

## FIFTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, May 5, 2015

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

**CALL OF THE SENATE**

Senator Pappas 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. Carol J. Tomer.

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

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

Anderson	Eken	Kent	Pappas	Skoe
Bakk	Fischbach	Kiffmeyer	Pederson, J.	Sparks
Benson	Franzen	Koenen	Petersen, B.	Stumpf
Bonoff	Gazelka	Latz	Pratt	Thompson
Brown	Goodwin	Limmer	Reinert	Tomassoni
Carlson	Hall	Lourey	Rest	Torres Ray
Champion	Hann	Marty	Rosen	Weber
Clausen	Hawj	Metzen	Ruud	Westrom
Cohen	Hayden	Miller	Saxhaug	Wiger
Dahle	Hoffman	Nelson	Scalze	Wiklund
Dahms	Housley	Newman	Schmit	
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Ortman	Sheran	
Eaton	Johnson	Osmek	Sieben	

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 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. 2101:** A bill for an act relating to state government; appropriating money for agriculture, environment, natural resources, jobs, and economic development; providing for animal health and agricultural utilization research; making policy and technical changes to various

agricultural related provisions, including provisions related to pesticide control, plant protection, nursery law, seeds, and loans; modifying license exclusions for the direct sale of certain prepared food; establishing the Agriculture Research, Education, Extension, and Technology Transfer Board; establishing the Industrial Hemp Development Act; providing for incentive payments and grants; modifying disposition of certain revenue; providing for pilot programs; establishing the farm opportunity loan program; modifying fee provisions; creating accounts; modifying recreational vehicle provisions; modifying aquatic invasive species provisions; modifying state park and trail provisions; modifying timber and land sale provisions; modifying provisions for reclamation of lands; modifying game and fish laws; modifying the Water Law; regulating water quality standards; regulating chemicals of high concern in children's products; modifying solid waste provisions; making policy changes to labor and industry, employment and economic development, Iron Range resources, and the Bureau of Mediation Services; requiring studies and reports; requiring rulemaking; amending Minnesota Statutes 2014, sections 13.43, subdivision 6; 13.643, subdivision 1; 13.7411, subdivision 8; 16C.144, by adding subdivisions; 18B.01, subdivisions 28, 29; 18B.32, subdivision 1; 18B.33, subdivision 1; 18B.34, subdivision 1; 18G.10, subdivisions 3, 4; 18H.02, subdivision 20, by adding subdivisions; 18H.06, subdivision 2; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 21.81, by adding subdivisions; 21.82, subdivisions 2, 4; 21.85, subdivision 2, by adding a subdivision; 21.89, subdivision 2; 41B.03, subdivision 6, by adding a subdivision; 41B.04, subdivision 17; 41B.043, subdivision 3; 41B.045, subdivisions 3, 4; 41B.046, subdivision 5; 41B.047, subdivisions 1, 4; 41B.048, subdivision 6; 41B.049, subdivision 4; 41B.055, subdivision 3; 41B.056, subdivision 2; 41B.06; 45.0135, by adding a subdivision; 60D.215, subdivision 2; 65B.44, by adding a subdivision; 72B.092, subdivision 1; 80A.84; 84.415, subdivision 7; 84.82, subdivisions 2a, 6; 84.92, subdivisions 8, 9, 10; 84.922, subdivision 5; 84D.01, by adding a subdivision; 84D.13, subdivision 5; 84D.15, subdivision 3; 85.015, by adding a subdivision; 85.055, subdivision 1; 85.32, subdivision 1; 86B.401, subdivision 3; 87A.10; 88.6435, subdivision 4; 90.14; 90.193; 93.20, subdivision 18; 94.16, subdivision 3; 97A.055, subdivision 4b; 97B.301, by adding a subdivision; 97C.301, by adding a subdivision; 103B.101, by adding a subdivision; 103B.3355; 103F.612, subdivision 2; 103G.005, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2242, subdivisions 1, 2, 3, 4, 12, 14, 15; 103G.2251; 115A.1415, subdivision 16; 115A.557, subdivision 2; 115C.09, subdivision 1; 116.07, subdivision 4d; 116.9401; 116.9402; 116.9403; 116.9405; 116.9406; 116J.394; 116J.8738, subdivision 3, by adding a subdivision; 116L.05, subdivision 5; 116L.17, subdivision 4; 123B.53, subdivision 1; 179A.041, by adding subdivisions; 216B.1694, subdivision 3; 216B.62, subdivision 3b; 268.035, subdivisions 6, 21b, 26, 30; 268.051, subdivision 7; 268.07, subdivisions 2, 3b; 268.085, subdivisions 1, 2; 268.095, subdivisions 1, 10; 268.105, subdivisions 3, 7; 268.136, subdivision 1; 268.194, subdivision 1; 298.018, subdivision 1; 298.22, subdivisions 1, 3, 4, 5, 6, 10, 11; 298.221; 298.2211, subdivision 3; 298.222; 298.223; 298.225, subdivision 2; 298.227; 298.28, subdivisions 4, 9a, 9d, 11, 15; 298.292, subdivision 2; 298.293; 298.2961, subdivision 3; 299F.01, by adding a subdivision; 326B.092, subdivision 7; 326B.096; 326B.106, subdivision 1, by adding a subdivision; 326B.13, subdivision 8; 326B.986, subdivisions 5, 8; 332.31, subdivisions 3, 6; 341.321; 375.30, subdivision 2; Laws 1994, chapter 493, section 1; Laws 2014, chapter 308, article 6, section 14, subdivision 5; Laws 2014, chapter 312, article 2, section 14; proposing coding for new law in Minnesota Statutes, chapters 13; 17; 28A; 41A; 41B; 65B; 80A; 84; 84D; 92; 103B; 103F; 116; 116J; 116L; 116U; 179; 268A; proposing coding for new law as Minnesota Statutes, chapter 18K; repealing Minnesota Statutes 2014, sections 17.115; 28A.15,

subdivisions 9, 10; 41A.12, subdivision 4; 84.68; 86B.13, subdivisions 2, 4; 298.298; Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended.

