

STATE OF MINNESOTA

Journal of the Senate

NINETY-FIRST LEGISLATURE

FORTY-SIXTH DAY

St. Paul, Minnesota, Thursday, May 2, 2019

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Gazelka imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Dan Erickson.

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

The roll was called, and the following Senators answered to their names:

Abeler	Draheim	Howe	Marty	Senjem
Anderson, B.	Dziedzic	Ingebrigtsen	Mathews	Simonson
Anderson, P.	Eaton	Isaacson	Miller	Sparks
Bakk	Eichorn	Jasinski	Nelson	Tomassoni
Benson	Eken	Jensen	Newman	Torres Ray
Bigham	Franzen	Johnson	Newton	Utke
Carlson	Frentz	Kent	Osmeck	Weber
Chamberlain	Gazelka	Kiffmeyer	Pappas	Westrom
Champion	Goggin	Klein	Pratt	Wiger
Clausen	Hall	Koran	Rarick	Wiklund
Cohen	Hawj	Laine	Relph	
Cwodzinski	Hayden	Lang	Rest	
Dahms	Hoffman	Limmer	Rosen	
Dibble	Housley	Little	Ruud	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1555:

H.F. No. 1555: A bill for an act relating to transportation; establishing a budget for transportation; appropriating money for transportation purposes, including Department of Transportation,

Metropolitan Council, and Department of Public Safety activities; modifying driver's licenses and identification cards; modifying motor vehicle taxes and fees; modifying various provisions governing transportation policy and finance; allocating certain sales and use tax revenue; establishing accounts; making technical changes; authorizing the sale and issuance of state bonds; requiring reports; amending Minnesota Statutes 2018, sections 13.461, by adding a subdivision; 13.6905, by adding a subdivision; 13.72, subdivision 10; 80E.13; 160.02, subdivision 1a; 160.262, subdivision 3; 160.263, subdivision 2; 160.266, subdivision 1b, by adding a subdivision; 161.115, subdivision 46; 161.14, subdivision 16, by adding subdivisions; 161.45, subdivision 2; 161.46, subdivision 2; 168.013, subdivisions 1a, 1m, 3, 6, 21; 168.10, subdivision 1h; 168.123, subdivision 2; 168.27, by adding subdivisions; 168.301, subdivision 3; 168.33, subdivisions 7, 8a; 168.346, subdivision 1; 168A.02, subdivision 1; 168A.085, by adding a subdivision; 168A.09, subdivision 1; 168A.12, subdivision 2; 168A.17, by adding a subdivision; 168A.29, subdivision 1; 169.011, subdivisions 5, 9, 64, by adding subdivisions; 169.035, by adding a subdivision; 169.06, subdivision 4a; 169.18, subdivisions 3, 8, 11; 169.20, subdivision 7; 169.222, subdivisions 1, 4; 169.26, subdivisions 1, 4; 169.28; 169.29; 169.443, subdivision 2; 169.4503, subdivision 5; 169.58, by adding a subdivision; 169.64, subdivision 9; 169.71, subdivisions 1, 4; 169.81, by adding a subdivision; 169.864; 169.865, subdivisions 1, 2, by adding a subdivision; 169.92, subdivision 4; 171.01, by adding subdivisions; 171.04, subdivision 5; 171.06, subdivisions 2, 3, by adding subdivisions; 171.061, subdivision 4; 171.07, subdivisions 1, 3, by adding a subdivision; 171.12, subdivisions 7a, 9, by adding subdivisions; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 174.01, subdivision 2; 174.03, subdivision 7, by adding subdivisions; 174.24, subdivision 2; 174.37; 174.57; 201.061, subdivision 3; 219.015, subdivisions 1, 2, by adding a subdivision; 219.1651; 221.031, by adding a subdivision; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.815, subdivision 3; 297A.94; 297A.99, subdivision 1; 297B.02, subdivision 1; 297B.09; 299A.12, subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299D.03, subdivision 5; 325F.185; 360.013, by adding subdivisions; 360.024; 360.55, by adding a subdivision; 360.59, subdivision 10; 360.62; 473.386, subdivision 3, by adding a subdivision; 473.388, subdivision 4a; 473.39, subdivision 6, by adding a subdivision; 473.391, by adding a subdivision; 473.4052, subdivision 4; 473.408, by adding a subdivision; 480.15, by adding a subdivision; Laws 1994, chapter 643, section 15, subdivision 8; Laws 2014, chapter 312, article 11, section 38, subdivisions 5, 6; proposing coding for new law in Minnesota Statutes, chapters 161; 168; 168A; 169; 171; 174; 219; 297A; 360; repealing Minnesota Statutes 2018, sections 3.972, subdivision 4; 169.18, subdivision 12; 171.015, subdivision 7; 299A.12, subdivision 4; 299A.18; Laws 2002, chapter 393, section 85.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Hornstein, Koegel, Tabke, Richardson and Torkelson have been appointed as such committee on the part of the House.

House File No. 1555 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 1, 2019

Senator Newman moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1555, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1733 and 2032.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 1, 2019

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1733: A bill for an act relating to agriculture; making policy and technical changes to various agricultural provisions including provisions related to hemp, food handlers, eggs, milk, cheese, bioincentive programs, loan programs, pesticides, nursery stock, open-air swine basins, and other agriculture provisions; amending Minnesota Statutes 2018, sections 18B.02; 18H.10; 18K.02, subdivision 3; 18K.06; 25.33, subdivision 8; 28A.04, subdivision 1; 28A.05; 28A.075; 28A.0752, subdivisions 1, 2; 28A.08, subdivision 3; 29.26; 31.94; 32D.13, by adding a subdivision; 32D.20, subdivision 2; 32D.22; 34A.11, subdivision 7; 41A.15, subdivisions 2, 10, by adding a subdivision; 41A.16, subdivisions 1, 2, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 2, 3; 41B.02, subdivision 10a; 41B.03, subdivision 3; 41B.0391, subdivision 1; 41B.049, subdivisions 1, 5; 41B.055, subdivision 3; 41B.057, subdivision 3; 116.0714; repealing Minnesota Statutes 2018, section 41A.15, subdivisions 2a, 2b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1859, now on General Orders.

H.F. No. 2032: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying previous appropriations; amending Minnesota Statutes 2018, section 116P.08, subdivision 2; Laws 2015, chapter 76, section 2, subdivision 9, as amended; Laws 2017, chapter 96, section 2, subdivision 9.

Referred to the Committee on Finance.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Wiklund, Wiger, and Eaton introduced--

S.F. No. 2861: A bill for an act relating to health; coverage of benefits; requiring school districts, intermediate school districts, cooperatives, and charter schools to contribute certain amounts; amending Minnesota Statutes 2018, section 471.61, by adding a subdivision.

Referred to the Committee on E-12 Finance and Policy.

Senators Ingebrigtsen and Hall introduced--

S.F. No. 2862: A bill for an act relating to public safety; establishing the crime of organized retail theft; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary and Public Safety Finance and Policy.

Senators Housley and Anderson, B. introduced--

S.F. No. 2863: A bill for an act relating to capital investment; appropriating money for improvements to the Disabled Veterans Rest Camp.

Referred to the Committee on Veterans and Military Affairs Finance and Policy.

Senators Kiffmeyer, Pappas, Johnson, Tomassoni, and Abeler introduced--

S.F. No. 2864: A resolution recognizing the independence of the Republic of Artsakh, encouraging the Republic of Artsakh to continue its efforts to develop as a free and independent nation, urging the President and United States Congress to support the self-determination and democratic independence of the Republic of Artsakh, and designating May 5 as the day of statewide recognition of the Republic of Artsakh and the contributions of Armenian and Artsakhi individuals to the state of Minnesota.

Referred to the Committee on State Government Finance and Policy and Elections.

RECESS

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Senator Limmer imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

RECESS

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 242, , H.F. No. 1840, S.F. Nos. 1889, 316, 445, and 2307.

SPECIAL ORDER

S.F. No. 242: A bill for an act relating to military veterans; establishing POW and MIA Recognition Day; proposing coding for new law in Minnesota Statutes, chapter 10.

S.F. No. 242 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Housley	Limmer	Rest
Anderson, B.	Dziedzic	Howe	Little	Rosen
Anderson, P.	Eaton	Ingebrigtsen	Marty	Ruud
Bakk	Eichorn	Isaacson	Mathews	Senjem
Benson	Eken	Jasinski	Miller	Simonson
Bigham	Franzen	Jensen	Nelson	Sparks
Carlson	Frentz	Johnson	Newman	Tomassoni
Chamberlain	Gazelka	Kent	Newton	Torres Ray
Champion	Goggin	Kiffmeyer	Osmek	Utke
Clausen	Hall	Klein	Pappas	Weber
Cwodzinski	Hawj	Koran	Pratt	Westrom
Dahms	Hayden	Laine	Rarick	Wiger
Dibble	Hoffman	Lang	Relph	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1840: A bill for an act relating to commerce; removing references to "subprime" from Minnesota Statutes; amending Minnesota Statutes 2018, sections 58.13, subdivision 1; 58.137, subdivision 2; repealing Minnesota Statutes 2018, section 58.02, subdivision 27.

H.F. No. 1840 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Anderson, P.	Benson	Carlson	Champion
Anderson, B.	Bakk	Bigham	Chamberlain	Clausen

Cohen	Gazelka	Jensen	Miller	Ruud
Cwodzinski	Goggin	Johnson	Nelson	Senjem
Dahms	Hall	Kent	Newman	Simonson
Dibble	Hawj	Klein	Newton	Sparks
Draheim	Hayden	Koran	Osmek	Tomassoni
Dziedzic	Hoffman	Laine	Pappas	Torres Ray
Eaton	Housley	Lang	Pratt	Utke
Eichorn	Howe	Limmer	Rarick	Weber
Eken	Ingebrigtsen	Little	Relph	Westrom
Franzen	Isaacson	Marty	Rest	Wiger
Frentz	Jasinski	Mathews	Rosen	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1889: A bill for an act relating to transportation; establishing a moratorium on permits to mow or hay trunk highway rights-of-way; amending Laws 2018, chapter 165, section 1.

S.F. No. 1889 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson, B.	Frentz	Johnson	Nelson	Simonson
Anderson, P.	Gazelka	Kiffmeyer	Newman	Sparks
Bakk	Goggin	Klein	Osmek	Tomassoni
Chamberlain	Hall	Koran	Pratt	Utke
Dahms	Housley	Lang	Rarick	Weber
Draheim	Howe	Limmer	Relph	Westrom
Eichorn	Ingebrigtsen	Little	Rosen	
Eken	Jasinski	Mathews	Ruud	
Franzen	Jensen	Miller	Senjem	

Those who voted in the negative were:

Abeler	Cohen	Hawj	Marty	Torres Ray
Carlson	Cwodzinski	Hayden	Newton	Wiger
Champion	Dibble	Isaacson	Pappas	Wiklund
Clausen	Eaton	Laine	Rest	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 316: A bill for an act relating to state government; requiring involvement in user acceptance testing from local units of governments impacted by new information technology business software; proposing coding for new law in Minnesota Statutes, chapter 15.

Senator Howe moved to amend S.F. No. 316 as follows:

Page 1, lines 12 and 18, after "government" insert "or agents of, or contractors working on behalf of, local units of government"

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 2018, section 168.33, is amended by adding a subdivision to read:

Subd. 7a. **User acceptance testing.** (a) An agency implementing a new information technology business software application or new business software application functionality that significantly impacts the operations of deputy registrars must provide opportunities for deputy registrars to be involved in user acceptance testing, unless the testing is deemed not feasible or necessary by the relevant agency commissioner, in consultation with representatives of deputy registrars and the chief information officer.

(b) The requirements in paragraph (a) only apply to new software applications and new software application functionality where deputy registrars will be primary users, as determined by the relevant agency head in consultation with representatives of deputy registrars and the chief information officer. The requirements in paragraph (a) do not apply to routine software upgrades or application changes that are primarily intended to comply with federal law, rules, or regulations.

(c) For purposes of this subdivision, "agency" means any state officer, employee, board, commission, authority, department, entity, or organization of the executive branch of state government, including the Minnesota State Colleges and Universities.

Sec. 3. Minnesota Statutes 2018, section 171.061, is amended by adding a subdivision to read:

Subd. 7. **User acceptance testing.** (a) An agency implementing a new information technology business software application or new business software application functionality that significantly impacts the operations of driver's license agents must provide opportunities for driver's license agents to be involved in user acceptance testing, unless the testing is deemed not feasible or necessary by the relevant agency commissioner, in consultation with representatives of driver's license agents and the chief information officer.

(b) The requirements in paragraph (a) only apply to new software applications and new software application functionality where driver's license agents will be primary users, as determined by the relevant agency head in consultation with representatives of driver's license agents and the chief information officer. The requirements in paragraph (a) do not apply to routine software upgrades or application changes that are primarily intended to comply with federal law, rules, or regulations.

(c) For purposes of this subdivision, "agency" means any state officer, employee, board, commission, authority, department, entity, or organization of the executive branch of state government, including the Minnesota State Colleges and Universities."

The motion prevailed. So the amendment was adopted.

S.F. No. 316 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Isaacson	Miller	Simonson
Anderson, B.	Eichorn	Jasinski	Nelson	Sparks
Anderson, P.	Eken	Jensen	Newman	Tomassoni
Bakk	Franzen	Johnson	Newton	Torres Ray
Carlson	Frentz	Kiffmeyer	Osmek	Utke
Chamberlain	Gazelka	Klein	Pappas	Weber
Champion	Goggin	Koran	Pratt	Westrom
Clausen	Hall	Laine	Rarick	Wiger
Cohen	Hawj	Lang	Relph	Wiklund
Cwodzinski	Hayden	Limmer	Rest	
Dahms	Housley	Little	Rosen	
Dibble	Howe	Marty	Ruud	
Draheim	Ingebrigtsen	Mathews	Senjem	

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

SPECIAL ORDER

S.F. No. 445: A bill for an act relating to health; adding security screening systems to ionizing radiation-producing equipment; appropriating money; amending Minnesota Statutes 2018, section 144.121, subdivision 1a, by adding a subdivision.

S.F. No. 445 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	Marty	Rosen
Anderson, B.	Eaton	Ingebrigtsen	Mathews	Ruud
Anderson, P.	Eichorn	Isaacson	Miller	Senjem
Bakk	Eken	Jasinski	Nelson	Simonson
Carlson	Franzen	Jensen	Newman	Sparks
Chamberlain	Frentz	Johnson	Newton	Tomassoni
Champion	Gazelka	Klein	Osmek	Torres Ray
Clausen	Goggin	Koran	Pappas	Utke
Cohen	Hall	Laine	Pratt	Weber
Cwodzinski	Hawj	Lang	Rarick	Westrom
Dahms	Hayden	Limmer	Relph	Wiger
Dibble	Housley	Little	Rest	Wiklund

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2307: A bill for an act relating to environment; providing for disposition of fines for certain trichloroethylene emissions; creating an account; creating stakeholder group; proposing coding for new law in Minnesota Statutes, chapter 115B.

S.F. No. 2307 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Housley	Limmer	Rest
Anderson, B.	Draheim	Howe	Little	Rosen
Anderson, P.	Eaton	Ingebrigtsen	Marty	Ruud
Bakk	Eichorn	Isaacson	Mathews	Senjem
Benson	Eken	Jasinski	Miller	Simonson
Bigham	Franzen	Jensen	Nelson	Sparks
Carlson	Frentz	Johnson	Newman	Tomassoni
Chamberlain	Gazelka	Kent	Newton	Torres Ray
Champion	Goggin	Kiffmeyer	Osmek	Utke
Clausen	Hall	Klein	Pappas	Weber
Cohen	Hawj	Koran	Pratt	Westrom
Cwodzinski	Hayden	Laine	Rarick	Wiger
Dahms	Hoffman	Lang	Relph	Wiklund

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Report of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Rosen from the Committee on Finance, to which was re-referred

S.F. No. 2841: A bill for an act relating to higher education; providing student relief from Argosy University closure; requiring a report.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 22, delete "direct" and after "fees" insert "directly"

Page 2, line 24, delete "direct" and after "awards" insert "directly"

Page 3, delete lines 1 to 3 and insert:

"(b) As a condition of providing any payment under this section, the commissioner must require an eligible student to assign to the Office of Higher Education any claims against Argosy arising from a state financial aid award or SELF loan. Any claim an eligible student may have against any legally responsible person or entity arising from a grant or loan covered under subdivision 2 is subrogated to the Office of Higher Education if the eligible student accepts a payment under this section. The commissioner must pursue all claims arising from a state financial award or SELF loan made to an eligible student against any legally responsible person or entity, including, but not limited to, Argosy."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 2841 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Westrom moved that H.F. No. 85 be withdrawn from the Committee on Health and Human Services Finance and Policy, and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 153, now on General Orders. The motion prevailed.

MEMBERS EXCUSED

Senator Latz was excused from the Session of today. Senator Cohen was excused from the Session of today from 1:30 to 1:45 p.m. Senator Kiffmeyer was excused from the Session of today from 1:40 to 1:50 p.m. and from 2:10 to 2:15 p.m. Senators Benson, Bigham, Hoffman, and Kent were excused from the Session of today from 1:50 to 2:15 p.m. Senator Dziejcz was excused from the Session at 1:50 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Monday, May 6, 2019. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

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