

STATE OF MINNESOTA

# Journal of the Senate

NINETY-FIRST LEGISLATURE

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NINETY-FIRST DAY

St. Paul, Minnesota, Monday, May 11, 2020

The Senate met at 11:00 a.m. and was called to order by the President.

The members of the Senate paused for a moment of silent prayer and reflection.

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 were present:

|              |          |              |         |            |
|--------------|----------|--------------|---------|------------|
| Abeler       | Draheim  | Howe         | Little  | Ruud       |
| 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   |            |

The President declared a quorum present.

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, B.; Carlson; Chamberlain; Clausen; Dahms; Eaton; Eichorn; Frentz; Hall; Laine; Latz; Little; Newman; Newton; Pratt; Rest; Rosen; Ruud; Senjem; Sparks; Torres Ray; and Wiklund.

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 the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1098, 2939, and 4091.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 9, 2020

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1507.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 7, 2020

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 331, 3356, 4044, and 4582.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 9, 2020

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 1507:** A bill for an act relating to state government; establishing the COVID-19 Economic Security Act; modifying loans during public health emergency; providing for small business loans and grants; providing grants for expanding broadband and telemedicine; providing housing assistance; expanding personal care assistance services; increasing personal care assistant rates; providing penalties; appropriating money; amending Minnesota Statutes 2018, section 48.512, subdivisions 2, 3; Minnesota Statutes 2019 Supplement, sections 256B.0659, subdivision 11; 256B.85, subdivision 16.

Senator Gazelka moved that H.F. No. 1507 be laid on the table. The motion prevailed.

**H.F. No. 331:** A bill for an act relating to health; adding charter schools to the prohibition of tobacco in schools; increasing the tobacco sale age; increasing administrative penalties; adding a provision to municipal license of tobacco; allowing alternative penalties; amending Minnesota Statutes 2018, sections 171.171; 461.12, subdivisions 2, 3, 4, 5, 6; 461.18; 609.685; 609.6855; Minnesota Statutes 2019 Supplement, sections 144.4165; 144.4167, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 461.

Senator Gazelka moved that H.F. No. 331 be laid on the table. The motion prevailed.

**H.F. No. 3356:** A bill for an act relating to state government; changing a provision for publication in the State Register; changing the date for the annual report on events held in the Capitol building; amending Minnesota Statutes 2018, sections 14.46, subdivisions 3, 4; 16B.2405, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3296, now on General Orders.

**H.F. No. 4044:** A bill for an act relating to legislative enactments; making miscellaneous technical corrections to laws and statutes; correcting erroneous, obsolete, and omitted text and

references; removing redundant, conflicting, and superseded provisions; amending Minnesota Statutes 2018, sections 3.842, subdivision 2; 12.09, subdivision 10; 13.7905, subdivisions 2, 3, 4a, 5, 6; 34.02; 60B.32, subdivision 5; 60B.38, subdivision 1; 60B.40, subdivision 2; 60B.46, subdivision 2; 62J.498, subdivision 1; 62J.4981, subdivision 3; 62J.812; 88.01, subdivision 1; 88.17, subdivision 3; 97A.052, subdivision 1; 97C.081, subdivision 10; 97C.825, subdivision 2; 103C.201, subdivision 8; 103G.411; 115.72, subdivision 2; 116J.395, subdivision 3; 116J.8737, subdivision 8; 122A.40, subdivision 14; 123A.19, subdivisions 3, 5; 123A.75, subdivisions 2, 4; 124D.77; 124D.98, subdivision 3; 126C.13, subdivision 4; 137.38, subdivision 1; 144.292, subdivision 7; 144A.19, subdivision 2; 145.901, subdivision 2; 146A.08, subdivision 4; 147.091, subdivision 6; 147A.13, subdivision 6; 148.10, subdivision 1; 148.261, subdivision 5; 148.5194, subdivision 5; 148.754; 148B.5905; 148E.065, subdivision 1; 148E.075, subdivision 2; 148E.245, subdivision 5; 148F.09, subdivision 6; 151.01, subdivision 27a; 151.071, subdivision 10; 155A.271, subdivision 2; 156.125, subdivision 3; 160.262, subdivision 3; 160.266, subdivision 1b; 160.276, subdivision 2a; 161.082, subdivision 2; 161.166, subdivision 2; 161.53; 169.18, subdivision 6; 169.791, subdivision 5; 169A.03, subdivision 20; 171.02, subdivision 2a; 171.075, subdivision 1; 171.17, subdivision 4; 171.175, subdivision 1; 171.187, subdivisions 1, 3; 174.30, subdivision 3; 216B.1641; 245.814, subdivision 2; 270A.03, subdivision 8; 297E.02, subdivisions 1, 6; 298.28, subdivision 7a; 299A.11, subdivision 1; 308A.711, subdivision 1; 326A.05, subdivision 1; 326A.14, subdivision 1; 353G.08, subdivision 3; 504B.211, subdivision 2; 571.74; 576.21; 576.22; 576.29, subdivision 1; 576.42, subdivision 6; 609.2111; 609.224, subdivision 3; 609.535, subdivision 6; 609.80; 609.891, subdivision 3; 609.902, subdivision 4; 628.26; 629.344; 629.364; Minnesota Statutes 2019 Supplement, sections 16A.968, subdivision 2; 28A.075; 116.155, subdivision 3; 116J.8737, subdivision 5; 121A.335, subdivision 5; 122A.635, subdivision 2; 144G.50, subdivision 2; 151.01, subdivision 27; 151.43; 151.441, subdivision 1; 152.126, subdivision 6; 157.22; 169.881, subdivision 3; 169A.24, subdivision 1; 176.231, subdivision 1; 245A.11, subdivision 7a; 245C.22, subdivision 5; 256B.85, subdivision 2; 260B.331, subdivision 2; 290.0121, subdivision 3; 297A.75, subdivision 1; 349.12, subdivision 25; 609.52, subdivision 1; Laws 2019, First Special Session chapter 4, article 3, section 109; Laws 2019, First Special Session chapter 11, article 3, section 23, subdivision 6; repealing Minnesota Statutes 2018, sections 13.383, subdivision 9; 115.71, subdivision 4; 161.1231, subdivision 10; Minnesota Statutes 2019 Supplement, section 13.7905, subdivision 7; Laws 2019, chapter 37, section 1.

Senator Gazelka moved that H.F. No. 4044 be laid on the table. The motion prevailed.

**H.F. No. 4582:** A bill for an act relating to human services; appropriating money for a onetime MFIP supplemental payment.

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

## REPORTS OF COMMITTEES

Senator Gazelka moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 3970. The motion prevailed.

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

**S.F. No. 4481:** A bill for an act relating to economic development; modifying small business loan transfers; appropriating money for emergency small business grants and loans; amending Laws 2020, chapter 71, article 1, section 11.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 16A.152, subdivision 2, is amended to read:

Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund revenues and expenditures, the commissioner of management and budget determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of management and budget must allocate money to the following accounts and purposes in priority order:

(1) the cash flow account established in subdivision 1 until that account reaches \$350,000,000;

(2) the Minnesota 21st century fund established in section 116J.423, until \$20,000,000 has been transferred into the fund;

(3) the budget reserve account established in subdivision 1a until that account reaches \$1,596,522,000 \$2,358,698,000;

~~(3)~~ (4) the amount necessary to increase the aid payment schedule for school district aids and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest tenth of a percent without exceeding the amount available and with any remaining funds deposited in the budget reserve; and

~~(4)~~ (5) the amount necessary to restore all or a portion of the net aid reductions under section 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75, subdivision 5, by the same amount; ~~and~~.

~~(5) the clean water fund established in section 114D.50 until \$22,000,000 has been transferred into the fund.~~

(b) The amounts necessary to meet the requirements of this section are appropriated from the general fund within two weeks after the forecast is released or, in the case of transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations schedules otherwise established in statute.

(c) The commissioner of management and budget shall certify the total dollar amount of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education. The commissioner of education shall increase the aid payment percentage and reduce the property tax shift percentage by these amounts and apply those reductions to the current fiscal year and thereafter.

(d) Paragraph (a), clause (5), expires after the entire amount of the transfer has been made.

Sec. 2. Laws 2020, chapter 71, article 1, section 11, is amended to read:

Sec. 11. **TRANSFERS; SMALL BUSINESS EMERGENCY LOAN PROGRAM.**

Notwithstanding Minnesota Statutes, sections 116J.423 and 116J.8731, in fiscal year 2020, the following amounts are transferred to the small business emergency loan account in the special revenue fund under Minnesota Statutes, section 116M.18, subdivision 9:

(1) \$20,000,000 from the special revenue fund account of the Minnesota 21st century fund under Minnesota Statutes, section 116J.423, subdivision 1; and

(2) \$10,000,000 from the Minnesota investment revolving loan account under Minnesota Statutes, section 116J.8731, subdivision 5, in the special revenue fund.

Transferred amounts are appropriated to the commissioner of employment and economic development to make loans as set forth in Governor's Executive Order 20-15, Providing Immediate Relief to Small Businesses During the COVID-19 Peacetime Emergency. All loan repayments are credited proportionately to the accounts from which the loan amounts were originally transferred. Loan repayments credited to the special revenue fund account of the Minnesota 21st century fund are transferred to the general fund. Any amounts remaining in the small business emergency loan account that are unexpended and unobligated at the close of the fiscal year cancel proportionately to the accounts from which the amounts were originally transferred.

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

**Sec. 3. SMALL BUSINESS RELIEF GRANTS; APPROPRIATION.**

(a) \$60,000,000 in fiscal year 2020 is appropriated from the coronavirus relief fund to the commissioner of employment and economic development for grants under paragraph (b). Funds are available until December 30, 2020.

(b) Of the amount appropriated in paragraph (a):

(1) \$30,000,000 is for a grant to the Minnesota Initiative Foundations to serve businesses in greater Minnesota; and

(2) \$30,000,000 is for grants to nonprofit corporations approved under the small business emergency loan pursuant to Laws 2020, chapter 71, section 11, to serve businesses in the seven-county metropolitan area.

(c) No more than five percent of the amounts granted under paragraph (b) may be used for administrative costs incurred from making grants under this section.

(d) Grant recipients under paragraph (b) shall use funds to make grants of up to \$10,000 to individual businesses that:

(1) are located in the state of Minnesota and owned by a permanent resident of Minnesota;

(2) are in good standing with the secretary of state and the Department of Revenue;

(3) employ the equivalent of 50 full-time workers or less; and

(4) can demonstrate financial hardship as a result of the COVID-19 outbreak.

Grant funds received by individual businesses shall be used for working capital to support payroll expenses, rent, mortgage payments, utility bills, and other similar expenses that occur in the regular course of business.

(e) Of the amount granted under paragraph (b):

(1) a minimum of \$18,000,000 must be awarded to businesses that employ the equivalent of five full-time workers or less; and

(2) a minimum of \$9,000,000 must be awarded to minority business enterprises, as defined in Minnesota Statutes, section 116M.14, subdivision 5, businesses that are majority owned and operated by veterans as defined in Minnesota Statutes, section 197.447, or businesses that are majority owned and operated by women.

(f) Grants under this section may not be made to a business that previously received a loan with funds appropriated in Laws 2020, chapter 71, article 1, section 11.

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

Delete the title and insert:

"A bill for an act relating to economic development and state finances; appropriating money for emergency small business grants and loans; reimbursing the Minnesota 21st century minerals fund; adjusting the budget reserve forecast calculation; changing the fund receiving small business loan repayments; making technical changes; amending Minnesota Statutes 2018, section 16A.152, subdivision 2; Laws 2020, chapter 71, article 1, section 11."

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

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

**S.F. No. 4563:** A bill for an act relating to state finances; changing the source of COVID-19 appropriations and transfers to federal funds; canceling general fund appropriations and transfers; appropriating money; amending Laws 2020, chapter 66, section 1; Laws 2020, chapter 70, article 1, section 3; article 2, section 2; Laws 2020, chapter 71, article 1, sections 2, subdivision 9; 3; 4; 5; 6; 9; 10; 12; repealing Laws 2020, chapter 74, article 1, section 3.

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

Page 5, delete section 8

Page 6, delete section 9

Page 8, delete section 11

Page 9, after line 6, insert:

**"Sec. 11. COVID-19 MINNESOTA FUND CANCELLATION; COVID-19 MINNESOTA FEDERAL ACCOUNT USE.**

(a) The commissioner of management and budget shall cancel expenditures authorized from the COVID-19 Minnesota fund identified as Legislative COVID-19 Response Commission Action Order No. 7, Legislative COVID-19 Response Commission Action Order No. 9, and Legislative COVID-19 Response Commission Action Order No. 11.

(b) The commissioner of management and budget shall pay for the costs of the action orders canceled in paragraph (a), from the coronavirus relief federal fund.

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

Sec. 12. **TRANSFERS.**

\$49,207,000 in fiscal year 2020 is transferred from the COVID-19 Minnesota fund to the general fund. This is a onetime transfer.

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

Sec. 13. **APPROPRIATION.**

\$49,207,000 in fiscal year 2020 is appropriated from the coronavirus relief federal fund for expenses related to Legislative COVID-19 Response Commission Action Order No. 7, Legislative COVID-19 Response Commission Action Order No. 9, and Legislative COVID-19 Response Commission Action Order No. 11.

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

Amend the title numbers accordingly

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

**Senator Benson from the Committee on Health and Human Services Finance and Policy, to which was referred**

**S.F. No. 3970:** A bill for an act relating to health; authorizing incentives for manufacturers that choose to import certain drugs pursuant to "Pathway 2" of the safe importation action plan; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Delete everything after the enacting clause and insert:

"Section 1. **[62J.85] PRESCRIPTION DRUG MANUFACTURER IMPORTATION PATHWAY PLAN.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Drug product" or "drug" means a prescription drug or biological product that is intended for human use and regulated as a drug except where specific reference is made to a drug approved under section 505 of the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section

355, or biological product approved under section 351 of the federal Public Health Act, United States Code, title 42, section 262. Drug product or drug does not include biological products that are intended for transfusions, including blood or blood products; or allogeneic-, cellular-, or tissue-based products.

(c) "FD&C Act" means the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 301, et seq.

(d) "Importation guidance" means the draft guidance released by the FDA titled "Importation of Certain FDA-Approved Human Prescription Drugs, Including Biological Products, Under Section 801(d)(1)(B) of the Federal Food, Drug, and Cosmetic Act; Draft Guidance for the Industry," which if finalized allows for the importation of MMA products.

(e) "Manufacturer" means the entity that is the holder of the New Drug Application or Biologics License Application for the drug product.

(f) "Multimarket-approved product" or "MMA product" means a federal Food and Drug Administration (FDA)-approved drug product that:

(1) was manufactured outside the United States and authorized for marketing by another country's regulatory authority;

(2) is subject to a new drug application or biologics license application;

(3) is imported into the United States and is authorized by the manufacturer to be marketed in the United States; and

(4) continues to meet the quality standards for marketing in its originally intended foreign market.

Subd. 2. **Application.** This section applies to any MMA product in which the manufacturer of the product has obtained a new National Drug Code (NDC) for the MMA product and has imported the MMA product in compliance with the FD&C Act and any importation guidance finalized by the FDA.

Subd. 3. **Incentives.** (a) In order to facilitate importation of drugs pursuant to importation guidance finalized by the FDA, any MMA product offered for sale in Minnesota at a cost that is at least 23 percent lower than the wholesale acquisition cost for the FDA-approved product manufactured in the United States shall be:

(1) included on the uniform preferred drug list and covered under the medical assistance and MinnesotaCare programs; and

(2) a covered drug under the state employee group insurance program pursuant to chapter 43A.

(b) A health plan company must provide coverage for each MMA product that meets the requirements in paragraph (a) if the manufacturer's FDA-approved drug product manufactured in the United States is covered by the health plan company and the health plan company must not impose any enrollee cost-sharing requirements for the covered MMA product.



(c) This subdivision shall not become effective for MMA products that are offered for sale in Minnesota in accordance with paragraph (a) unless affirmative action is taken by the legislature."

And when so amended the bill do pass and be re-referred to the Committee on State Government Finance and Policy and Elections.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

### SECOND READING OF SENATE BILLS

S.F. Nos. 4481 and 4563 were read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### **Senator Dahms introduced--**

**S.F. No. 4591:** A bill for an act relating to capital investment; appropriating money for drinking water infrastructure in the city of Clarkfield; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

#### **Senator Dahms introduced--**

**S.F. No. 4592:** A bill for an act relating to capital investment; appropriating money to the city of Clarkfield for stormwater infrastructure; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

#### **Senator Dahms introduced--**

**S.F. No. 4593:** A bill for an act relating to taxation; sales and use; providing an exemption for construction materials for a school building in Marshall; amending Minnesota Statutes 2019 Supplement, section 297A.71, subdivision 52.

Referred to the Committee on Taxes.

#### **Senator Dahms introduced--**

**S.F. No. 4594:** A bill for an act relating to public safety; appropriating money for fire department personal protective equipment grants.

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

#### **Senator Pratt introduced--**

**S.F. No. 4595:** A bill for an act relating to capital investment; appropriating money for Scott County for flood hazard mitigation; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Mathews introduced--**

**S.F. No. 4596:** A bill for an act relating to human services; appropriating money for live well at home grants.

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

**Senator Senjem introduced--**

**S.F. No. 4597:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; modifying previous appropriations; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; appropriating money; amending Minnesota Statutes 2018, sections 16A.641, by adding a subdivision; 16B.86; 16B.87; 115A.0716; 123B.53, subdivisions 1, 4; 126C.63, subdivision 8; 126C.66, subdivision 3; 126C.69, as amended; 126C.71; 363A.36, by adding a subdivision; 363A.44, subdivision 1; 462A.37, by adding a subdivision; Minnesota Statutes 2019 Supplement, sections 16A.968, subdivisions 2, 3; 462A.37, subdivisions 2, 5; Laws 2017, First Special Session chapter 8, article 1, section 18, subdivision 3; Laws 2018, chapter 214, article 1, sections 7, subdivision 1; 21, subdivision 1; Laws 2019, First Special Session chapter 11, article 6, section 7, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 116; 174; repealing Minnesota Statutes 2018, sections 126C.65, subdivision 2; 126C.68, subdivisions 1, 2, 4; Minnesota Statutes 2019 Supplement, section 126C.68, subdivision 3.

Referred to the Committee on Capital Investment.

**Senator Dzedzic introduced--**

**S.F. No. 4598:** A bill for an act relating to liquor; allowing temporary and special off-sale during and beyond the COVID-19 peacetime emergency; amending Laws 2020, chapter 75, section 1.

Referred to the Committee on Commerce and Consumer Protection Finance and Policy.

## MOTIONS AND RESOLUTIONS

Senator Abeler moved that his name be stricken as a co-author to S.F. No. 1873. The motion prevailed.

Senator Housley moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Gazelka be added as chief author to S.F. No. 1873. The motion prevailed.

Senator Draheim moved that the name of Senator Housley be added as a co-author to S.F. No. 3422. The motion prevailed.

Senator Latz moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Limmer be added as chief author to S.F. No. 3948. The motion prevailed.

Senator Westrom moved that the names of Senators Relph, Draheim, Mathews, and Kiffmeyer be added as co-authors to S.F. No. 4485. The motion prevailed.

Senator Ingebrigtsen moved that his name be stricken as a co-author to S.F. No. 4511. The motion prevailed.

Senator Newman moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Mathews be added as chief author to S.F. No. 4511. The motion prevailed.

Senator Jasinski moved that the names of Senators Chamberlain and Draheim be added as co-authors to S.F. No. 4552. The motion prevailed.

Senator Goggin moved that the name of Senator Sparks be added as a co-author to S.F. No. 4553. The motion prevailed.

Senator Abeler moved that the name of Senator Nelson be added as a co-author to S.F. No. 4587. The motion prevailed.

### 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. 1883, S.F. Nos. 3435, 3251, 3589, and 4511.

### SPECIAL ORDER

**H.F. No. 1883:** A bill for an act relating to education; foster care; requiring a student in foster care to be enrolled in school; requiring a report on foster youth school enrollment; amending Minnesota Statutes 2018, section 257.0725; proposing coding for new law in Minnesota Statutes, chapter 120A.