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

Garofalo, Hoppe, Newberger, Gunther and Norton.

Senate File No. 2101 is herewith returned to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 4, 2015

Madam President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1437.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 4, 2015

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 1437:** A bill for an act relating to agriculture; establishing a budget for agriculture; appropriating money for agriculture, animal health, avian influenza response activities, and agricultural utilization research; making policy and technical changes to various agricultural related provisions, including provisions related to pesticide control, plant protection, nursery law, seeds, dairy, food handlers, food, farmland, farming, and loans; authorizing the Industrial Hemp Development Act; establishing poultry worker extra unemployment benefits; modifying license exclusions for the direct sale of certain prepared food; establishing the Agriculture Research, Education, Extension, and Technology Transfer Advisory Board; providing incentive payments; requiring studies; requiring reports; providing a vocational training pilot program; establishing the farm opportunity loan program; modifying fees and surcharges; creating accounts; amending Minnesota Statutes 2014, sections 3.737, by adding a subdivision; 13.643, subdivision 1; 18B.01, subdivisions 28, 29; 18B.05, subdivision 1; 18B.32, subdivision 1; 18B.33, subdivision 1; 18B.34, subdivision 1; 18C.425, subdivision 6; 18C.70, subdivision 2; 18G.10, subdivisions 3, 4, 5; 18H.02, subdivision 20, by adding subdivisions; 18H.06, subdivision 2; 18H.07; 18H.17; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 21.89, subdivision 2; 21.891, subdivisions 2, 5; 25.341, subdivision 2; 25.39, subdivisions 1, 1a; 28A.03, by adding a subdivision; 32.075; 32.105; 41B.03, subdivision 6, by adding a subdivision; 41B.04, subdivision 17; 41B.043, subdivision 3; 41B.045, subdivisions 3, 4; 41B.046, subdivision 5; 41B.047, subdivisions 1, 3, 4; 41B.048, subdivision 6; 41B.049, subdivision 4; 41B.055, subdivision 3; 41B.056, subdivision 2; 41B.06; 135A.52, by adding a subdivision; 375.30, subdivision 2; 500.24, subdivision 4; Laws 2014, chapter 312, article 12, section 3; proposing coding for new law in Minnesota Statutes, chapters 18C; 28A; 41A; 41B; proposing coding for new law as Minnesota Statutes, chapter 18K; repealing Minnesota Statutes 2014, sections 17.115; 28A.15, subdivisions 9, 10; 116V.03.

Senator Bakk moved that H.F. No. 1437 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

**H.F. No. 546** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
546	338				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 546 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 546, the first engrossment; and insert the language after the enacting clause of S.F. No. 338; further, delete the title of H.F. No. 546, the first engrossment; and insert the title of S.F. No. 338.

And when so amended H.F. No. 546 will be identical to S.F. No. 338, and further recommends that H.F. No. 546 be given its second reading and substituted for S.F. No. 338, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1003** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1003	1416				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1003 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1003, the second engrossment; and insert the language after the enacting clause of S.F. No. 1416, the first engrossment; further, delete the title of H.F. No. 1003, the second engrossment; and insert the title of S.F. No. 1416, the first engrossment.

And when so amended H.F. No. 1003 will be identical to S.F. No. 1416, and further recommends that H.F. No. 1003 be given its second reading and substituted for S.F. No. 1416, and that the Senate File be indefinitely postponed.

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

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

**H.F. No. 1358** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1358	1439				

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

**H.F. No. 1770** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1770	440				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1770 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1770, the second engrossment; and insert the language after the enacting clause of S.F. No. 440; further, delete the title of H.F. No. 1770, the second engrossment; and insert the title of S.F. No. 440.

And when so amended H.F. No. 1770 will be identical to S.F. No. 440, and further recommends that H.F. No. 1770 be given its second reading and substituted for S.F. No. 440, and that the Senate File be indefinitely postponed.

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

**Senator Wiger from the Committee on Education, to which was referred the following appointment:**

BOARD OF THE MINNESOTA STATE ACADEMIES

Todd Sesker

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Wiger from the Committee on Education, to which was referred the following appointment:**

BOARD OF TEACHING  
Joyce Baumann

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Wiger from the Committee on Education, to which were referred the following appointments:**

BOARD OF SCHOOL ADMINISTRATORS  
Tracine Asberry  
Robert Meyer

Reports the same back with the recommendation that the appointments be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Wiger from the Committee on Education, to which was referred the following appointment:**

BOARD OF THE PERPICH CENTER FOR ARTS EDUCATION  
Mikal Nabors

Reports the same back with the recommendation that the appointment be confirmed.

Senator Bakk moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 546, 1003, 1358 and 1770 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Latz introduced—**

**S.F. No. 2143:** A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2014, section 62L.02, subdivision 11.

Referred to the Committee on Judiciary.

**Senators Nienow, Hall, Chamberlain and Pratt introduced—**

**S.F. No. 2144:** A bill for an act relating to state government; suspending compensation of legislators and the governor until certain finance and revenue bills are enacted; defining the effective date for certain executive orders; providing certain appropriations continue in effect at a 100 percent rate unless eliminated or otherwise modified; prohibiting courts from ordering expenditures from the state treasury except under a certain circumstance; authorizing the governor to stop continued appropriations by executive order except in a certain circumstance; amending Minnesota Statutes 2014, section 4.035, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; 16A.

