Chief Sergeant at Arms under the direction of the Speaker shall maintain House facilities in the Capitol Complex. The House chamber, retiring room, hearing and conference rooms, and offices shall be set up and made ready for legislative use and reserved for the House and its committees. Those rooms may be reserved for use by others that are not in conflict with use by the House. The House Chamber, retiring room, and hearing rooms may be used by YMCA Youth in Government, Girls' State, Young Leaders Organization, and 4-H Leadership Conference.

The motion prevailed and the resolution was adopted.

**FISCAL CALENDAR ANNOUNCEMENT**

Pursuant to rule 1.22, Holberg announced her intention to place S. F. No. 506; H. F. Nos. 2729, 2958, 2754, 1721 and 2786; S. F. No. 1573; and H. F. No. 1284 on the Fiscal Calendar for Thursday, April 19, 2012.

**MOTIONS AND RESOLUTIONS**

Leidiger moved that the name of Kiffmeyer be added as an author on H. F. No. 518. The motion prevailed.

Clark moved that the names of Moran and Allen be added as authors on H. F. No. 1902. The motion prevailed.

Atkins moved that his name be stricken as an author on H. F. No. 2500. The motion prevailed.

Liebling moved that the name of Abeler be added as an author on H. F. No. 2713. The motion prevailed.

Loon moved that the name of Mack be added as an author on H. F. No. 2729. The motion prevailed.
Mahoney moved that the name of McNamara be added as an author on H. F. No. 2995. The motion prevailed.

Quam moved that the name of Rukavina be added as an author on H. F. No. 3001. The motion prevailed.

Kriesel moved that S. F. No. 1856 be recalled from the Committee on Commerce and Regulatory Reform and be re-referred to the Committee on Taxes. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 19, 2012. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, April 19, 2012.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives