

STATE OF MINNESOTA

Journal of the Senate

NINETY-FIRST LEGISLATURE

FORTY-NINTH DAY

St. Paul, Minnesota, Wednesday, May 8, 2019

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

CALL OF THE SENATE

Senator Goggin 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. Paul Nelson.

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:

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 12, 2019

The Honorable Jeremy R. Miller
President of the Senate

Dear Senator Miller:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

PUBLIC UTILITIES COMMISSION

Valerie Means, 7785 Cress View Dr., Prior Lake, in the county of Scott, effective April 22, 2019, for a term expiring on January 6, 2025.

(Referred to the Committee on Energy and Utilities Finance and Policy.)

April 18, 2019

The Honorable Jeremy R. Miller
President of the Senate

Dear Senator Miller:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HOUSING FINANCE AGENCY

Stephanie Klinzing, 20961 Olson St. N., Elk River, in the county of Sherburne, effective April 23, 2019, for a term expiring on January 2, 2023.

Craig Klausing, 447 Rose Pl., Roseville, in the county of Ramsey, effective April 23, 2019, for a term expiring on January 2, 2023.

(Referred to the Committee on Agriculture, Rural Development, and Housing Policy.)

Sincerely,
Tim Walz, Governor

REPORTS OF COMMITTEES

Senator Benson 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. 2542 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.
2542	1644				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2542 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2542, the second engrossment; and insert the language after the enacting clause of S.F. No. 1644, the second engrossment; further, delete the title of H.F. No. 2542, the second engrossment; and insert the title of S.F. No. 1644, the second engrossment.

And when so amended H.F. No. 2542 will be identical to S.F. No. 1644, and further recommends that H.F. No. 2542 be given its second reading and substituted for S.F. No. 1644, 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. 559 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
559	544				

and that the above 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. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2542 and 559 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Cohen introduced--

S.F. No. 2870: A bill for an act relating to education finance; appropriating money for a grant to an American Indian youth enrichment program.

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

Senator Cohen introduced--

S.F. No. 2871: A bill for an act relating to human services; providing a grant for a culturally specific food shelf in the east metro; appropriating money.

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

MOTIONS AND RESOLUTIONS

Senator Housley moved that the names of Senators Kent and Bigham be added as co-authors to S.F. No. 1433. The motion prevailed.

Senator Benson, designee of the Chair of the Committee on Rules and Administration, moved that H.F. No. 1487 be taken from the table and given a second reading. The motion prevailed.

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.

H.F. No. 1487 was read the second time.

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

SPECIAL ORDERS

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

S.F. No. 1261, H.F. No. 653, S.F. Nos. 1100, 998, 973, H.F. No. 148, and S.F. No. 2313.

SPECIAL ORDER

S.F. No. 1261: A bill for an act relating to transportation; designating a segment of marked Trunk Highway 23 in Kandiyohi County as Ryane Clark Memorial Highway; amending Minnesota Statutes 2018, section 161.14, by adding a subdivision.

S.F. No. 1261 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson, B.

Anderson, P.

Bakk

Benson

Bigham

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

So the bill passed and its title was agreed to.

RECESS

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

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

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.

H.F. No. 653 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 63 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson, B.	Bakk	Bigham	Chamberlain	Cohen
Anderson, P.	Benson	Carlson	Clausen	Cwodzinski

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

Those who voted in the negative were:

Champion Hayden

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1100: A bill for an act relating to public safety; modifying requirements for the Prairie Island Indian Community to exercise concurrent state law enforcement jurisdictional authority; amending Minnesota Statutes 2018, section 626.93, by adding a subdivision.

S.F. No. 1100 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 58 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dahms Ingebrigtsen Kiffmeyer Westrom
Howe Jasinski Nelson

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 998: A bill for an act relating to cities; requiring a city, if asked, to provide a written estimate of certain fees to be paid by an applicant for a permit, license, or other approval relating to real estate; proposing coding for new law in Minnesota Statutes, chapter 471.

S.F. No. 998 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 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bigham	Clausen	Klein	Little
Carlson	Isaacson	Laine	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 973: A bill for an act relating to health; requesting the Board of Regents of the University of Minnesota to establish an advisory council on rare diseases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 137.

Senator Rosen moved to amend S.F. No. 973 as follows:

Page 4, line 4, after the period, insert "The base for this appropriation in fiscal year 2024 and later is \$0."

The motion prevailed. So the amendment was adopted.

S.F. No. 973 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

SPECIAL ORDER

H.F. No. 148: A bill for an act relating to health; permitting a community emergency medical technician to be a member of a basic life support ambulance service; modifying an occupational title of certain emergency medical technicians; amending Minnesota Statutes 2018, sections 144E.001, subdivision 5h; 144E.275, subdivision 7; 256B.0625, subdivision 60a.

Senator Rosen moved to amend H.F. No. 148 as follows:

Page 2, after line 30, insert:

"Sec. 3. Minnesota Statutes 2018, section 256B.0625, subdivision 3b, is amended to read:

Subd. 3b. **Telemedicine services.** (a) Medical assistance covers medically necessary services and consultations delivered by a licensed health care provider via telemedicine in the same manner as if the service or consultation was delivered in person. Coverage is limited to three telemedicine services per enrollee per calendar week. Telemedicine services shall be paid at the full allowable rate.

(b) The commissioner shall establish criteria that a health care provider must attest to in order to demonstrate the safety or efficacy of delivering a particular service via telemedicine. The attestation may include that the health care provider:

(1) has identified the categories or types of services the health care provider will provide via telemedicine;

(2) has written policies and procedures specific to telemedicine services that are regularly reviewed and updated;

(3) has policies and procedures that adequately address patient safety before, during, and after the telemedicine service is rendered;

(4) has established protocols addressing how and when to discontinue telemedicine services; and

(5) has an established quality assurance process related to telemedicine services.

(c) As a condition of payment, a licensed health care provider must document each occurrence of a health service provided by telemedicine to a medical assistance enrollee. Health care service records for services provided by telemedicine must meet the requirements set forth in Minnesota Rules, part 9505.2175, subparts 1 and 2, and must document:

(1) the type of service provided by telemedicine;

(2) the time the service began and the time the service ended, including an a.m. and p.m. designation;

(3) the licensed health care provider's basis for determining that telemedicine is an appropriate and effective means for delivering the service to the enrollee;

(4) the mode of transmission of the telemedicine service and records evidencing that a particular mode of transmission was utilized;

(5) the location of the originating site and the distant site;

(6) if the claim for payment is based on a physician's telemedicine consultation with another physician, the written opinion from the consulting physician providing the telemedicine consultation; and

(7) compliance with the criteria attested to by the health care provider in accordance with paragraph (b).

(d) For purposes of this subdivision, unless otherwise covered under this chapter, "telemedicine" is defined as the delivery of health care services or consultations while the patient is at an originating site and the licensed health care provider is at a distant site. A communication between licensed health care providers, or a licensed health care provider and a patient that consists solely of a telephone conversation, e-mail, or facsimile transmission does not constitute telemedicine consultations or services. Telemedicine may be provided by means of real-time two-way, interactive audio and visual communications, including the application of secure video conferencing or store-and-forward technology to provide or support health care delivery, which facilitate the assessment, diagnosis, consultation, treatment, education, and care management of a patient's health care.

(e) For purposes of this section, "licensed health care provider" means a licensed health care provider under section 62A.671, subdivision 6, ~~and a community paramedic as defined under section 144E.001, subdivision 5f,~~ or a mental health practitioner defined under section 245.462, subdivision 17, or 245.4871, subdivision 26, working under the general supervision of a mental health professional; "health care provider" is defined under section 62A.671, subdivision 3; and "originating site" is defined under section 62A.671, subdivision 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 148 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson, B.

Anderson, P.

Bakk

Benson

Bigham

Carlson	Eken	Jasinski	Marty	Rosen
Chamberlain	Franzen	Jensen	Mathews	Ruud
Champion	Frentz	Johnson	Miller	Senjem
Clausen	Gazelka	Kent	Nelson	Simonson
Cohen	Goggin	Kiffmeyer	Newman	Sparks
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Dziedzic	Howe	Latz	Rarick	Westrom
Eaton	Ingebrigtsen	Limmer	Relph	Wiger
Eichorn	Isaacson	Little	Rest	Wiklund

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

SPECIAL ORDER

S.F. No. 2313: A bill for an act relating to insurance; making changes to conform with certain model regulations; authorizing rulemaking; amending Minnesota Statutes 2018, sections 60A.1291, subdivisions 1, 15, 18, by adding a subdivision; 60A.51, by adding a subdivision; 60A.52, subdivision 1; 60D.15, by adding subdivisions; 62A.3099, by adding a subdivision; 62A.31, subdivision 1, by adding a subdivision; 62A.315; 62A.316; 62A.3161; 62A.3162; 62A.3163; 62A.3164; 62A.3165; 62A.318, subdivision 17; 62E.07; proposing coding for new law in Minnesota Statutes, chapters 60A; 60D.

Senator Utke moved to amend S.F. No. 2313 as follows:

Page 7, line 10, before "The" insert "Groupwide supervisor" means"

Page 7, line 16, before "An" insert "Internationally active insurance group" means"

Page 11, line 23, delete everything after the period

Page 11, delete lines 24 to 27

The motion prevailed. So the amendment was adopted.

S.F. No. 2313 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

Utke

Weber

Westrom

Wiger

Wiklund

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

MEMBERS EXCUSED

Senator Abeler was excused from the Session of today. Senators Eaton, Latz, and Sparks were excused from the Session of today from 10:00 to 10:35 a.m. Senator Hoffman was excused from the Session of today at 12:45 p.m.

ADJOURNMENT

Senator Gazelka moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 9, 2019. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, May 8, 2019

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 4231 to 4232

REPORTS OF COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
		559	4233
		2542	4232

SECOND READINGS

S.F. Nos.	Page	H.F. Nos.	Page
		559	4233
		1487	4234
		2542	4233

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 2870 to 2871 Page 4233

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1433	4234	1487	4234
		1487	4234

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
973	4237	148	4238
998	4236	653	4235
1100	4236		
1261	4234		
2313	4240		

THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
973	4237	148	4239
998	4237	653	4235
1100	4236		
1261	4234		
2313	4240		