

STATE OF MINNESOTA

# Journal of the Senate

NINETY-SECOND LEGISLATURE

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ONE HUNDRED NINTH DAY

St. Paul, Minnesota, Monday, May 16, 2022

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

## CALL OF THE SENATE

Senator Howe 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. Justin Grimm.

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

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, Bigham, Champion, Eaton, Eken, Johnson, Lang, Newton, Ruud, Tomassoni, and Torres Ray.

The President declared a quorum present.

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

## CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Limmer moved that the following members be excused for a Conference Committee on S.F. No. 2673 at 11:00 a.m.:

Senators Limmer, Osmek, Mathews, Latz, and Bigham. The motion prevailed.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 5, 2022

The Honorable David J. Osmek  
President of the Senate

Dear Senator Osmek:

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

#### BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION

Janet Mohr, 500 Greenhaven Dr., Burnsville, in the county of Dakota, effective April 5, 2022, for a term expiring on January 6, 2025.

(Referred to the Committee on Education Finance and Policy.)

Sincerely,  
Tim Walz, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3008:** A bill for an act relating to liquor; prohibiting exclusive contracts for distillers; amending Minnesota Statutes 2020, section 340A.307, subdivisions 1, 2, 4.

There has been appointed as such committee on the part of the House:

Stephenson; Olson, L.; Wolgamott; Kotyza-Witthuhn and Nash.

Senate File No. 3008 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 12, 2022

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 4476:** A bill for an act relating to redistricting; adjusting the district boundaries of Senate Districts 15 and 16; adjusting the house of representatives district boundaries within Senate Districts 15, 16, and 58; proposing coding for new law in Minnesota Statutes, chapter 2.

Senate File No. 4476 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 12, 2022

Senator Miller, for Senator Johnson, moved that S.F. No. 4476 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3669:

**H.F. No. 3669:** A bill for an act relating to taxation; modifying provisions governing individual income and corporate franchise taxes, sales and use taxes, property taxes, certain state aid programs, certain local taxes, tax increment financing, and various other taxes and tax-related provisions; providing for certain federal tax conformity; modifying and proposing certain income tax credits and subtractions; providing for certain sales tax exemptions; modifying property tax refunds and programs; proposing additional local government aid programs; authorizing certain tax increment financing; authorizing certain local taxes; converting the renter's property tax refund into a refundable individual income tax credit; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 6.495, subdivision 3; 38.27, subdivision 4; 41B.0391, subdivisions 1, 2, 4; 123B.595, subdivision 3; 123B.61; 126C.40, subdivision 1; 270A.03, subdivision 2; 270B.12, subdivision 8; 272.01, subdivision 2; 272.02, subdivisions 24, 98, by adding subdivisions; 272.025, subdivision 1; 273.124, subdivisions 3a, 6, 13a, 13c, 13d; 273.1245, subdivision 1; 273.13, subdivision 35; 273.1315, subdivision 2; 273.1387, subdivision 2; 273.41; 279.03, subdivision 1a; 282.261, subdivision 2; 287.12; 287.29; 287.31, subdivision 3; 289A.02, subdivision 7; 289A.38, subdivision 4; 289A.56, subdivision 6; 289A.60, subdivision 12; 290.0131, by adding subdivisions; 290.0132, subdivisions 18, 21, 26, by adding subdivisions; 290.0133, by adding a subdivision; 290.0134, by adding a subdivision; 290.067; 290.0674, subdivision 2; 290.0681, subdivisions 2, 3, 4; 290.0685, subdivision 1, by adding a subdivision; 290.091, subdivision 2; 290.095, subdivision 11; 290A.02; 290A.03, subdivisions 6, 8, 12, 13, 15; 290A.04, subdivisions 1, 2, 2h, 4; 290A.05; 290A.07, subdivision 2a; 290A.08; 290A.09; 290A.091; 290A.13; 290A.19; 290A.25; 290B.03, subdivision 1; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.005, subdivision 1; 296A.083, subdivision 3; 297A.61, subdivisions 12, 29; 297A.68, subdivision 25, by adding subdivisions; 297A.70, subdivision 21; 297A.71, subdivision 51, by adding subdivisions; 297A.94; 297A.99, subdivisions 1, 3; 297H.13, subdivision 2; 298.28, subdivisions 7a, 9b; 366.095, subdivision 1; 373.01, subdivision 3; 383B.117, subdivision 2; 410.32; 412.301; 462A.05, subdivision 24; 462A.38; 469.174, subdivision

14, by adding a subdivision; 469.176, subdivisions 3, 4; 469.1763, subdivision 6; 469.1771, subdivisions 2, 2a, 3; 477A.011, subdivision 34, by adding subdivisions; 477A.0124, subdivision 2; 477A.013, subdivisions 8, 9; 477A.015; 477A.03, subdivision 2a; 477A.12, subdivisions 1, 3, by adding a subdivision; 477B.01, subdivisions 5, 10, 11, by adding subdivisions; 477B.02, subdivisions 2, 3, 5, 8, 9, by adding a subdivision; 477B.03, subdivisions 2, 3, 4, 5, 7; 477B.04, subdivision 1, by adding a subdivision; 477C.03, subdivisions 2, 5; 477C.04, by adding a subdivision; Minnesota Statutes 2021 Supplement, sections 3.8855, subdivisions 4, 7; 16A.152, subdivision 2; 116J.8737, subdivision 5; 116U.27, subdivision 1; 126C.10, subdivision 2e; 272.0295, subdivision 2; 273.11, subdivision 12; 273.124, subdivisions 13, 14; 273.13, subdivisions 23, 25, 34; 289A.08, subdivisions 7, 7a; 289A.382, subdivision 2; 290.01, subdivisions 19, 31; 290.06, subdivisions 2c, 22; 290.0671, subdivision 1; 290.0681, subdivision 10; 290.0682, by adding subdivisions; 290.993; 290A.03, subdivision 3; 297A.71, subdivision 52; 297A.75, subdivisions 1, 2, 3; 297A.99, subdivision 2; 297F.09, subdivision 10; 297G.09, subdivision 9; 469.1763, subdivisions 2, 3, 4; 477A.03, subdivision 2b; 477A.30; Laws 1998, chapter 389, article 8, section 43, as amended; Laws 2003, chapter 127, article 10, section 31, subdivision 1, as amended; Laws 2006, chapter 259, article 11, section 3, as amended; Laws 2008, chapter 366, article 7, section 17; Laws 2011, First Special Session chapter 7, article 4, section 14; Laws 2014, chapter 308, article 6, section 12, subdivision 2; Laws 2017, First Special Session chapter 1, article 3, section 26; Laws 2019, First Special Session chapter 6, article 6, section 25; Laws 2021, First Special Session chapter 14, article 8, sections 5; 7; proposing coding for new law in Minnesota Statutes, chapters 240A; 290; 477A; proposing coding for new law as Minnesota Statutes, chapter 428B; repealing Minnesota Statutes 2020, sections 6.91; 290.0674, subdivision 2a; 290A.03, subdivisions 9, 11; 290A.04, subdivisions 2a, 5; 290A.23, subdivision 1; 327C.01, subdivision 13; 327C.16; 477A.011, subdivisions 30a, 38, 42, 45; 477A.013, subdivision 13; 477B.02, subdivision 4; 477B.03, subdivision 6; Minnesota Statutes 2021 Supplement, section 290.0111.

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

Marquart, Youakim, Lislegard, Her and Davids have been appointed as such committee on the part of the House.

House File No. 3669 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 12, 2022

Senator Nelson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3669, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 778 and 4670.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 12, 2022

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 778:** A bill for an act relating to gambling; authorizing and providing for sports betting; establishing licenses; prohibiting local restrictions; providing for taxation of sports betting; providing civil and criminal penalties; providing for amateur sports grants; requiring reports; appropriating money; amending Minnesota Statutes 2020, sections 245.98, subdivision 2; 260B.007, subdivision 16; 609.75, subdivisions 3, 4, 7, by adding a subdivision; 609.755; 609.76, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 240A; 299L; 609; proposing coding for new law as Minnesota Statutes, chapter 297J.

Senator Miller, Chair of the Committee on Rules and Administration, moved that H.F. No. 778 be referred to the Committee on Finance. The motion prevailed.

**H.F. No. 4670:** A bill for an act relating to claims against the state; providing for the settlement of certain claims; appropriating money.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

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

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

**S.F. No. 4131:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; providing for the renewal of the environment and natural resources trust fund; providing for the establishment of a water improvement fund to provide for the construction, repair, and improvement of public water systems and related facilities; making changes to the Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2020, sections 116P.05, subdivision 1; 349A.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 446A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State Government Finance and Policy and Elections. Report adopted.

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

**S.F. No. 1257:** A bill for an act relating to human services; exempting certain licensed individuals from background studies under chapter 245C; amending Minnesota Statutes 2020, sections 144.057, subdivision 1; 245C.31, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2021 Supplement, section 245C.03, subdivision 5a.

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 2020, section 144.057, subdivision 1, is amended to read:

Subdivision 1. **Background studies required.** (a) Except as specified in paragraph (b), the commissioner of health shall contract with the commissioner of human services to conduct background studies of:

(1) individuals providing services that have direct contact, as defined under section 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes, outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and home care agencies licensed under chapter 144A; assisted living facilities and assisted living facilities with dementia care licensed under chapter 144G; and board and lodging establishments that are registered to provide supportive or health supervision services under section 157.17;

(2) individuals specified in section 245C.03, subdivision 1, who perform direct contact services in a nursing home or a home care agency licensed under chapter 144A; an assisted living facility or assisted living facility with dementia care licensed under chapter 144G; or a boarding care home licensed under sections 144.50 to 144.58. If the individual under study resides outside Minnesota, the study must include a check for substantiated findings of maltreatment of adults and children in the individual's state of residence when the information is made available by that state, and must include a check of the National Crime Information Center database;

(3) all other employees in assisted living facilities or assisted living facilities with dementia care licensed under chapter 144G, nursing homes licensed under chapter 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of an individual in this section shall disqualify the individual from positions allowing direct contact or access to patients or residents receiving services. "Access" means physical access to a client or the client's personal property without continuous, direct supervision as defined in section 245C.02, subdivision 8, when the employee's employment responsibilities do not include providing direct contact services;

(4) individuals employed by a supplemental nursing services agency, as defined under section 144A.70, who are providing services in health care facilities; ~~and~~

(5) controlling persons of a supplemental nursing services agency, as defined under section 144A.70; and

(6) license applicants, owners, managerial officials, and controlling individuals who are required under section 144A.476, subdivision 1, or 144G.13, subdivision 1, to undergo a background study

under chapter 245C, regardless of the licensure status of the license applicant, owner, managerial official, or controlling individual.

(b) The commissioner of human services shall not conduct a background study on any individual identified in paragraph (a), clauses (1) to (5), if the individual has a valid license issued by a health-related licensing board as defined in section 214.01, subdivision 2, and has completed the criminal background check as required in section 214.075. An entity that is affiliated with individuals who meet the requirements of this paragraph must separate those individuals from the entity's roster for NETStudy 2.0.

(c) If a facility or program is licensed by the Department of Human Services and subject to the background study provisions of chapter 245C and is also licensed by the Department of Health, the Department of Human Services is solely responsible for the background studies of individuals in the jointly licensed programs.

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

Sec. 2. Minnesota Statutes 2021 Supplement, section 245C.03, subdivision 5a, is amended to read:

Subd. 5a. **Facilities serving children or adults licensed or regulated by the Department of Health.** (a) Except as specified in paragraph (b), the commissioner shall conduct background studies of:

(1) individuals providing services who have direct contact, as defined under section 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes, outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and home care agencies licensed under chapter 144A; assisted living facilities and assisted living facilities with dementia care licensed under chapter 144G; and board and lodging establishments that are registered to provide supportive or health supervision services under section 157.17;

(2) individuals specified in subdivision 2 who provide direct contact services in a nursing home or a home care agency licensed under chapter 144A; an assisted living facility or assisted living facility with dementia care licensed under chapter 144G; or a boarding care home licensed under sections 144.50 to 144.58. If the individual undergoing a study resides outside of Minnesota, the study must include a check for substantiated findings of maltreatment of adults and children in the individual's state of residence when the state makes the information available;

(3) all other employees in assisted living facilities or assisted living facilities with dementia care licensed under chapter 144G, nursing homes licensed under chapter 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of an individual in this section shall disqualify the individual from positions allowing direct contact with or access to patients or residents receiving services. "Access" means physical access to a client or the client's personal property without continuous, direct supervision as defined in section 245C.02, subdivision 8, when the employee's employment responsibilities do not include providing direct contact services;

(4) individuals employed by a supplemental nursing services agency, as defined under section 144A.70, who are providing services in health care facilities; ~~and~~

(5) controlling persons of a supplemental nursing services agency, as defined by section 144A.70;  
and

(6) license applicants, owners, managerial officials, and controlling individuals who are required under section 144A.476, subdivision 1, or 144G.13, subdivision 1, to undergo a background study under this chapter, regardless of the licensure status of the license applicant, owner, managerial official, or controlling individual.

(b) The commissioner of human services shall not conduct a background study on any individual identified in paragraph (a), clauses (1) to (5), if the individual has a valid license issued by a health-related licensing board as defined in section 214.01, subdivision 2, and has completed the criminal background check as required in section 214.075. An entity that is affiliated with individuals who meet the requirements of this paragraph must separate those individuals from the entity's roster for NETStudy 2.0.

(c) If a facility or program is licensed by the Department of Human Services and the Department of Health and is subject to the background study provisions of this chapter, the Department of Human Services is solely responsible for the background studies of individuals in the jointly licensed program.

~~(e)~~ (d) The commissioner of health shall review and make decisions regarding reconsideration requests, including whether to grant variances, according to the procedures and criteria in this chapter. The commissioner of health shall inform the requesting individual and the Department of Human Services of the commissioner of health's decision regarding the reconsideration. The commissioner of health's decision to grant or deny a reconsideration of a disqualification is a final administrative agency action.

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

Sec. 3. Minnesota Statutes 2020, section 245C.31, subdivision 1, is amended to read:

Subdivision 1. **Board determines disciplinary or corrective action.** ~~(a) When the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the commissioner determines that the regulated individual is responsible for substantiated maltreatment under section 626.557 or chapter 260E, instead of the commissioner making a decision regarding disqualification, the board shall make a determination whether to impose disciplinary or corrective action under chapter 214.~~ The commissioner shall notify a health-related licensing board as defined in section 214.01, subdivision 2, if the commissioner determines that an individual who is licensed by the health-related licensing board and who is included on the board's roster list provided in accordance with subdivision 3a is responsible for substantiated maltreatment under section 626.557 or chapter 260E, in accordance with subdivision 2. Upon receiving notification, the health-related licensing board shall make a determination as to whether to impose disciplinary or corrective action under chapter 214.

(b) This section does not apply to a background study of an individual regulated by a health-related licensing board if the individual's study is related to child foster care, adult foster care, or family child care licensure.

**EFFECTIVE DATE.** This section is effective February 1, 2023.



Sec. 4. Minnesota Statutes 2020, section 245C.31, subdivision 2, is amended to read:

Subd. 2. **Commissioner's notice to board.** ~~(a)~~ The commissioner shall notify ~~the~~ a health-related licensing board:

(1) ~~upon completion of a background study that produces~~ of a record showing that the individual licensed by the board was determined to have been responsible for substantiated maltreatment;

(2) upon the commissioner's completion of an investigation that determined ~~the~~ an individual licensed by the board was responsible for substantiated maltreatment; or

(3) upon receipt from another agency of a finding of substantiated maltreatment for which ~~the~~ an individual licensed by the board was responsible.

~~(b) The commissioner's notice to the health-related licensing board shall indicate whether the commissioner would have disqualified the individual for the substantiated maltreatment if the individual were not regulated by the board.~~

~~(c) The commissioner shall concurrently send the notice under this subdivision to the individual who is the subject of the background study.~~

**EFFECTIVE DATE.** This section is effective February 1, 2023.

Sec. 5. Minnesota Statutes 2020, section 245C.31, is amended by adding a subdivision to read:

Subd. 3a. **Agreements with health-related licensing boards.** The commissioner and each health-related licensing board shall enter into an agreement in order for each board to provide the commissioner with a daily roster list of individuals who have a license issued by the board in active status. The list must include for each licensed individual the individual's name, aliases, date of birth, and license number; the date the license was issued; status of the license; and the last four digits of the individual's social security number.

**EFFECTIVE DATE.** This section is effective August 1, 2022.

Sec. 6. Minnesota Statutes 2020, section 245C.31, is amended by adding a subdivision to read:

Subd. 3b. **Maltreatment study; fees.** (a) The administrative service unit for the health-related licensing boards shall apportion between the health-related licensing boards that are required to submit a daily roster list in accordance with subdivision 3a an amount to be paid through an additional fee collected by each board in accordance with paragraph (b). The amount apportioned to each health-related licensing board shall equal the board's share of the annual appropriation from the state government special revenue fund to the commissioner of human services to conduct the maltreatment studies on licensees who are listed on the daily roster lists and to comply with the notification requirement under subdivision 2. Each board's apportioned share shall be based on the number of licensees that each health-related licensing board licenses as a percentage of the total number of licensees licensed collectively by all health-related licensing boards.

(b) Each health-related licensing board may collect an additional fee from a licensee at the time the initial license fee is collected to compensate for the amount apportioned to each board by the

administrative services unit. If an additional fee is collected by the health-related licensing board under this paragraph, the fee shall be deposited in the state government special revenue fund.

**EFFECTIVE DATE.** This section is effective August 1, 2022.

Sec. 7. **APPROPRIATION.**

\$522,000 in fiscal year 2023 is appropriated from the state government special revenue fund to the commissioner of human services to implement provisions to eliminate duplicative background studies. The state government special revenue fund base for this appropriation is \$334,000 in fiscal year 2024, \$574,000 in fiscal year 2025, \$170,000 in fiscal year 2026, and \$170,000 in fiscal year 2027."

Amend the title numbers accordingly

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

### SECOND READING OF SENATE BILLS

S.F. No. 1257 was read the second time.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senator Utke introduced--**

**S.F. No. 4594:** A bill for an act relating to capital investment; appropriating money for wastewater treatment improvements in the city of East Gull Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Miller introduced--**

**S.F. No. 4595:** A bill for an act relating to parks and trails; appropriating money for the Root River State Trail.

Referred to the Committee on Capital Investment.

**Senator Champion introduced--**

**S.F. No. 4596:** A bill for an act relating to housing; appropriating money for a grant to JADT Development Group for the Satori Village Development.

Referred to the Committee on Housing Finance and Policy.

**Senator Utke introduced--**

**S.F. No. 4597:** A bill for an act relating to capital investment; appropriating money for street and trail reconstruction; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**MOTIONS AND RESOLUTIONS**

Senator Lang moved that the name of Senator Howe be added as a co-author to S.F. No. 724. The motion prevailed.

Senator Miller moved that H.F. No. 2725 be taken from the table and given a second reading. The motion prevailed.

**H.F. No. 2725:** A bill for an act relating to judiciary; establishing a statutory procedure to assess the competency of a defendant to stand trial; providing for contested hearings; establishing continuing supervision for certain defendants found incompetent to stand trial; establishing requirements to restore certain defendants to competency; providing for administration of medication; establishing forensic navigators; requiring forensic navigators to provide services to certain defendants; establishing dismissal plans for certain defendants found incompetent to stand trial; providing for jail-based competency restoration programs; establishing the State Competency Restoration Board and certification advisory committee; requiring a report; appropriating money; amending Minnesota Statutes 2020, sections 253B.07, subdivision 2a; 480.182; proposing coding for new law in Minnesota Statutes, chapter 611.

H.F. No. 2725 was read the second time.

Senator Miller moved that H.F. No. 2725 be laid on the table. The motion prevailed.

**RECESS**

Senator Miller 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.

**APPOINTMENTS**

Senator Miller 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. 3669: Senators Nelson, Weber, Bakk, Gazelka, and Rest.

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

**RECESS**

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

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12.5, Senator Pratt moved that the following members be excused for a Conference Committee on S.F. No. 4091 at 1:00 p.m.:

Senators Pratt, Rarick, Dahms, Senjem, and Frentz. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED****SPECIAL ORDERS**

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

S.F. Nos. 3107, 2011, H.F. Nos. 3285, 961, S.F. Nos. 3071, 4108, and 4191.

**SPECIAL ORDER**

**S.F. No. 3107:** A bill for an act relating to education; increasing maximum earnings for school board members employed by a school district; amending Minnesota Statutes 2020, section 123B.195.

S.F. No. 3107 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:

Abeler	Cwodzinski	Fateh	Johnson	Mathews
Anderson	Dahms	Gazelka	Johnson Stewart	McEwen
Bakk	Dibble	Goggin	Kent	Miller
Benson	Dornink	Hawj	Kiffmeyer	Murphy
Bigham	Draheim	Hoffman	Klein	Nelson
Carlson	Duckworth	Housley	Koran	Newman
Chamberlain	Dziedzic	Howe	Kunesh	Newton
Champion	Eaton	Ingebrigtsen	Lang	Osmek
Clausen	Eichorn	Isaacson	Limmer	Pappas
Coleman	Eken	Jasinski	Marty	Port

Pratt	Rest	Senjem	Utke	Wiger
Putnam	Rosen	Tomassoni	Weber	
Rarick	Ruud	Torres Ray	Westrom	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Rarick, Ruud, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Newton, and Torres Ray.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2011:** A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 191, Burnsville-Eagan-Savage.

S.F. No. 2011 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Rarick, Ruud, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Frentz, López Franzen, Newton, and Torres Ray.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3285:** A bill for an act relating to local government; authorizing online process for county land sales; modifying notice procedures for land sales; amending Minnesota Statutes 2020, section 373.01, subdivision 1.

H.F. No. 3285 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Pratt, Rarick, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Frentz, Newton, and Torres Ray.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 961:** A bill for an act relating to labor; adding a supervisory law enforcement unit; appropriating money; amending Minnesota Statutes 2020, section 179A.10, subdivisions 2, 3.

H.F. No. 961 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Pratt, Rarick, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Frentz, Newton, and Torres Ray.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3071:** A bill for an act relating to occupational licensing; requiring the Board of Medical Practice to issue temporary permits to physicians, physician assistants, and respiratory therapists if certain requirements are met; extending the time a temporary permit issued by the Board of Nursing is valid; amending Minnesota Statutes 2020, sections 147.01, subdivision 7; 147.03, subdivisions 1, 2; 147.037; 147A.28; 147C.15, subdivision 3; 147C.40, subdivision 5; 148.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147A; repealing Minnesota Statutes 2020, section 147.02, subdivision 2a.

S.F. No. 3071 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Abeler	Dornink	Housley	Latz	Port
Anderson	Draheim	Howe	Limmer	Pratt
Bakk	Duckworth	Ingebrigtsen	López Franzen	Putnam
Benson	Dziedzic	Isaacson	Marty	Rarick
Bigham	Eaton	Jasinski	Mathews	Rest
Carlson	Eichorn	Johnson	McEwen	Rosen
Chamberlain	Eken	Johnson Stewart	Miller	Ruud
Champion	Fateh	Kent	Murphy	Senjem
Clausen	Frentz	Kiffmeyer	Nelson	Tomassoni
Coleman	Gazelka	Klein	Newman	Utke
Cwodzinski	Goggin	Koran	Newton	Weber
Dahms	Hawj	Kunesh	Osmek	Westrom
Dibble	Hoffman	Lang	Pappas	Wiger

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Pratt, Rarick, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Frentz, Kunesh, López Franzen, and Newton.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 4108:** A bill for an act relating to commerce; modifying regulation of annuity suitability; amending Minnesota Statutes 2020, sections 72A.2031, subdivisions 8, 10, by adding subdivisions; 72A.2032, subdivisions 4, 6, 7, 8, by adding subdivisions; 72A.2033; 72A.2034; 72A.2035,

subdivision 1; 72A.2036; repealing Minnesota Statutes 2020, sections 72A.2031, subdivisions 3, 9, 11; 72A.2032, subdivisions 1, 2, 3, 5.

Senator Dahms moved to amend S.F. No. 4108 as follows:

Page 8, line 12, delete "that is"

Page 8, delete line 13

Page 8, line 14, delete everything before the comma

Page 9, line 29, after "shall" insert ", by July 1, 2023,"

Page 15, line 2, delete the first "by" and insert "after"

Page 15, line 10, delete "2023" and insert "2022"

Page 17, after line 19, insert:

"Sec. 25. EFFECTIVE DATE.

Sections 1 to 19 and 21 to 24 are effective January 1, 2023. Section 20 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 4108 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Pratt, Rarick, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Frentz, López Franzen, Newton, and Torres Ray.



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

### **SPECIAL ORDER**

**S.F. No. 4191:** A bill for an act relating to commerce; modifying provisions governing unfair practices by motor vehicle manufacturers; amending Minnesota Statutes 2020, sections 80E.03, subdivision 4; 80E.13.

Senator Dahms moved to amend S.F. No. 4191 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2020, section 80E.13, is amended to read:

#### **80E.13 UNFAIR PRACTICES BY MANUFACTURERS, DISTRIBUTORS, FACTORY BRANCHES.**

It is unlawful and an unfair practice for a manufacturer, distributor, or factory branch to engage in any of the following practices directly or through an entity that it controls or is controlled by:

(a) delay, refuse, or fail to deliver new motor vehicles or new motor vehicle parts or accessories in reasonable time and in reasonable quantity relative to the new motor vehicle dealer's facilities and sales potential in the dealer's relevant market area, after having accepted an order from a new motor vehicle dealer having a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, if the new motor vehicle or new motor vehicle parts or accessories are publicly advertised as being available for delivery or actually being delivered. This clause is not violated, however, if the failure is caused by acts or causes beyond the control of the manufacturer;

(b) refuse to disclose to any new motor vehicle dealer handling the same line make, the manner and mode of distribution of that line make within the relevant market area;

(c) obtain money, goods, service, or any other benefit from any other person with whom the dealer does business, on account of, or in relation to, the transaction between the dealer and the other person, other than for compensation for services rendered, unless the benefit is promptly accounted for, and transmitted to, the new motor vehicle dealer;

(d) increase prices of new motor vehicles which the new motor vehicle dealer had ordered for private retail consumers prior to the dealer's receiving the written official price increase notification. A sales contract signed by a private retail consumer shall constitute evidence of each order if the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions, the amount of any reduction received by a dealer shall be passed on to the private retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer;

(e) offer any refunds or other types of inducements to any new motor vehicle dealer for the purchase of new motor vehicles of a certain line make without making the same offer to all other new motor vehicle dealers in the same line make within geographic areas reasonably determined by the manufacturer;

(f) release to any outside party, except under subpoena or in an administrative or judicial proceeding involving the manufacturer or dealer, any business, financial, or personal information which may be provided by the dealer to the manufacturer, without the express written consent of the dealer or unless pertinent to judicial or governmental administrative proceedings or to arbitration proceedings of any kind;

(g) deny any new motor vehicle dealer the right of free association with any other new motor vehicle dealer for any lawful purpose;

(h) unfairly discriminate among its new motor vehicle dealers with respect to warranty reimbursement or authority granted its new vehicle dealers to make warranty adjustments with retail customers;

(i) compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the same manufacturer, distributor, or factory branch. A manufacturer, distributor, or factory branch is considered to be competing when it has an ownership interest, other than a passive interest held for investment purposes, in a dealership of its line make ~~located within the~~ in this state, or in a dealership of a competing line make in this state. A manufacturer, distributor, or factory branch shall not, however, be deemed to be competing when operating a dealership, either temporarily or for a reasonable period, which is for sale to any qualified independent person at a fair and reasonable price, or when involved in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership and full management and operational control of the dealership within a reasonable time on reasonable terms and conditions;

(j) prevent a new motor vehicle dealer from transferring or assigning a new motor vehicle dealership to a qualified transferee. There shall be no transfer, assignment of the franchise, or major change in the executive management of the dealership, except as is otherwise provided in sections 80E.01 to 80E.17, without consent of the manufacturer, which shall not be withheld without good cause. In determining whether good cause exists for withholding consent to a transfer or assignment, the manufacturer, distributor, factory branch, or importer has the burden of proving that the transferee is a person who is not of good moral character or does not meet the franchisor's existing and reasonable capital standards and, considering the volume of sales and service of the new motor vehicle dealer, reasonable business experience standards in the market area. Denial of the request must be in writing and delivered to the new motor vehicle dealer within 60 days after the manufacturer receives the completed application customarily used by the manufacturer, distributor, factory branch, or importer for dealer appointments. If a denial is not sent within this period, the manufacturer shall be deemed to have given its consent to the proposed transfer or change. In the event of a proposed sale or transfer of a franchise, the manufacturer, distributor, factory branch, or importer shall be permitted to exercise a right of first refusal to acquire the franchisee's assets or ownership if:

(1) the franchise agreement permits the manufacturer, distributor, factory branch, or importer to exercise a right of first refusal to acquire the franchisee's assets or ownership in the event of a proposed sale or transfer;

(2) the proposed transfer of the dealership or its assets is of more than 50 percent of the ownership or assets;

(3) the manufacturer, distributor, factory branch, or importer notifies the dealer in writing within 60 days of its receipt of the complete written proposal for the proposed sale or transfer on forms generally utilized by the manufacturer, distributor, factory branch, or importer for such purposes and containing the information required therein and all documents and agreements relating to the proposed sale or transfer;

(4) the exercise of the right of first refusal will result in the dealer and dealer's owners receiving the same or greater consideration with equivalent terms of sale as is provided in the documents and agreements submitted to the manufacturer, distributor, factory branch, or importer under clause (3);

(5) the proposed change of 50 percent or more of the ownership or of the dealership assets does not involve the transfer or sale of assets or the transfer or issuance of stock by the dealer or one or more dealer owners to a family member, including a spouse, child, stepchild, grandchild, spouse of a child or grandchild, brother, sister, or parent of the dealer owner; to a manager who has been employed in the dealership for at least four years and is otherwise qualified as a dealer operator; or to a partnership or corporation owned and controlled by one or more of such persons; and

(6) the manufacturer, distributor, factory branch, or importer agrees to pay the reasonable expenses, including reasonable attorney fees, which do not exceed the usual customary and reasonable fees charged for similar work done for other clients incurred by the proposed new owner and transferee before the manufacturer, distributor, factory branch, or importer exercises its right of first refusal, in negotiating and implementing the contract for the proposed change of ownership or transfer of dealership assets. However, payment of such expenses and attorney fees shall not be required if the dealer has not submitted or caused to be submitted an accounting of those expenses within 20 days after the dealer's receipt of the manufacturer, distributor, factory branch, or importer's written request for such an accounting. The manufacturer, distributor, factory branch, or importer may request such an accounting before exercising its right of first refusal. The obligation created under this clause is enforceable by the transferee;

(k) threaten to modify or replace or modify or replace a franchise with a succeeding franchise that would adversely alter the rights or obligations of a new motor vehicle dealer under an existing franchise or that substantially impairs the sales or service obligations or investments of the motor vehicle dealer;

(l) unreasonably deny the right to acquire factory program vehicles to any dealer holding a valid franchise from the manufacturer to sell the same line make of vehicles, provided that the manufacturer may impose reasonable restrictions and limitations on the purchase or resale of program vehicles to be applied equitably to all of its franchised dealers. For the purposes of this paragraph, "factory program vehicle" has the meaning given the term in section 80E.06, subdivision 2;

(m) except as provided in paragraph (n), fail or refuse to offer to its same line make franchised dealers all models manufactured for that line make, ~~other than~~ including alternative fuel vehicles as defined in section 216C.01, subdivision 1b. Failure to offer a model is not a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity, a strike, labor difficulty, or other cause over which the manufacturer, distributor, or factory branch has no control;

(n) require a dealer to pay an extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays, training, tools, or other materials, or to

require the dealer to establish exclusive facilities or dedicated personnel as a prerequisite to receiving a model or a series of vehicles. A manufacturer, distributor, or factory branch may require a dealer to comply with reasonable requirements for the sale and service of an alternative fuel vehicle or to serve an alternative fuel vehicle customer;

(o) require a dealer by program, incentive provision, or otherwise to adhere to performance standards that are not applied uniformly to other similarly situated dealers.

A performance standard, sales objective, or program for measuring dealership performance that may have a material effect on a dealer, including the dealer's right to payment under any incentive or reimbursement program, and the application of the standard or program by a manufacturer, distributor, or factory branch must be fair, reasonable, equitable, and based on accurate information. Upon written request by any of its franchised dealers located within Minnesota, a manufacturer, distributor, or factory branch must provide the method or formula used by the manufacturer in establishing the sales volumes for receiving a rebate or incentive and the specific calculations for determining the required sales volumes of the inquiring dealer and any of the manufacturer's other Minnesota-franchised new motor vehicle dealers of the same line-make located within 75 miles of the inquiring dealer. Nothing contained in this section requires a manufacturer, distributor, or factory branch to disclose confidential business information of any of its franchised dealers or the required numerical sales volumes that any of its franchised dealers must attain to receive a rebate or incentive. An inquiring dealer may file a civil action as provided in section 80E.17 without a showing of injury if a manufacturer, distributor, or factory branch fails to make the disclosure required by this section.

A manufacturer, distributor, or factory branch has the burden of proving that the performance standard, sales objective, or program for measuring dealership performance is fair, reasonable, and uniformly applied under this section;

(p) assign or change a dealer's area of sales effectiveness arbitrarily or without due regard to the present pattern of motor vehicle sales and registrations within the dealer's market. The manufacturer, distributor, or factory branch must provide at least 90 days' notice of the proposed change. The change may not take effect if the dealer commences a civil action within the 90 days' notice period to determine whether the manufacturer, distributor, or factory branch met its obligations under this section. The burden of proof in such an action shall be on the manufacturer or distributor. In determining at the evidentiary hearing whether a manufacturer, distributor, or factory branch has assigned or changed the dealer's area of sales effectiveness or is proposing to assign or change the dealer's area of sales effectiveness arbitrarily or without due regard to the present pattern of motor vehicle sales and registrations within the dealer's market, the court may take into consideration the relevant circumstances, including, but not limited to:

(1) the traffic patterns between consumers and the same line-make franchised dealers of the affected manufacturer, distributor, or factory branch who are located within the market;

(2) the pattern of new vehicle sales and registrations of the affected manufacturer, distributor, or factory branch within various portions of the area of sales effectiveness and within the market as a whole;

(3) the growth or decline in population, density of population, and new car registrations in the market;

(4) the presence or absence of natural geographical obstacles or boundaries, such as rivers;

(5) the proximity of census tracts or other geographic units used by the affected manufacturer, factory branch, distributor, or distributor branch in determining the same line-make dealers' respective areas of sales effectiveness; and

(6) the reasonableness of the change or proposed change to the dealer's area of sales effectiveness, considering the benefits and harm to the petitioning dealer, other same line-make dealers, and the manufacturer, distributor, or factory branch;

(q) to charge back, withhold payment, deny vehicle allocation, or take any other adverse action against a dealer when a new vehicle sold by the dealer has been exported to a foreign country, unless the manufacturer, distributor, or factory branch can show that at the time of sale, the customer's information was listed on a known or suspected exporter list made available to the dealer, or the dealer knew or reasonably should have known of the purchaser's intention to export or resell the motor vehicle in violation of the manufacturer's export policy. There is a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be exported or resold in violation of the manufacturer's export policy if the vehicle is titled and registered in any state of the United States;

(r) to implement a charge back or withhold payment to a dealer that is solely due to an unreasonable delay by the registrar, as defined in section 168.002, subdivision 29, in the transfer or registration of a new motor vehicle. The dealer must give the manufacturer notice of the state's delay in writing. Within 30 days of any notice of a charge back, withholding of payments, or denial of a claim, the dealer must transmit to the manufacturer: (1) documentation to demonstrate the vehicle sale and delivery as reported; and (2) a written attestation signed by the dealer operator or general manager stating that the delay is attributable to the state. This clause expires on June 30, 2022; or

(s) to require a dealer or prospective dealer by program, incentive provision, or otherwise to construct improvements to its or a predecessor's facilities or to install new signs or other franchisor image elements that replace or substantially alter improvements, signs, or franchisor image elements completed within the preceding ten years that were required and approved by the manufacturer, distributor, or factory branch, including any such improvements, signs, or franchisor image elements that were required as a condition of the dealer or predecessor dealer receiving an incentive or other compensation from the manufacturer, distributor, or factory branch.

This paragraph shall not apply to a program or agreement that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one Minnesota dealer on August 1, 2018, nor to any renewal of such program, nor to a modification that is not a substantial modification of a material term or condition of such program."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 4191 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 1, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Howe	López Franzen	Putnam
Anderson	Duckworth	Isaacson	Marty	Rarick
Bakk	Dziedzic	Jasinski	Mathews	Rest
Benson	Eaton	Johnson	McEwen	Rosen
Bigham	Eichorn	Johnson Stewart	Miller	Ruud
Carlson	Eken	Kent	Murphy	Senjem
Chamberlain	Fateh	Kiffmeyer	Nelson	Tomassoni
Champion	Frentz	Klein	Newman	Torres Ray
Clausen	Gazelka	Koran	Newton	Utke
Coleman	Goggin	Kunesh	Osmek	Weber
Cwodzinski	Hawj	Lang	Pappas	Westrom
Dahms	Hoffman	Latz	Port	Wiger
Dornink	Housley	Limmer	Pratt	

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, Chamberlain, Johnson, Lang, Pratt, Rarick, Senjem, and Tomassoni.

Pursuant to Rule 40, Senator Hawj cast the affirmative vote on behalf of the following Senators: Eaton, Eken, Fateh, Frentz, López Franzen, Newton, and Torres Ray.

Those who voted in the negative were:

Dibble

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

#### **MEMBERS EXCUSED**

Senator Wiklund was excused from the Session of today. Senators Latz and López Franzen were excused from the Session of today from 12:50 to 1:05 p.m.

#### **ADJOURNMENT**

Senator Miller moved that the Senate do now adjourn until 11:00 a.m., Tuesday, May 17, 2022. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

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