Senator Gazelka moved to amend H.F. No. 1883 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2020, chapter 71, article 1, section 7, subdivision 1, is amended to read:

Subdivision 1. **Fund created.** The COVID-19 Minnesota fund is created in the state treasury to pay expenditures related to a peacetime emergency declared by the governor in an executive order that relates to the infectious disease known as COVID-19. Money in the fund is appropriated to the commissioner of management and budget and may be disbursed or transferred to state agencies as necessary to (1) protect Minnesota citizens from the COVID-19 outbreak, and (2) maintain state government operations throughout the duration of the peacetime emergency. Any money in the fund that remains unobligated on ~~May 11, 2020~~ December 31, 2020, cancels to the general fund.

**EFFECTIVE DATE.** This section is effective retroactively from May 8, 2020.

Sec. 2. Laws 2020, chapter 71, article 1, section 7, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective the day following final enactment and expires ~~May 11, 2020~~ December 31, 2020.

**EFFECTIVE DATE.** This section is effective retroactively from May 8, 2020.

Sec. 3. **CONTINGENT TRANSFER.**

Any money canceled from the COVID-19 Minnesota fund to the general fund in fiscal year 2020 under Laws 2020, chapter 71, article 1, section 7, subdivision 1, is transferred back to the COVID-19 Minnesota fund.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1883 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 62 and nays 5, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Laine, Latz, Little, Newton, Rest, Sparks, Torres Ray, and Wiklund.

Those who voted in the negative were:

|      |              |         |       |         |
|------|--------------|---------|-------|---------|
| Howe | Ingebrigtsen | Johnson | Osmek | Westrom |
|------|--------------|---------|-------|---------|

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

**SPECIAL ORDER**

**S.F. No. 3435:** A bill for an act relating to real estate; modifying appraisal management company licensure; amending Minnesota Statutes 2018, sections 82C.03, subdivision 5; 82C.06; 82C.08, subdivisions 1, 2.

S.F. No. 3435 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |          |              |         |            |
|--------------|----------|--------------|---------|------------|
| Abeler       | Draheim  | Howe         | Little  | Ruud       |
| 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   |            |

Pursuant to Rule 40, Senator Gazelka cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Laine, Latz, Little, Newton, Rest, Sparks, Torres Ray, and Wiklund.

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3251:** A bill for an act relating to housing; allowing mortgage financing for manufactured homes in manufactured home park cooperatives; amending Minnesota Statutes 2018, section 273.125, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 168A.

Senator Johnson moved to amend S.F. No. 3251 as follows:

Page 5, line 2, delete "4" and insert "5"

The motion prevailed. So the amendment was adopted.

S.F. No. 3251 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |          |              |         |            |
|--------------|----------|--------------|---------|------------|
| Abeler       | Draheim  | Howe         | Little  | Ruud       |
| 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   |            |

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Laine, Latz, Little, Newton, Rest, Sparks, Torres Ray, and Wiklund.

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

### SPECIAL ORDER

**S.F. No. 3589:** A bill for an act relating to financial institutions; modifying authorized investments for banks and trust companies; amending Minnesota Statutes 2018, section 48.61, subdivision 3.

S.F. No. 3589 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |          |              |         |            |
|--------------|----------|--------------|---------|------------|
| Abeler       | Draheim  | Howe         | Little  | Ruud       |
| 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   |            |

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Laine, Latz, Little, Newton, Rest, Sparks, Torres Ray, and Wiklund.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 4511:** A bill for an act relating to economic development; authorizing reopening of businesses for safe operation during the COVID-19 pandemic if certain safety guidance is followed.

Senator Mathews moved to amend S.F. No. 4511 as follows:

Page 1, line 11, after "business" insert "": (1) develop a COVID-19 preparedness plan as provided by the commissioner of labor and industry, which shall: (i) provide site-specific best practices for the business including, but not limited to, health and wellness; social distancing; cleaning, sanitation, and protection; and operations and communications for employees and members of the public; and (ii) address occupancy for the business in order to accommodate social distancing and safety for employees and members of the public; and (2)""

The motion prevailed. So the amendment was adopted.

Senator Abeler moved to amend S.F. No. 4511 as follows:

Page 1, line 14, after the period, insert "No board or licensing agency may impose any additional penalties for a violation of the governor's emergency executive orders.""

The motion prevailed. So the amendment was adopted.

Senator Franzen moved to amend S.F. No. 4511 as follows:

Page 1, line 11, delete "adheres to" and insert "provides a statement that the business will meet any testing protocols established and comply with"

The motion prevailed. So the amendment was adopted.

Senator Jensen moved to amend S.F. No. 4511 as follows:

Page 1, line 14, after the period, insert "A single civil penalty may be imposed on a business that violates this section during the term of the governor's emergency executive authority. An additional civil penalty may be imposed on a business during each subsequent extension of the governor's executive authority. For purposes of this section, "governor's emergency executive authority" means the governor's Emergency Executive Order 20-01, 20-35, or 20-48, or other subsequent executive order that provides for, modifies, or extends the declaration of a peacetime emergency in response to the COVID-19 pandemic"

Senator Jensen moved to amend the Jensen amendment to S.F. No. 4511 as follows:

Page 1, line 2, after "civil" insert "or criminal"

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

Senator Jensen withdrew his first amendment.

S.F. No. 4511 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 39 and nays 28, as follows:

Those who voted in the affirmative were:

|              |              |           |        |           |
|--------------|--------------|-----------|--------|-----------|
| Abeler       | Eken         | Jasinski  | Miller | Ruud      |
| Anderson, B. | Gazelka      | Jensen    | Nelson | Senjem    |
| Anderson, P. | Goggin       | Johnson   | Newman | Sparks    |
| Benson       | Hall         | Kiffmeyer | Osmek  | Tomassoni |
| Chamberlain  | Hoffman      | Koran     | Pratt  | Utke      |
| Dahms        | Housley      | Lang      | Rarick | Weber     |
| Draheim      | Howe         | Limmer    | Relph  | Westrom   |
| Eichorn      | Ingebrigtsen | Mathews   | Rosen  |           |

Pursuant to Rule 40, Senator Benson cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Jasinski; Nelson; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senator: Sparks.

Those who voted in the negative were:

|          |            |          |        |            |
|----------|------------|----------|--------|------------|
| Bakk     | Cwodzinski | Hawj     | Latz   | Simonson   |
| Bigham   | Dibble     | Hayden   | Little | Torres Ray |
| Carlson  | Dziedzic   | Isaacson | Marty  | Wiger      |
| Champion | Eaton      | Kent     | Newton | Wiklund    |
| Clausen  | Franzen    | Klein    | Pappas |            |
| Cohen    | Frentz     | Laine    | Rest   |            |

Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Laine, Latz, Little, Newton, Rest, Torres Ray, and Wiklund.

So the bill, as amended, was 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 proceeded to the Order of Business of the Consent Calendar.

### CONSENT CALENDAR

**S.F. No. 3443:** A bill for an act relating to housing; modifying the definition of modular home; modifying assessment provision for manufactured home relocation trust fund; amending Minnesota Statutes 2019 Supplement, sections 327.31, subdivision 23; 327C.095, subdivision 12.

Senator Dziedzic moved to amend S.F. No. 3443 as follows:

Page 3, line 9, strike "November 30" and insert "October 31"



The motion prevailed. So the amendment was adopted.

S.F. No. 3443 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |          |              |         |            |
|--------------|----------|--------------|---------|------------|
| Abeler       | Draheim  | Howe         | Little  | Ruud       |
| 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   |            |

Pursuant to Rule 40, Senator Gazelka cast the affirmative vote on behalf of the following Senators: Anderson, B.; Chamberlain; Dahms; Eichorn; Hall; Jasinski, Nelson; Newman; Pratt; Rosen; Ruud; and Senjem.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Carlson, Clausen, Eaton, Frentz, Hayden, Laine, Latz, Little, Newton, Rest, Sparks, Torres Ray, and Wiklund.

So the bill, as amended, was 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 Messages From the House and First Reading of House Bills.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2768.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 11, 2020

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 2768:** A bill for an act relating to state government; ratifying labor agreements and compensation plans.

Senator Gazelka moved that H.F. No. 2768 be laid on the table. The motion prevailed.

**ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 11:00 a.m., Tuesday, May 12, 2020. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate