

STATE OF MINNESOTA

# Journal of the Senate

NINETIETH LEGISLATURE

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FIFTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 11, 2017

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Intern Pastor Carol Strand.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

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

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2008, 216, and 997.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 10, 2017

Madam 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. 1124:** A bill for an act relating to state lands; modifying requirements for exchanging road easements and for leasing forest lands; providing for sale of tax-forfeited land by sealed bid; modifying certain drainage authority; deleting from state forests; providing for public or private sales and conveyances of certain state lands; amending Minnesota Statutes 2016, sections 84.633, subdivision 2; 89.17; 282.01, by adding a subdivision; Laws 2011, chapter 3, section 13.

Senate File No. 1124 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 10, 2017

### CONCURRENCE AND REPASSAGE

Senator Ruud moved that the Senate concur in the amendments by the House to S.F. No. 1124 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 1124:** A bill for an act relating to state lands; modifying requirements for exchanging road easements and for leasing forest lands; deleting from state forests; providing for public and private sales and conveyances of certain state lands; modifying certain drainage authority; amending Minnesota Statutes 2016, sections 84.633, subdivision 2; 89.17; Laws 2011, chapter 3, section 13.

S.F. No. 1124 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hall	Lang	Rest
Anderson, B.	Draheim	Ingebrigtsen	Limmer	Rosen
Anderson, P.	Dziedzic	Isaacson	Marty	Ruud
Bakk	Eaton	Jasinski	Mathews	Senjem
Benson	Eichorn	Jensen	Miller	Simonson
Carlson	Eken	Johnson	Newman	Torres Ray
Chamberlain	Fischbach	Kent	Newton	Utke
Champion	Franzen	Kiffmeyer	Osmek	Weber
Clausen	Frentz	Klein	Pappas	Westrom
Cwodzinski	Gazelka	Koran	Pratt	Wiger
Dahms	Goggin	Laine	Relph	Wiklund

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2287, 1400, and 2047.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 10, 2017

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 2287:** A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1973, now on General Orders.

**H.F. No. 1400:** A bill for an act relating to health; modifying provisions governing reimbursable expenses for nursing assistant training and competency evaluations; amending Minnesota Statutes 2016, section 144A.611, subdivisions 1, 2, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1433, now on General Orders.

**H.F. No. 2047:** A bill for an act relating to health; requiring the commissioner of health to develop a comprehensive strategic plan to end HIV/AIDS.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 847, now on General Orders.

**REPORTS OF COMMITTEES**

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

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

**H.F. No. 326** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.        S.F. No.

326

**CONSENT CALENDAR**

H.F. No.        S.F. No.

232

**CALENDAR**

H.F. No.        S.F. No.

and that the above Senate File be indefinitely postponed.

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

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

**H.F. No. 745** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
745	589

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 745 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 745, the first engrossment; and insert the language after the enacting clause of S.F. No. 589; further, delete the title of H.F. No. 745, the first engrossment; and insert the title of S.F. No. 589.

And when so amended H.F. No. 745 will be identical to S.F. No. 589, and further recommends that H.F. No. 745 be given its second reading and substituted for S.F. No. 589, and that the Senate File be indefinitely postponed.

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

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 326 and 745 were 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. 2386:** A bill for an act relating to capital investment; appropriating money for a multijurisdictional law enforcement center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**Senator Senjem introduced--**

**S.F. No. 2387:** A bill for an act relating to capital investment; appropriating money for the Now EMERGE Career and Technology Center.

Referred to the Committee on Jobs and Economic Growth Finance and Policy.

**Senators Mathews; Limmer; Anderson, B.; and Kiffmeyer introduced--**

**S.F. No. 2388:** A resolution memorializing the President and Congress to repeal the REAL ID Act.

Referred to the Committee on Transportation Finance and Policy.

### **MOTIONS AND RESOLUTIONS**

**Senator Franzen introduced --**

**Senate Resolution No. 89:** A Senate resolution commending Ric Dressen for his many years of dedicated service to the education profession.

Referred to the Committee on Rules and Administration.

**Senator Jensen introduced --**

**Senate Resolution No. 90:** A Senate resolution honoring Cassie Breza of Victoria on receiving a 2017 Comcast Leaders and Achievers Scholarship.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 91:** A Senate resolution honoring Big Lake High School on the occasion of its 100th anniversary.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 92:** A Senate resolution congratulating the Elk River High School girls basketball team on winning the 2017 State High School Class 4A girls basketball championship.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 93:** A Senate resolution congratulating Joseph Map Kragness of Albertville, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 94:** A Senate resolution congratulating Peter Macaluso of St. Michael, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 95:** A Senate resolution congratulating Grange Kirill Farr of Monticello, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Kiffmeyer introduced --**

**Senate Resolution No. 96:** A Senate resolution congratulating John Joseph Gerads of St. Michael, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Fischbach introduced --**

**Senate Resolution No. 97:** A Senate resolution honoring Elvera "Peps" Neuman on her contributions to basketball.

Referred to the Committee on Rules and Administration.

Senator Gazelka moved that H.F. No. 678 be taken from the table. The motion prevailed.

Pursuant to Rule 26, Senator Gazelka, Chair of the Committee on Rules and Administration, designated H.F. No. 678 a Special Order to be heard immediately.

### **SPECIAL ORDER**

**H.F. No. 678:** A bill for an act relating to motor vehicles; establishing law enforcement memorial special license plates; proposing coding for new law in Minnesota Statutes, chapter 168.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Draheim	Isaacson	Mathews	Senjem
Anderson, B.	Dziedzic	Jasinski	Miller	Simonson
Anderson, P.	Eaton	Jensen	Newman	Torres Ray
Bakk	Eichorn	Johnson	Newton	Utke
Benson	Eken	Kent	Osmek	Weber
Carlson	Fischbach	Kiffmeyer	Pappas	Westrom
Chamberlain	Franzen	Klein	Pratt	Wiger
Champion	Frentz	Koran	Relph	Wiklund
Clausen	Gazelka	Laine	Rest	
Cwodzinski	Goggin	Lang	Rosen	
Dahms	Hall	Limmer	Ruud	
Dibble	Ingebrigtsen	Lourey	Schoen	

So the bill passed and its title was agreed to.

### RECESS

Senator Gazelka moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SPECIAL ORDERS

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

S.F. Nos. 1598, 1694, H.F. No. 1702, S.F. Nos. 359, 550 and H.F. No. 2174.

#### SPECIAL ORDER

**S.F. No. 1598:** A bill for an act relating to family law; adding domestic assault by strangulation to list of crimes impacting custody, parenting plans, and parenting time; amending Minnesota Statutes 2016, sections 518.179, subdivision 2; 631.52, subdivision 2.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dziedzic	Ingebrigtsen	Latz	Rosen
Anderson, B.	Eaton	Isaacson	Limmer	Ruud
Anderson, P.	Eichorn	Jasinski	Little	Schoen
Bakk	Fischbach	Jensen	Mathews	Senjem
Benson	Franzen	Johnson	Miller	Simonson
Chamberlain	Frentz	Kent	Newman	Sparks
Champion	Goggin	Kiffmeyer	Newton	Torres Ray
Clausen	Hall	Klein	Osmek	Utke
Cwodzinski	Hayden	Koran	Pappas	Weber
Dahms	Hoffman	Laine	Pratt	Wiger
Draheim	Housley	Lang	Relph	Wiklund

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1694:** A bill for an act relating to the military; designating June 29 as General John Vessey Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 1702:** A bill for an act relating to juvenile justice; informing children age ten and over of the right to counsel; requiring that waivers of counsel be in writing by the child; requiring notice to counsel; amending Minnesota Statutes 2016, sections 260C.163, subdivisions 3, 10; 260C.607, subdivision 2.

Senator Relph moved to amend H.F. No. 1702, as amended pursuant to Rule 45, adopted by the Senate May 4, 2017, as follows:

(The text of the amended House File is identical to S.F. No. 1386.)

Page 3, after line 16, insert:

"Sec. 4. **SHORT TITLE AND CITATION.**

This law may be cited as "McKenna's Law.""

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1702 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECESS

Senator Relph 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.

### SPECIAL ORDER

**S.F. No. 359:** A bill for an act relating to human services; adding individualized home supports to home and community-based services; modifying home and community-based services setting requirements and licensing requirements; modifying planning and case management requirements under certain home and community-based services waivers; modifying child foster care background studies; amending Minnesota Statutes 2016, sections 245A.11, subdivision 2a; 245C.03, subdivision 1; 245C.04, subdivision 1; 245C.05, subdivision 2a; 245C.10, subdivision 9; 245C.17, subdivisions 5, 6; 245C.21, subdivision 1a; 245C.23, subdivision 2; 245D.02, subdivision 36, by adding a subdivision; 245D.03, subdivision 1; 245D.04, subdivision 3; 245D.071, subdivision 3; 245D.09, subdivisions 4, 5a; 245D.11, subdivision 4; 245D.24, subdivision 3; 256B.0911, subdivision 3a; 256B.092, subdivision 1a; 256B.49, subdivision 13; 256B.4913, by adding a subdivision; 256B.4914, subdivisions 3, 5, 8, 16.

Senator Utke moved to amend S.F. No. 359 as follows:

Page 18, after line 8, insert:

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

The motion prevailed. So the amendment was adopted.

S.F. No. 359 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 550:** A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying requirements for receipt of fund money; amending Minnesota Statutes 2016, sections 116P.05, subdivision 2; 116P.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Senator Dziedzic moved to amend S.F. No. 550 as follows:

Page 37, line 31, delete "review and"

Page 37, line 32, delete "recommend \$20,000,000" and insert "consider recommending up to \$10,000,000"

Page 38, line 9, after "expenditure" insert "by the Public Facilities Authority"

Page 38, line 10, after "treatment" insert "grant or loan"

The motion prevailed. So the amendment was adopted.

S.F. No. 550 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 42 and nays 21, as follows:

Those who voted in the affirmative were:

Abeler	Eichorn	Jasinski	Lourey	Senjem
Anderson, B.	Fischbach	Jensen	Mathews	Simonson
Anderson, P.	Frentz	Johnson	Miller	Sparks
Bakk	Gazelka	Kiffmeyer	Newman	Utke
Benson	Goggin	Klein	Osmek	Weber
Chamberlain	Hall	Koran	Pratt	Westrom
Dahms	Hoffman	Lang	Relph	
Draheim	Housley	Limmer	Rosen	
Dziedzic	Ingebrigtsen	Little	Ruud	

Those who voted in the negative were:

Carlson	Dibble	Kent	Pappas	Wiklund
Champion	Eaton	Laine	Rest	
Clausen	Franzen	Latz	Schoen	
Cohen	Hayden	Marty	Torres Ray	
Cwodzinski	Isaacson	Newton	Wiger	

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

### SPECIAL ORDER

**H.F. No. 2174:** A bill for an act relating to local government; authorizing Ramsey County to select positions for a supported work program; amending Minnesota Statutes 2016, section 383A.288, subdivision 1, by adding a subdivision.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### RECESS

Senator Eaton 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.

### MEMBERS EXCUSED

Senators Hawj, Nelson, and Tomassoni were excused from the Session of today. Senator Schoen was excused from the Session of today from 10:00 to 10:15 a.m. Senator Lourey was excused from the Session of today from 10:00 to 10:15 a.m. and from 11:45 a.m. to 12:00 noon. Senators Hayden, Hoffman, Housley, Latz, Little, and Sparks were excused from the Session of today from 10:00 to 10:30 a.m. Senator Cohen was excused from the Session of today from 10:00 a.m. to 12:00 noon.

Senator Eken was excused from the Session of today at 10:30 a.m. Senators Dibble, Lourey, Rest, and Westrom were excused from the Session of today from 11:45 a.m. to 12:00 noon. Senator Carlson was excused from the Session of today from 11:45 a.m to 12:05 p.m. Senator Bakk was excused from the Session of today from 12:50 to 12:55 p.m.

### **ADJOURNMENT**

Senator Gazelka moved that the Senate do now adjourn until 12:00 noon, Monday, May 15, 2017. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate