

STATE OF MINNESOTA

# Journal of the Senate

NINETY-SECOND LEGISLATURE

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SPECIAL SESSION

ELEVENTH DAY

St. Paul, Minnesota, Friday, June 25, 2021

The Senate met at 1:00 p.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	Marty	Rest
Anderson	Duckworth	Ingebrigtsen	Mathews	Rosen
Bakk	Dziedzic	Isaacson	McEwen	Ruud
Benson	Eaton	Jasinski	Miller	Senjem
Bigham	Eichorn	Johnson	Murphy	Tomassoni
Carlson	Eken	Johnson Stewart	Nelson	Torres Ray
Chamberlain	Fateh	Kent	Newman	Utke
Champion	Franzen	Kiffmeyer	Newton	Weber
Clausen	Frentz	Klein	Osmek	Westrom
Coleman	Gazelka	Koran	Pappas	Wiger
Cwodzinski	Goggin	Kunesh	Port	Wiklund
Dahms	Hawj	Lang	Pratt	
Dibble	Hoffman	Latz	Putnam	
Dornink	Housley	Limmer	Rarick	

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Abeler, Carlson (California), Champion, Coleman, Duckworth, Eaton, Eken, Fateh, Franzen, Goggin, Ingebrigtsen, Isaacson, Klein, Lang, Latz, Newton, Osmek, Pratt, Ruud, Torres Ray, and Wiklund.

The President declared a quorum present.

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

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

### Senator Champion introduced--

**S.F. No. 64:** A bill for an act relating to capital investment; appropriating money for phase I of the North Commons Improvement Project in the city of Minneapolis.

Referred to the Committee on Capital Investment.

**Senator Newton introduced--**

**S.F. No. 65:** A bill for an act relating to capital investment; appropriating money for asset preservation at the National Sports Center in Blaine; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Kent introduced--**

**S.F. No. 66:** A bill for an act relating to taxation; tax increment financing; providing special rules for the city of Woodbury.

Referred to the Committee on Rules and Administration.

**Senator Murphy introduced--**

**S.F. No. 67:** A bill for an act relating to health; establishing the Health Care Commission; proposing coding for new law as Minnesota Statutes, chapter 144I.

Referred to the Committee on Rules and Administration.

## MOTIONS AND RESOLUTIONS

**Senator Champion introduced --**

**Senate Resolution No. 11:** A Senate resolution recognizing Friday, June 25, 2021, as Dr. Thelma Battle Buckner Day in Minnesota.

Referred to the Committee on Rules and Administration.

Senator Weber moved that H.F. No. 4 be taken from the table and given a second reading. The motion prevailed.

**H.F. No. 4:** A bill for an act relating to state government; establishing a budget for the Minnesota Housing Finance Agency; modifying various housing policy provisions; expanding requirements and uses of housing infrastructure bonds and rehabilitation loans; expanding accommodation requirements for service and support animals; expanding property ownership options to owners of manufactured homes; providing for an eviction moratorium phaseout; establishing a task force on shelter; making technical and conforming changes; requiring a report; appropriating money; amending Minnesota Statutes 2020, sections 12A.09, subdivision 3; 256C.02; 273.11, subdivision 12; 273.125, subdivision 8; 326B.106, subdivision 7; 363A.09, subdivision 5; 462A.05, subdivisions 14, 14a; 462A.07, subdivision 2; 462A.30, subdivision 9; 462A.37, subdivision 5, by adding a subdivision; 474A.21; proposing coding for new law in Minnesota Statutes, chapters 168A; 504B; repealing Minnesota Statutes 2020, section 168A.141.

H.F. No. 4 was read the second time.

Senator Weber moved that H.F. No. 4 be laid on the table. The motion prevailed.

**RECESS**

Senator Weber 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 - CONTINUED**

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated S.F. No. 2 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 2:** A bill for an act relating to state government operation; appropriating money for certain constitutional offices, legislature, certain state agencies, offices, departments, boards, commissions, certain retirement accounts, general contingent accounts, tort claims, state lottery, Minnesota Historical Society, Minnesota Humanities Center, and military and veterans affairs; canceling certain fiscal year appropriations; making changes to policy provisions in state government operations; changing military and veterans affairs policy provisions; modifying election policy provisions; establishing provisions for federal funds; amending Minnesota Statutes 2020, sections 10.578; 14.389, subdivision 5; 15.057, as amended; 16A.06, by adding a subdivision; 16B.24, by adding a subdivision; 138.38; 155A.23, subdivision 16; 190.07; 197.791, subdivisions 4, 5, 5a, 5b; 198.006; 198.03, subdivision 2; 201.071, subdivision 2; 201.121, subdivision 3; 203B.08, subdivisions 1, 3; 203B.121, subdivision 1; 204B.14, subdivision 3; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.40; 204C.13, subdivision 3; 204C.35, subdivision 3, by adding a subdivision; 240.01, subdivision 18; 240.06, subdivision 7; 240.11; 240.131, subdivision 7; 240.24, subdivisions 2a, 3; 240.30, subdivision 5; 270C.21; 477A.03, subdivision 2b; 609.095; 645.071; Laws 2019, First Special Session chapter 10, article 1, section 40; Laws 2020, chapter 77, section 3, subdivision 6; Laws 2020, Fifth Special Session chapter 3, article 9, section 13; proposing coding for new law in Minnesota Statutes, chapters 3; 10; 16A; 43A; 196; 198; 203B; 609.

Senator Gazelka moved to amend S.F. No. 2 as follows:

Page 35, after line 9, insert:

"Sec. 22. **ROLLBACK OF PANDEMIC-RELATED FINES AND PENALTIES; LICENSE REINSTATEMENTS.**

Notwithstanding Minnesota Statutes, section 12.45, or any conflicting provisions of an executive order or law to the contrary, the maximum penalty for a willful violation of an executive order issued during a peacetime emergency related to the COVID-19 pandemic shall be a misdemeanor and a fine not to exceed \$1,000. Any fine levied and collected for a violation of an executive order issued during a peacetime emergency in excess of the maximum fine amount provided in this section shall be reimbursed to the person or entity fined for the violation by the applicable board or agency in any amounts in excess of \$1,000, as soon as practicable following enactment of this section. Any license revoked by a board or agency due to a violation of an executive order issued during a peacetime emergency related to the COVID-19 pandemic is reinstated.

**EFFECTIVE DATE.** This section is effective retroactively to March 15, 2020.

Sec. 23. **TERMINATION OF PEACETIME EMERGENCY.**

Consistent with Minnesota Statutes, section 12.31, subdivision 2, paragraph (b), the peacetime emergency declared by Executive Order No. 20-01 issued March 13, 2020, is terminated.

**EFFECTIVE DATE.** This section is effective the day following presentment of S.F. No. 2 to the governor pursuant to Article IV, section 23, of the Constitution of the State of Minnesota."

Senator Marty requested division of the Gazelka amendment as follows:

First portion:

Page 35, after line 9, insert:

**"Sec. 22. ROLLBACK OF PANDEMIC-RELATED FINES AND PENALTIES; LICENSE REINSTATEMENTS.**

Notwithstanding Minnesota Statutes, section 12.45, or any conflicting provisions of an executive order or law to the contrary, the maximum penalty for a willful violation of an executive order issued during a peacetime emergency related to the COVID-19 pandemic shall be a misdemeanor and a fine not to exceed \$1,000. Any fine levied and collected for a violation of an executive order issued during a peacetime emergency in excess of the maximum fine amount provided in this section shall be reimbursed to the person or entity fined for the violation by the applicable board or agency in any amounts in excess of \$1,000, as soon as practicable following enactment of this section. Any license revoked by a board or agency due to a violation of an executive order issued during a peacetime emergency related to the COVID-19 pandemic is reinstated.

**EFFECTIVE DATE.** This section is effective retroactively to March 15, 2020.

The question was taken on the adoption of the first portion of the Gazelka amendment.

The roll was called, and there were yeas 38 and nays 29, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	Mathews	Ruud
Anderson	Duckworth	Ingebrigtsen	Miller	Senjem
Bakk	Eichorn	Jasinski	Nelson	Tomassoni
Benson	Eken	Johnson	Newman	Utke
Chamberlain	Gazelka	Kiffmeyer	Osmek	Weber
Coleman	Goggin	Koran	Pratt	Westrom
Dahms	Hoffman	Lang	Rarick	
Dornink	Housley	Limmer	Rosen	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Coleman, Duckworth, Goggin, Ingebrigtsen, Lang, Osmek, Pratt, Ruud, Utke, and Westrom.

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

Those who voted in the negative were:

Bigham	Dziedzic	Isaacson	Marty	Putnam
Carlson	Eaton	Johnson Stewart	McEwen	Rest
Champion	Fateh	Kent	Murphy	Torres Ray
Clausen	Franzen	Klein	Newton	Wiger
Cwodzinski	Frentz	Kunesh	Pappas	Wiklund
Dibble	Hawj	Latz	Port	

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Franzen, Isaacson, Klein, Latz, Newton, Torres Ray, and Wiklund.

The motion prevailed. So the first portion of the amendment was adopted.

Second portion:

Page 35, after line 9, insert:

Sec. 23. **TERMINATION OF PEACETIME EMERGENCY.**

Consistent with Minnesota Statutes, section 12.31, subdivision 2, paragraph (b), the peacetime emergency declared by Executive Order No. 20-01 issued March 13, 2020, is terminated.

**EFFECTIVE DATE.** This section is effective the day following presentment of S.F. No. 2 to the governor pursuant to Article IV, section 23, of the Constitution of the State of Minnesota."

The question was taken on the adoption of the second portion of the Gazelka amendment.

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Ingebrigtsen	Miller	Senjem
Anderson	Duckworth	Jasinski	Nelson	Tomassoni
Bakk	Eichorn	Johnson	Newman	Utke
Benson	Eken	Kiffmeyer	Osmek	Weber
Chamberlain	Gazelka	Koran	Pratt	Westrom
Coleman	Goggin	Lang	Rarick	
Dahms	Housley	Limmer	Rosen	
Dornink	Howe	Mathews	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Coleman, Duckworth, Goggin, Ingebrigtsen, Lang, Osmek, Pratt, Ruud, Utke, and Westrom.

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

Those who voted in the negative were:

Bigham	Dziedzic	Hoffman	Latz	Port
Carlson	Eaton	Isaacson	Marty	Putnam
Champion	Fateh	Johnson Stewart	McEwen	Rest
Clausen	Franzen	Kent	Murphy	Torres Ray
Cwodzinski	Frentz	Klein	Newton	Wiger
Dibble	Hawj	Kunesh	Pappas	Wiklund

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Franzen, Isaacson, Klein, Latz, Newton, Torres Ray, and Wiklund.

The motion prevailed. So the second portion of the amendment was adopted.

Senator Marty moved to amend S.F. No. 2 as follows:

Page 62, after line 31, insert:

"Sec. 5. **STATE FISCAL RECOVERY FUNDS REALLOCATION; APPROPRIATION.**

**Subdivision 1. Transfer reduction.** Notwithstanding the transfers from the state fiscal recovery federal fund to the general fund in fiscal years 2023 and 2024 under section 3, subdivision 1, the commissioner of management and budget shall reduce the transfer under section 3, subdivision 1, by \$3,642,000 in fiscal year 2023 and \$3,642,000 in fiscal year 2024.

**Subd. 2. Contingent appropriation reduction.** If the commissioner of management and budget uses authority provided under section 3, subdivision 2, this subdivision applies. Notwithstanding the appropriations from the state fiscal recovery federal fund under section 3, subdivision 2, the commissioner of management and budget shall reduce the state fiscal recovery federal fund appropriations under section 3, subdivision 2, in fiscal year 2022 by \$3,642,000 and by \$3,642,000 in fiscal year 2024. The commissioner shall also reduce the general fund cancellations under section 3, subdivision 2, by the same amounts.

**Subd. 3. Appropriations.** \$1,821,000 in fiscal year 2022, \$1,821,000 in fiscal year 2023, and \$3,642,000 in fiscal year 2024 are appropriated from the state fiscal recovery federal fund to the attorney general to provide legal service to rural county attorneys and to prosecute crimes that harm consumers and businesses. The base in fiscal years 2025 and later is \$0."

Amend the title accordingly

Pursuant to Rule 7.4, Senator Kiffmeyer questioned whether the Marty amendment was in order. The President ruled the amendment was out of order.

Senator Marty appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 37 and nays 30, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Ingebrigtsen	Miller	Senjem
Anderson	Duckworth	Jasinski	Nelson	Tomassoni
Bakk	Eichorn	Johnson	Newman	Utke
Benson	Gazelka	Kiffmeyer	Osmek	Weber
Chamberlain	Goggin	Koran	Pratt	Westrom
Coleman	Hoffman	Lang	Rarick	
Dahms	Housley	Limmer	Rosen	
Dornink	Howe	Mathews	Ruud	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Coleman, Dahms, Duckworth, Goggin, Housley, Ingebrigtsen, Lang, Osmek, Pratt, Ruud, Utke, and Westrom.

Those who voted in the negative were:

Bigham	Dziedzic	Hawj	Latz	Port
Carlson	Eaton	Isaacson	Marty	Putnam
Champion	Eken	Johnson Stewart	McEwen	Rest
Clausen	Fateh	Kent	Murphy	Torres Ray
Cwodzinski	Franzen	Klein	Newton	Wiger
Dibble	Frentz	Kunesh	Pappas	Wiklund

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Eken, Fateh, Franzen, Isaacson, Klein, Latz, Newton, Torres Ray, and Wiklund.

So the decision of the President was sustained.

S.F. No. 2 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 40 and nays 26, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	Latz	Putnam
Anderson	Duckworth	Ingebrigtsen	Limmer	Rarick
Bakk	Eichorn	Jasinski	Mathews	Rosen
Benson	Eken	Johnson	Miller	Senjem
Chamberlain	Frentz	Kiffmeyer	Nelson	Tomassoni
Coleman	Gazelka	Klein	Newman	Utke
Dahms	Hoffman	Koran	Newton	Weber
Dornink	Housley	Lang	Pratt	Westrom

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Abeler, Coleman, Dahms, Duckworth, Housley, Ingebrigtsen, Lang, Pratt, Utke, and Westrom.

Pursuant to Rule 40, Senator Frentz cast the affirmative vote on behalf of the following Senators: Eken, Klein, Latz, and Newton.

Those who voted in the negative were:

Bigham	Dziedzic	Isaacson	Murphy	Wiger
Carlson	Eaton	Johnson Stewart	Osmek	Wiklund
Champion	Fateh	Kent	Pappas	
Clausen	Franzen	Kunesh	Port	
Cwodzinski	Goggin	Marty	Rest	
Dibble	Hawj	McEwen	Torres Ray	

Pursuant to Rule 40, Senator Jasinski cast the negative vote on behalf of the following Senators: Goggin and Osmek.

Pursuant to Rule 40, Senator Frentz cast the negative vote on behalf of the following Senators: Carlson, Champion, Eaton, Fateh, Franzen, Isaacson, 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 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. 20.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned June 25, 2021

### **MEMBERS EXCUSED**

Senator Ruud was excused from the Session of today at 3:50 p.m.

### **ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 1:00 p.m., Saturday, June 26, 2021. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate



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