

STATE OF MINNESOTA

Journal of the Senate

NINETY-FIRST LEGISLATURE

FORTY-SEVENTH DAY

St. Paul, Minnesota, Monday, May 6, 2019

The Senate met at 11:00 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, Pastor Tanner Howard.

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 2, 2019

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Jeremy R. Miller
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2019 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2019	Date Filed 2019
	15	16	2:13 p.m. May 2	May 2

Sincerely,
Steve Simon
Secretary of State

May 3, 2019

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Jeremy R. Miller
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2019 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2019	Date Filed 2019
	2181	13	1:37 p.m. May 3	May 3
	58	15	1:39 p.m. May 3	May 3
	819	17	1:40 p.m. May 3	May 3
	1188	18	1:41 p.m. May 3	May 3

Sincerely,
Steve Simon
Secretary of State

May 6, 2019

The Honorable Melissa Hortman
Speaker of the House of Representatives

The Honorable Jeremy R. Miller
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2019 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2019	Date Filed 2019
	554	14	1:26 p.m. May 6	May 6

Sincerely,
Steve Simon
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1487 and 653.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 2, 2019

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1487: A bill for an act relating to elections; making technical and policy changes to provisions related to elections administration including provisions related to voting, voter registration, polling places, ballots, recounts, contests, candidates, and various other election-related provisions; amending Minnesota Statutes 2018, sections 5B.06; 201.071, subdivisions 1, 2, 3, 8; 201.12, subdivision 2; 201.121, subdivision 3; 201.13, subdivision 3; 201.1611, subdivision 1; 201.225, subdivision 2; 202A.16, subdivision 1; 203B.04, subdivision 1; 203B.081, subdivisions 1, 2; 203B.12, subdivision 7; 203B.121, subdivision 4; 203B.16, subdivision 2; 203B.24, subdivision 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 3; 204B.16, subdivision 1; 204B.19, subdivision 6; 204B.21, subdivision 2; 204B.36, subdivision 2; 204B.45, subdivision 2; 204B.46; 204C.05, subdivisions 1a, 1b; 204C.21, subdivision 1; 204C.27; 204C.33, subdivision 3; 204C.35, subdivision 3, by adding a subdivision; 204C.36, subdivision 1; 204D.08, subdivision 4; 204D.13, subdivision 1; 204D.27, subdivision 5; 204D.28, subdivisions 9, 10; 205.13, subdivision 5; 205A.10, subdivision 5; 205A.12, subdivision 5; 206.89, subdivisions 4, 5; 206.90, subdivision 6; 207A.12; 207A.14, subdivision 2; 209.021, subdivision 2; 211B.11, subdivision 1; 367.03, subdivision 6; 367.25, subdivision 1; 412.02, subdivision 2a; 447.32, subdivision 4.

Senator Gazelka moved that H.F. No. 1487 be laid on the table. The motion prevailed.

H.F. No. 653: A bill for an act relating to legacy; appropriating money from outdoor heritage, clean water, arts and cultural heritage, and parks and trails funds; modifying previous appropriations;

modifying legislative oversight; modifying Clean Water Legacy Act and Water Law; providing for compliance with constitutional requirements; amending Minnesota Statutes 2018, sections 97A.056, subdivision 7; 103B.3369, subdivisions 5, 9; 103B.801, subdivisions 2, 4, 5; 114D.15, subdivisions 7, 11, 13, by adding subdivisions; 114D.20, subdivisions 2, 3, 5, 7, by adding subdivisions; 114D.26; 114D.30, by adding a subdivision; 114D.35, subdivisions 1, 3; 129D.17, subdivision 2, by adding a subdivision; Laws 2015, First Special Session chapter 2, article 1, section 2, subdivision 2, as amended; Laws 2017, chapter 91, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 15; 114D.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 836, now on the General Orders.

REPORTS OF COMMITTEES

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

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 1733 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1733	1859				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1733 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1733, the second engrossment; and insert the language after the enacting clause of S.F. No. 1859, the second engrossment; further, delete the title of H.F. No. 1733, the second engrossment; and insert the title of S.F. No. 1859, the second engrossment.

And when so amended H.F. No. 1733 will be identical to S.F. No. 1859, and further recommends that H.F. No. 1733 be given its second reading and substituted for S.F. No. 1859, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Gazelka, from the Committee on Rules and Administration, to which was referred

H.F. No. 85 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
85	153				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 85 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 85, the first engrossment; and insert the language after the enacting clause of S.F. No. 153, the first engrossment; further, delete the title of H.F. No. 85, the first engrossment; and insert the title of S.F. No. 153, the first engrossment.

And when so amended H.F. No. 85 will be identical to S.F. No. 153, and further recommends that H.F. No. 85 be given its second reading and substituted for S.F. No. 153, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1733 and 85 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Dibble, Champion, Hayden, Torres Ray, and Dziejdz introduced--

S.F. No. 2865: A bill for an act relating to geographic features; requiring the commissioner of natural resources to change certain names of geographic features of the state.

Referred to the Committee on Environment and Natural Resources Policy and Legacy Finance.

Senators Abeler and Jensen introduced--

S.F. No. 2866: A bill for an act relating to health care; increasing the surcharge for hospitals and health maintenance organizations; increasing the premium tax for for-profit health maintenance organizations; amending Minnesota Statutes 2018, sections 256.9657, subdivisions 2, 3; 256B.69, subdivision 5i; 297I.05, subdivisions 1, 2, 5.

Referred to the Committee on Health and Human Services Finance and Policy.

Senators Abeler; Anderson, P.; Relph; Jensen; and Draheim introduced--

S.F. No. 2867: A bill for an act relating to health insurance; requiring guaranteed issue for individual health plans offered by health carriers to Minnesota residents; amending Minnesota Statutes 2018, section 62A.65, subdivision 1.

Referred to the Committee on Health and Human Services Finance and Policy.

Senators Marty, Dziezic, Laine, Hawj, and Isaacson introduced--

S.F. No. 2868: A bill for an act relating to education finance; increasing funding for school-linked mental health services grants; providing funding for full-service community schools; extending funding for support our students grants; funding the homework starts with home program; increasing funding for the collaborative urban educator program; appropriating money; amending Minnesota Statutes 2018, section 245.4889, subdivision 1, by adding a subdivision.

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

MOTIONS AND RESOLUTIONS**Senator Abeler introduced --**

Senate Resolution No. 99: A Senate resolution honoring Senior Master Sergeant Charles P. Colstrom on his retirement.

Referred to the Committee on Rules and Administration.

APPOINTMENTS

Senator Gazelka from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1555: Senators Newman, Jasinski, Hall, Rarick, and Dibble.

H.F. No. 2400: Senators Nelson, Weber, Eichorn, Jasinski, and Wiger.

Senator Gazelka moved that the foregoing appointments be approved. The motion prevailed.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1703

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2019

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on S.F. No. 2226:

Delete the name of Vang and add the name of Lippert.

S.F. No. 2226: A bill for an act relating to agriculture; establishing a budget for the Department of Agriculture, the Board of Animal Health, the Agricultural Utilization Research Institute, and the Minnesota Housing Finance Agency; modifying programs; amending Minnesota Statutes 2018, sections 17.041, subdivision 1; 18B.34, subdivision 5; 18C.425, subdivision 6; 18C.70, subdivision 5; 18C.71, subdivision 4; 18C.80, subdivision 2; 18K.02, subdivision 3; 18K.06; 28A.16; 41A.15, subdivision 10, by adding a subdivision; 41A.16, subdivisions 1, 2, 4; 41A.17, subdivisions 1, 2, 3; 41A.18, subdivisions 1, 2, 3; 41B.055, subdivision 4; 116.06, by adding a subdivision; 116.07, subdivisions 7, 7d; 223.16, subdivisions 2a, 4; 223.17, subdivisions 3, 4, 5, 6, by adding subdivisions; 223.177, subdivisions 2, 3, 8; 232.21, by adding subdivisions; 232.22, subdivisions 3, 4; 232.23, subdivision 3; 232.24, subdivisions 1, 2; 299D.085, by adding a subdivision; 326B.815, subdivision 1; 327.31, by adding a subdivision; 327B.041; 327C.095, subdivisions 4, 6, 12, 13, by adding a subdivision; 428A.11, subdivisions 4, 6; 462A.2035, subdivisions 1a, 1b; 462A.209, subdivision 8; 462A.22, subdivision 9; 462A.24; 462A.33, subdivisions 1, 2, 3; 462A.37, subdivision 2; 462A.38, subdivision 1; 474A.02, by adding subdivisions; 474A.03, subdivision 1; 474A.061, subdivisions 1, 2a, by adding a subdivision; 474A.091, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 41B; 327.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 6, 2019

MOTIONS AND RESOLUTIONS - CONTINUED**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:

H.F. No. 1244, S.F. Nos. 1753 and 2188.

SPECIAL ORDER

H.F. No. 1244: A bill for an act relating to natural resources; accelerating public drainage system acquisition and compensation of ditch buffer strips; providing runoff and sediment option when charging for public drainage ditch repairs; amending Minnesota Statutes 2018, sections 17.117, subdivision 11; 103E.021, subdivision 6; 103E.071; 103E.351, subdivisions 1, 2, 3; proposing coding for new law in Minnesota Statutes, chapter 103E.

H.F. No. 1244 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 57 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Howe	Kiffmeyer	Westrom
Anderson, B.	Ingebrigtsen	Mathews	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1753: A bill for an act relating to public safety; authorizing peace officers to issue citations based on report from work zone flagger; amending Minnesota Statutes 2018, section 169.06, subdivision 4a.

S.F. No. 1753 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Chamberlain	Dziedzic	Hall	Isaacson
Anderson, B.	Champion	Eichorn	Hawj	Jasinski
Anderson, P.	Clausen	Eken	Hayden	Johnson
Bakk	Cohen	Franzen	Hoffman	Kent
Benson	Dahms	Frentz	Housley	Kiffmeyer
Bigham	Dibble	Gazelka	Howe	Klein
Carlson	Draheim	Goggin	Ingebrigtsen	Koran

Laine	Mathews	Pappas	Ruud	Utke
Lang	Miller	Pratt	Senjem	Weber
Latz	Nelson	Rarick	Simonson	Westrom
Limmer	Newman	Relph	Sparks	Wiger
Little	Newton	Rest	Tomassoni	Wiklund
Marty	Osmek	Rosen	Torres Ray	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2188: A bill for an act relating to corrections; authorizing county probation officers to supervise adult felons; clarifying Department of Corrections billing to counties for juvenile confinements; clarifying authority of Fugitive Apprehension Units to do general law enforcement; repealing the special law for the Ramsey County Community Corrections Department; establishing a local correctional officers discipline procedures act; amending Minnesota Statutes 2018, sections 241.025, subdivisions 1, 2; 242.192; 244.19, subdivision 1; 244.20; proposing coding for new law in Minnesota Statutes, chapter 641; repealing Minnesota Statutes 2018, sections 383A.404; 401.13.

Senator Limmer moved to amend S.F. No. 2188 as follows:

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 2018, section 241.026, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Correctional officer" and "officer" mean a person employed by the state; or a state correctional facility; ~~or a local correctional or detention facility~~ in a security capacity.

(c) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

Sec. 4. Minnesota Statutes 2018, section 241.026, subdivision 2, is amended to read:

Subd. 2. **Applicability.** The procedures and provisions of this section apply to state ~~and local~~ correctional authorities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2188 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Benson moved that the following members be excused for a Conference Committee on H.F. No. 2414 from 11:00 to 11:15 a.m.: Senators Benson, Abeler, Utke, Jensen, and Marty. The motion prevailed.

MEMBERS EXCUSED

Senators Cwodzinski and Eaton were excused from the Session of today. Senator Dahms was excused from the Session of today from 11:00 to 11:15 a.m. Senator Jensen was excused from the Session of today at 6:20 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 10:00 a.m., Tuesday, May 7, 2019. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

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