Referred to the Committee on State and Local Government.

**Senators Nienow, Hall and Chamberlain introduced—**

**S.F. No. 2145:** A bill for an act relating to state government; making provisions in the event of a government shutdown; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on State and Local Government.

**Senators Nienow, Gazelka, Hall and Chamberlain introduced—**

**S.F. No. 2146:** A bill for an act relating to state government; providing certain appropriations continue in effect at a 70 percent rate unless eliminated or otherwise modified.

Referred to the Committee on State and Local Government.

**Senator Reinert introduced—**

**S.F. No. 2147:** A bill for an act relating to capital investment; appropriating money for a water recreation facility in the city of Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

**MOTIONS AND RESOLUTIONS**

Senator Reinert moved that the name of Senator Carlson be added as a co-author to S.F. No. 627. The motion prevailed.

Senator Jensen moved that the name of Senator Sparks be added as a co-author to S.F. No. 2133. The motion prevailed.

Senator Reinert moved that S.F. No. 2104 be withdrawn from the Committee on Capital Investment and returned to its author. The motion prevailed.

**RECESS**

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

S.F. Nos. 239, 1478, 1413, 674, 1270 and H.F. No. 262.

**SPECIAL ORDER**

**S.F. No. 239:** A bill for an act relating to public safety; adding the crime of financial exploitation of a vulnerable adult to definition of designated offense in forfeiture laws; amending Minnesota Statutes 2014, section 609.531, subdivision 1.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Jensen	Ortman	Sheran
Benson	Fischbach	Johnson	Osmek	Sieben
Bonoff	Franzen	Kent	Pappas	Skoe
Brown	Gazelka	Kiffmeyer	Pederson, J.	Sparks
Carlson	Goodwin	Koenen	Petersen, B.	Stumpf
Champion	Hall	Latz	Pratt	Thompson
Clausen	Hann	Marty	Reinert	Tomassoni
Dahle	Hawj	Metzen	Rest	Torres Ray
Dahms	Hayden	Miller	Ruud	Weber
Dibble	Hoffman	Nelson	Saxhaug	Westrom
Dziedzic	Housley	Newman	Scalze	Wiger
Eaton	Ingebrigtsen	Nienow	Schmit	Wiklund

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1478:** A bill for an act relating to corrections; repealing the old Interstate Compact for Juveniles; repealing Minnesota Statutes 2014, sections 260.51; 260.53.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Clausen	Dahms	Eaton
Benson	Carlson	Cohen	Dibble	Eken
Bonoff	Champion	Dahle	Dziedzic	Fischbach

Franzen	Ingebrigtsen	Miller	Pratt	Sparks
Gazelka	Jensen	Nelson	Reinert	Stumpf
Goodwin	Johnson	Newman	Ruud	Thompson
Hall	Kent	Nienow	Saxhaug	Tomassoni
Hann	Kiffmeyer	Ortman	Scalze	Torres Ray
Hawj	Koenen	Osmek	Schmit	Weber
Hayden	Latz	Pappas	Sheran	Westrom
Hoffman	Lourey	Pederson, J.	Sieben	Wiger
Housley	Metzen	Petersen, B.	Skoe	Wiklund

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1413:** A bill for an act relating to criminal justice; expanding the trespass crime to include trespassing on a school bus; imposing a criminal penalty; amending Minnesota Statutes 2014, section 609.605, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Eaton	Ingebrigtsen	Nienow	Skoe
Benson	Eken	Jensen	Osmek	Sparks
Bonoff	Fischbach	Johnson	Pappas	Stumpf
Brown	Franzen	Kent	Pederson, J.	Thompson
Carlson	Gazelka	Koenen	Petersen, B.	Tomassoni
Champion	Goodwin	Latz	Pratt	Torres Ray
Clausen	Hall	Lourey	Reinert	Weber
Cohen	Hann	Marty	Ruud	Westrom
Dahle	Hawj	Metzen	Scalze	Wiger
Dahms	Hayden	Miller	Schmit	Wiklund
Dibble	Hoffman	Nelson	Sheran	
Dziedzic	Housley	Newman	Sieben	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 674:** A bill for an act relating to environment; prohibiting sale of certain personal care products containing synthetic plastic microbeads; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Marty moved to amend S.F. No. 674 as follows:

Page 1, delete lines 21 to 24

Page 2, line 1, delete "(e)" and insert "(d)"

The motion prevailed. So the amendment was adopted.

S.F. No. 674 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 48 and nays 15, as follows:

Those who voted in the affirmative were:

Bakk	Eken	Kent	Petersen, B.	Sieben
Bonoff	Fischbach	Koenen	Pratt	Skoe
Carlson	Franzen	Latz	Reinert	Sparks
Champion	Goodwin	Lourey	Rest	Stumpf
Clausen	Hawj	Marty	Ruud	Tomassoni
Cohen	Hayden	Metzen	Saxhaug	Torres Ray
Dahle	Hoffman	Miller	Scalze	Wiger
Dibble	Housley	Nelson	Schmit	Wiklund
Dziedzic	Jensen	Pappas	Senjem	
Eaton	Johnson	Pederson, J.	Sheran	

Those who voted in the negative were:

Anderson	Dahms	Hann	Limmer	Thompson
Benson	Gazelka	Ingebrigtsen	Newman	Weber
Brown	Hall	Kiffmeyer	Osmek	Westrom

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

### SPECIAL ORDER

**S.F. No. 1270:** A bill for an act relating to public safety; amending provisions on data privacy, evidence, crime victim protections, and criminal defenses relating to sex trafficking; creating new criminal penalties; amending Minnesota Statutes 2014, sections 13.82, subdivision 17; 609.324, subdivision 1; 609.325, subdivision 4, by adding a subdivision; 609.3471; 611A.26, subdivisions 1, 6; 617.242, subdivision 6; 628.26.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Ingebrigtsen	Newman	Sheran
Bakk	Eaton	Jensen	Ortman	Skoe
Benson	Eken	Johnson	Osmek	Sparks
Bonoff	Fischbach	Kiffmeyer	Pappas	Stumpf
Brown	Franzen	Koenen	Pederson, J.	Thompson
Carlson	Gazelka	Latz	Petersen, B.	Tomassoni
Champion	Goodwin	Limmer	Pratt	Torres Ray
Clausen	Hall	Lourey	Reinert	Weber
Cohen	Hann	Marty	Ruud	Westrom
Dahle	Hawj	Metzen	Scalze	Wiger
Dahms	Hayden	Miller	Schmit	Wiklund
Dibble	Housley	Nelson	Senjem	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 262:** A bill for an act relating to real property; modifying government approval of plats; authorizing new certificate by examiner's directive after cancellation of contract for deed; authorizing new certificate of possessory interest by directive after cancellation of contract for deed; amending Minnesota Statutes 2014, sections 505.03, subdivision 1; 508.58, by adding a subdivision; 508A.58, subdivision 2, by adding a subdivision.

Senator Rest moved to amend H.F. No. 262 as follows:

Page 3, after line 4, insert:

"Sec. 5. Minnesota Statutes 2014, section 524.3-916, is amended to read:

**524.3-916 APPORTIONMENT OF ESTATE TAXES AND GENERATION-SKIPPING TAX.**

(a) For purposes of this section:

(1) "estate" means the gross estate of a decedent as determined for the purpose of federal estate tax or the estate tax payable to this state;

(2) "decedent's generation-skipping transfers" means all generation-skipping transfers as determined for purposes of the federal generation-skipping tax which occur by reason of the decedent's death which relate to property which is included in the decedent's estate;

(3) "person" means any individual, partnership, association, joint stock company, corporation, limited liability company, government, political subdivision, governmental agency, or local governmental agency;

(4) "person interested in the estate" means any person entitled to receive, or who has received, from a decedent or by reason of the death of a decedent any property or interest therein included in the decedent's estate. It includes a personal representative, guardian, conservator, trustee, and custodian;

(5) "state" means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(6) "estate tax" means the federal estate tax and the state estate tax determined by the commissioner of revenue pursuant to chapter 291 and interest and penalties imposed in addition to the tax;

(7) "decedent's generation-skipping tax" means the federal generation-skipping tax imposed on the decedent's generation-skipping transfers and interest and penalties imposed in addition to the tax;

(8) "fiduciary" means personal representative or trustee.

(b) ~~Unless the will or other governing instrument otherwise provides:~~ Any tax occasioned by a decedent's death shall be apportioned as set forth in clauses (1) to (4).

~~(1) the Estate tax taxes shall be apportioned among all persons interested in the estate. The apportionment is to be made in the proportion that the value of the interest of each person interested in the estate bears to the total value of the interests of all persons interested in the estate. The values used in determining the tax are to shall be used for that purpose; and in apportioning the tax.~~

(2) Notwithstanding the general rule set forth in clause (1), if property is included in the decedent's gross estate pursuant to section 2044 of the Internal Revenue Code of 1986, as amended, or any similar provision of any state estate tax law, the difference between the total estate tax payable by the decedent's estate and the amount of estate tax that would have been payable by the decedent's estate if the property had not been included in the decedent's gross estate shall be apportioned ratably among the holders of interests in the property. The values used in determining

the tax shall be used in apportioning the tax. The balance of the tax, if any, shall be apportioned as provided in clause (1).

(3) The decedent's generation-skipping tax shall be apportioned as provided by federal law. To the extent not provided by federal law, the decedent's generation-skipping tax shall be apportioned among all persons receiving the decedent's generation-skipping transfers whose tax apportionment is not provided by federal law in the proportion that the value of the transfer to each person bears to the total value of all such transfers.

(4) If the decedent's will or other written instrument directs a method of apportionment of estate tax or of the decedent's generation-skipping tax different from the ~~method~~ methods described in this section, the method described in the will or other written instrument ~~controls~~ shall control; provided, however, that:

(i) unless the decedent's will or other written instrument specifically indicates an intent to waive any right of recovery under section 2207A of the Internal Revenue Code of 1986, as amended, estate taxes on property described in clause (2) must be apportioned under the method described in this section to property included in the decedent's estate under section 2044 of the Internal Revenue Code of 1986, as amended ~~clause (2); and~~

(ii) unless the decedent's will or other written instrument specifically indicates an intent to waive any right of recovery under section 2207B of the Internal Revenue Code of 1986, as amended, estate taxes ~~must be apportioned under the method described in this section to~~ on property included in the decedent's estate under section 2036 of the Internal Revenue Code of 1986, as amended, must be apportioned under the method described in clause (1).

(c)(1) The court in which venue lies for the administration of the estate of a decedent, on petition for the purpose may determine the apportionment of the estate tax or of the decedent's generation-skipping tax.

(2) If the court finds that it is inequitable to apportion interest and penalties in the manner provided in subsection (b), because of special circumstances, it may direct apportionment thereof in the manner it finds equitable.

(3) If the court finds that the assessment of penalties and interest assessed in relation to the estate tax or the decedent's generation-skipping tax is due to delay caused by the negligence of the fiduciary, the court may charge the fiduciary with the amount of the assessed penalties and interest.

(4) In any action to recover from any person interested in the estate the amount of the estate tax or of the decedent's generation-skipping tax apportioned to the person in accordance with this section the determination of the court in respect thereto shall be prima facie correct.

(d)(1) The personal representative or other person in possession of the property of the decedent required to pay the estate tax or the decedent's generation-skipping tax may withhold from any property distributable to any person interested in the estate, upon its distribution, the amount of any taxes attributable to the person's interest. If the property in possession of the personal representative or other person required to pay any taxes and distributable to any person interested in the estate is insufficient to satisfy the proportionate amount of the taxes determined to be due from the person, the personal representative or other person required to pay any taxes may recover the deficiency from the person interested in the estate. If the property is not in the possession of the personal representative or the other person required to pay any taxes, the personal representative or the other

person required to pay any taxes may recover from any person interested in the estate the amount of any taxes apportioned to the person in accordance with this section.

(2) If property held by the personal representative or other person in possession of the property of the decedent required to pay the estate tax or the decedent's generation-skipping tax is distributed prior to final apportionment of the estate tax or the decedent's generation-skipping tax, the distributee shall provide a bond or other security for the apportionment liability in the form and amount prescribed by the personal representative or other person, as the case may be.

(e)(1) In making an apportionment, allowances shall be made for any exemptions granted, any classification made of persons interested in the estate and for any deductions and credits allowed by the law imposing the tax.

(2) Any exemption or deduction allowed by reason of the relationship of any person to the decedent, by reason of the purposes of the gift, or by allocation to the gift (either by election by the fiduciary or by operation of federal law), inures to the benefit of the person bearing such relationship or receiving the gift; but if an interest is subject to a prior present interest which is not allowable as a deduction, the tax apportionable against the present interest shall be paid from principal.

(3) Any deduction for property previously taxed and any credit for gift taxes or death taxes of a foreign country paid by the decedent or the decedent's estate inures to the proportionate benefit of all persons liable to apportionment.

(4) Any credit for inheritance, succession or estate taxes or taxes in the nature thereof applicable to property or interests includable in the estate, inures to the benefit of the persons or interests chargeable with the payment thereof to the extent proportionately that the credit reduces the tax.

(5) To the extent that property passing to or in trust for a surviving spouse or any charitable, public or similar gift or devise is not an allowable deduction for purposes of the estate tax solely by reason of an estate tax imposed upon and deductible from the property, the property is not included in the computation provided for in subsection (b)(1) hereof, and to that extent no apportionment is made against the property. The sentence immediately preceding does not apply to any case if the result would be to deprive the estate of a deduction otherwise allowable under section 2053(d) of the Internal Revenue Code of 1986, as amended, of the United States, relating to deduction for state death taxes on transfers for public, charitable, or religious uses.

(f) No interest in income and no estate for years or for life or other temporary interest in any property or fund is subject to apportionment as between the temporary interest and the remainder. The estate tax on the temporary interest and the estate tax, if any, on the remainder is chargeable against the corpus of the property or funds subject to the temporary interest and remainder. The decedent's generation-skipping tax is chargeable against the property which constitutes the decedent's generation-skipping transfer.

(g) Neither the personal representative nor other person required to pay the tax is under any duty to institute any action to recover from any person interested in the estate the amount of the estate tax or of the decedent's generation-skipping tax apportioned to the person until the final determination of the tax. A personal representative or other person required to pay the estate tax or decedent's generation-skipping tax who institutes the action within a reasonable time after final determination of the tax is not subject to any liability or surcharge because any portion of the tax apportioned to any person interested in the estate was collectible at a time following the death of the decedent but thereafter became uncollectible. If the personal representative or other person required to pay

the estate tax or decedent's generation-skipping tax cannot collect from any person interested in the estate the amount of the tax apportioned to the person, the amount not recoverable shall be equitably apportioned among the other persons interested in the estate who are subject to apportionment of the tax involved.

(h) A personal representative acting in another state or a person required to pay the estate tax or decedent's generation-skipping tax domiciled in another state may institute an action in the courts of this state and may recover a proportionate amount of the federal estate tax, of an estate tax payable to another state or of a death duty due by a decedent's estate to another state, or of the decedent's generation-skipping tax, from a person interested in the estate who is either domiciled in this state or who owns property in this state subject to attachment or execution. For the purposes of the action the determination of apportionment by the court having jurisdiction of the administration of the decedent's estate in the other state is prima facie correct.

**EFFECTIVE DATE.** This section is effective for decedents dying after December 31, 2015."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 262 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:

Anderson	Eken	Johnson	Osmek	Sieben
Bakk	Fischbach	Kent	Pappas	Skoe
Benson	Franzen	Kiffmeyer	Pederson, J.	Sparks
Bonoff	Gazelka	Koenen	Petersen, B.	Stumpf
Brown	Goodwin	Latz	Pratt	Thompson
Carlson	Hall	Limmer	Reinert	Tomassoni
Champion	Hann	Lourey	Rest	Torres Ray
Clausen	Hawj	Marty	Ruud	Weber
Dahle	Hayden	Metzen	Saxhaug	Westrom
Dahms	Hoffman	Miller	Scalze	Wiger
Dibble	Housley	Nelson	Schmit	Wiklund
Dziedzic	Ingebrigtsen	Newman	Senjem	
Eaton	Jensen	Ortman	Sheran	

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

#### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12.5, Senator Dibble moved that the following members be excused for a Conference Committee on H.F. No. 4 at 1:50 p.m.:

Senators Dibble, Kent, Hawj, Schmit and Jensen. The motion prevailed.

#### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12.5, Senator Lourey moved that the following members be excused for a Conference Committee on S.F. No. 1458 at 2:00 p.m.:

Senators Lourey, Sheran, Hayden, Franzen and Rosen. The motion prevailed.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12.5, Senator Clausen moved that the following members be excused for a Conference Committee on S.F. No. 5 at 2:50 p.m.:

Senators Bonoff, Clausen, Eken, Dziedzic and Miller. The motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Bakk moved that the Senate take up the Confirmation Calendar. The motion prevailed.

**CONFIRMATION**

Senator Sparks moved that the report from the Committee on Jobs, Agriculture and Rural Development, reported April 7, 2015, pertaining to the appointment of the Commissioner of Agriculture, be taken from the table. The motion prevailed.

Senator Sparks moved that the foregoing report be now adopted. The motion prevailed.

Senator Sparks moved that in accordance with the report from the Committee on Jobs, Agriculture and Rural Development, reported April 7, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF AGRICULTURE  
COMMISSIONER**

David J. Frederickson, 2952 Fairview Ave. N., Roseville, Ramsey County, effective January 5, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Sparks moved that the report from the Committee on Jobs, Agriculture and Rural Development, reported April 7, 2015, pertaining to the appointment of the Commissioner of Iron Range Resources and Rehabilitation, be taken from the table. The motion prevailed.

Senator Sparks moved that the foregoing report be now adopted. The motion prevailed.

Senator Sparks moved that in accordance with the report from the Committee on Jobs, Agriculture and Rural Development, reported April 7, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**IRON RANGE RESOURCES AND REHABILITATION  
COMMISSIONER**

Mark Phillips, 4261 Hwy 53 S., Eveleth, Saint Louis County, effective January 19, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Latz moved that the appointment of notaries public, received April 7, 2015, be taken from the table. The motion prevailed.

Senator Latz moved that the Senate do now consent to and confirm the appointments of the notaries public.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Senator Marty moved that the report from the Committee on Environment and Energy, reported April 9, 2015, pertaining to appointments to the Legislative-Citizen Commission on Minnesota Resources, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Energy, reported April 9, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES**

William Faber, 501 W. College Dr., Brainerd, Crow Wing County, effective May 17, 2014, for a term expiring on January 1, 2018.

Della Young, 4309 Edinbrook Ter. N., Brooklyn Park, Hennepin County, effective June 30, 2014, for a term expiring on January 1, 2018.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Senator Marty moved that the report from the Committee on Environment and Energy, reported April 9, 2015, pertaining to appointments to the Minnesota Pollution Control Agency, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Energy, reported April 9, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA POLLUTION CONTROL AGENCY**

Earnest Morgan, 607 Washington Ave. S., #501, Minneapolis, Hennepin County, effective November 26, 2014, for a term expiring on January 1, 2018.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Marty moved that the report from the Committee on Environment and Energy, reported April 9, 2015, pertaining to the appointment of the Commissioner of the Minnesota Pollution Control Agency, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Energy, reported April 9, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA POLLUTION CONTROL AGENCY  
COMMISSIONER**

John Linc Stine, 520 Lafayette Rd., Saint Paul, Ramsey County, effective January 5, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Marty moved that the report from the Committee on Environment and Energy, reported April 9, 2015, pertaining to appointments to the Lessard-Sams Outdoor Heritage Council, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Energy, reported April 9, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**LESSARD-SAMS OUTDOOR HERITAGE COUNCIL**

Julie Blackburn, 79 Western Ave. N., #402, Saint Paul, Ramsey County, effective March 1, 2015, for a term expiring on January 7, 2019.

Jane Kingston, 7874 N. Saint Mary's Dr., Eveleth, Saint Louis County, effective March 1, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointments were confirmed.

**CALL OF THE SENATE**

Senator Torres Ray imposed a call of the Senate for the balance of the proceedings on the Confirmation Calendar. The Sergeant at Arms was instructed to bring in the absent members.

**CONFIRMATION**

Senator Torres Ray moved that the report from the Committee on State and Local Government, reported April 16, 2015, pertaining to appointments to the Gambling Control Board, be taken from the table. The motion prevailed.

Senator Torres Ray moved that the foregoing report be now adopted. The motion prevailed.

Senator Torres Ray moved that in accordance with the report from the Committee on State and Local Government, reported April 16, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

## GAMBLING CONTROL BOARD

Geno Fragnito, 1459 Clippership Ct., Woodbury, Washington County, effective October 4, 2014, for a term expiring on June 30, 2018.

Beth Pinkney, 9237 Troon Ct., Woodbury, Washington County, effective October 4, 2014, for a term expiring on June 30, 2018.

The motion prevailed. So the appointments were confirmed.

Senator Sparks moved that the call of the Senate be lifted. The motion prevailed.

**CONFIRMATION**

Senator Sparks moved that the report from the Committee on Jobs, Agriculture and Rural Development, reported April 16, 2015, pertaining to the appointment of the Commissioner of Mediation Services, be taken from the table. The motion prevailed.

Senator Sparks moved that the foregoing report be now adopted. The motion prevailed.

Senator Sparks moved that in accordance with the report from the Committee on Jobs, Agriculture and Rural Development, reported April 16, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

BUREAU OF MEDIATION SERVICES  
COMMISSIONER

Josh L. Tilsen, 1124 Fairmount Ave., Saint Paul, Ramsey County, effective January 5, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Marty moved that the report from the Committee on Environment and Energy, reported April 16, 2015, pertaining to appointments to the Minnesota Environmental Quality Board, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Energy, reported April 16, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

## MINNESOTA ENVIRONMENTAL QUALITY BOARD

Katherine Knuth, 276 Xerxes Ave. N., Minneapolis, Hennepin County, effective March 15, 2015, for a term expiring on January 7, 2019.

John Saxhaug, 3940 Harriet Ave., Minneapolis, Hennepin County, effective March 15, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Senator Bonoff moved that the report from the Committee on Higher Education and Workforce Development, reported April 17, 2015, pertaining to appointments to the Board of Trustees of the Minnesota State Colleges and Universities, be taken from the table. The motion prevailed.

Senator Bonoff moved that the foregoing report be now adopted. The motion prevailed.

Senator Bonoff moved that in accordance with the report from the Committee on Higher Education and Workforce Development, reported April 17, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**BOARD OF TRUSTEES OF THE MINNESOTA STATE COLLEGES AND UNIVERSITIES**

Kelly Charpentier-Berg, 11551 Raven St. N.W., Coon Rapids, Anoka County, effective August 26, 2014, for a term expiring on June 30, 2016.

Robert Hoffman, 821 - 5th Ave. N.E., Waseca, Waseca County, effective August 26, 2014, for a term expiring on June 30, 2020.

Maleah Otterson, 7681 Nicholas Way, Chanhassen, Carver County, effective August 26, 2014, for a term expiring on June 30, 2016.

Louise Sundin, 5216 Vincent Ave. S., Minneapolis, Hennepin County, effective August 26, 2014, for a term expiring on June 30, 2020.

Erma Vizenor, White Earth Nation, P.O. Box 418, White Earth, Becker County, effective August 26, 2014, for a term expiring on June 30, 2020.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Senator Torres Ray moved that the report from the Committee on State and Local Government, reported April 23, 2015, pertaining to the appointment of the Commissioner of Veterans Affairs, be taken from the table. The motion prevailed.

Senator Torres Ray moved that the foregoing report be now adopted. The motion prevailed.

Senator Torres Ray moved that in accordance with the report from the Committee on State and Local Government, reported April 23, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF VETERANS AFFAIRS  
COMMISSIONER**

Larry W. Shellito, 7597 Newbury Rd., Woodbury, Washington County, effective January 5, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointment was confirmed.

**CALL OF THE SENATE**

Senator Torres Ray imposed a call of the Senate for the balance of the proceedings on the Confirmation Calendar. The Sergeant at Arms was instructed to bring in the absent members.

**CONFIRMATION**

Senator Torres Ray moved that the report from the Committee on State and Local Government, reported April 28, 2015, pertaining to appointments to the Metropolitan Council, be taken from the table. The motion prevailed.

Senator Torres Ray moved that the foregoing report be now adopted. The motion prevailed.

Senator Torres Ray moved that in accordance with the report from the Committee on State and Local Government, reported April 28, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

**METROPOLITAN COUNCIL**

Deb Barber, 634 Holmes St. S., Shakopee, Scott County, effective March 8, 2015, for a term expiring on January 7, 2019.

Steven Chavez, 1587 Skyline Path, Eagan, Dakota County, effective March 8, 2015, for a term expiring on January 7, 2019.

Jonathan Commers, 2294 Commonwealth Ave., Saint Paul, Ramsey County, effective March 8, 2015, for a term expiring on January 7, 2019.

Gary Cunningham, 3236 Harriet Ave. S., Minneapolis, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Gail Dorfman, 4200 Forest Rd., Saint Louis Park, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Steven Elkins, 8709 Sandro Rd., Bloomington, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Richard Kramer, 1471 Barclay St., Saint Paul, Ramsey County, effective March 8, 2015, for a term expiring on January 7, 2019.

Cara Letofsky, 2741 - 39th Ave. S., Minneapolis, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Marie McCarthy, 2855 - 121st Ct. N.E., Blaine, Anoka County, effective March 8, 2015, for a term expiring on January 7, 2019.

Harry Melander, 716 Park Ave., Mahtomedi, Washington County, effective March 8, 2015, for a term expiring on January 7, 2019.

Jennifer Munt, 5261 Beachside Dr., Minnetonka, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Edward Reynoso, 3606 - 145th Ave. N.E., Ham Lake, Anoka County, effective March 8, 2015, for a term expiring on January 7, 2019.

Katie Rodriguez, 6308 Niagara Ct. N., Maple Grove, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Sandy Rummel, 4011 Lakehill Cir., White Bear Lake, Ramsey County, effective March 8, 2015, for a term expiring on January 7, 2019.

Lona Schreiber, 10001 Zane Ave. N., Brooklyn Park, Hennepin County, effective March 8, 2015, for a term expiring on January 7, 2019.

Wendy Wulff, 17326 Greentree Path, Lakeville, Dakota County, effective March 8, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointments were confirmed.

### CONFIRMATION

Senator Torres Ray moved that the report from the Committee on State and Local Government, reported April 28, 2015, pertaining to the appointment of the Chair of the Metropolitan Council, be taken from the table. The motion prevailed.

Senator Torres Ray moved that the foregoing report be now adopted. The motion prevailed.

Senator Torres Ray moved that in accordance with the report from the Committee on State and Local Government, reported April 28, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

### METROPOLITAN COUNCIL CHAIR

Adam Duininck, 3628 - 24th Ave. S., Minneapolis, Hennepin County, effective January 16, 2015, for a term expiring on January 7, 2019.

The question was taken on the adoption of the Torres Ray motion to consent to and confirm the appointment of Adam Duininck.

The roll was called, and there were yeas 38 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Johnson	Pappas	Skoe
Bonoff	Eaton	Kent	Petersen, B.	Sparks
Carlson	Eken	Koenen	Reinert	Tomassoni
Champion	Goodwin	Latz	Rest	Torres Ray
Clausen	Hawj	Marty	Saxhaug	Wiger
Cohen	Hoffman	Metzen	Scalze	Wiklund
Dahle	Housley	Miller	Schmit	
Dibble	Jensen	Newman	Sieben	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Pederson, J.	Weber
Benson	Hall	Nelson	Pratt	Westrom
Brown	Hann	Nienow	Ruud	
Dahms	Ingebrigtsen	Ortman	Senjem	
Fischbach	Kiffmeyer	Osmeck	Thompson	

The motion prevailed. So the appointment was confirmed.

### CONFIRMATION

Senator Metzen moved that the report from the Committee on Commerce, reported May 1, 2015, pertaining to the appointment of the Commissioner of Commerce, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Commerce, reported May 1, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF COMMERCE  
COMMISSIONER

Michael J. Rothman, 4613 Mounthall Ter., Minnetonka, Hennepin County, effective January 5, 2015, for a term expiring on January 7, 2019.

Pursuant to Rule 41.2, Senator Latz moved that he be excused from voting on the confirmation of Michael J. Rothman. The motion prevailed.

The question was taken on the adoption of the Metzen motion to consent to and confirm the appointment of Michael J. Rothman.

Senator Metzen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 35 and nays 22, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Johnson	Reinert	Skoe
Brown	Franzen	Kent	Rest	Sparks
Carlson	Goodwin	Koenen	Saxhaug	Stumpf
Champion	Hawj	Lourey	Scalze	Tomassoni
Cohen	Hayden	Marty	Schmit	Torres Ray
Dahle	Hoffman	Metzen	Sheran	Wiger
Dibble	Jensen	Pappas	Sieben	Wiklund

Those who voted in the negative were:

Anderson	Hall	Nelson	Pederson, J.	Thompson
Benson	Hann	Newman	Petersen, B.	Weber
Dahms	Ingebrigtsen	Nienow	Pratt	
Fischbach	Kiffmeyer	Ortman	Rosen	
Gazelka	Limmer	Osmeck	Senjem	

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Senator Latz moved that the report from the Committee on Judiciary, reported May 4, 2015, pertaining to appointments to the Board on Judicial Standards, be taken from the table. The motion prevailed.

Senator Latz moved that the foregoing report be now adopted. The motion prevailed.

Senator Latz moved that in accordance with the report from the Committee on Judiciary, reported May 4, 2015, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD ON JUDICIAL STANDARDS

Terry Saario, 34 Park Ln., Minneapolis, Hennepin County, effective February 14, 2015, for a term expiring on January 7, 2019.

Cindy Telstad, P.O. Box 310, Winona, Winona County, effective May 25, 2014, for a term expiring on January 1, 2018.

William Wernz, 4014 Highwood Rd., Saint Louis Park, Hennepin County, effective February 14, 2015, for a term expiring on January 7, 2019.

The motion prevailed. So the appointments were confirmed.

### 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

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 417, 1816, 1499 and 1741.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 5, 2015

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 848:

**H.F. No. 848:** A bill for an act relating to financing and operation of state and local government; making changes to individual income, corporate franchise, property, sales and use, excise, estate, mineral, tobacco, gambling, special, local, and other taxes and tax-related provisions; providing for long-term care savings plans; modifying business income tax credits; modifying income tax subtractions and additions; modifying the definition of resident for income tax purposes; modifying the dependent care credit, education credit, and research credit; providing credits for MNsure premium payments, attaining a master's degree, student loan payments, college savings plans, and job training centers; modifying reciprocity provisions; providing an additional personal and dependent exemption; allowing a reverse referendum for property tax levies under certain circumstances; modifying dates for local referenda related to spending; changing proposed levy certification dates for special taxing districts; modifying general property tax provisions; providing for joint county and township assessment agreements; modifying the definition of agricultural homestead; modifying property classification definitions; permanently extending the market value exclusion for surviving spouses of deceased service members and permanently disabled veterans; modifying provisions for appeals and equalizations courses; providing a tax credit for overvalued property; modifying and phasing out the state general levy; modifying proposed levy provisions; modifying due dates for property taxes; changing withdrawal procedures for the Sustainable Forest Incentive Program; authorizing valuation exclusion for certain improvements to homestead and commercial-industrial property; providing an increased estate tax exemption amount and other estate tax provisions; providing for certain economic development projects; providing for the Minnesota New Markets Jobs Act; restricting expenditures and other powers related to certain rail projects; providing for additional border city zone allocations; modifying general tax increment financing provisions; modifying provisions for the Destination Medical Center; modifying general and local sales and use tax provisions; modifying sales tax definitions and refunds related to petroleum and special fuel, durable medical equipment, instructional

materials, propane tanks, bullion, capital equipment, and nonprofit groups; providing for a vendor allowance; providing exemptions for animal shelters, city celebrations, BMX tracks, and certain building and construction materials; repealing the tax on digital products; providing a separate rate for certain modular housing; modifying gambling taxes; providing a definition and rate of tax for vapor products under the tobacco tax; modifying cigarette stamp provisions; modifying rates for pull tabs sold at bingo halls; modifying miscellaneous tax provisions; modifying sales tax deposits, accounts, and provisions for transportation purposes; modifying local government aids and credits; providing for a school building bond agricultural credit; modifying assessor accreditation; accelerating the repeal of MinnesotaCare provider taxes; creating a county program aid working group; establishing trust fund accounts; providing trust fund payments to counties; modifying provisions related to payments in lieu of taxes for natural resources land; repealing the political contribution refund; making various conforming and technical changes; requiring reports; appropriating money; amending Minnesota Statutes 2014, sections 16A.726; 40A.18, subdivision 2; 62V.05, subdivision 5; 97A.055, subdivision 2; 97A.056, subdivision 1a, by adding subdivisions; 116J.8737, subdivisions 5, 12; 116P.02, subdivision 1, by adding a subdivision; 123B.63, subdivision 3; 126C.17, subdivision 9; 205.10, subdivision 1; 205A.05, subdivision 1; 216B.46; 237.19; 270A.03, subdivision 7; 270B.14, subdivision 17; 270C.13, subdivision 1; 270C.9901; 273.061, subdivision 4; 273.072, by adding a subdivision; 273.124, subdivision 14; 273.13, subdivisions 23, 25, 34; 274.014, subdivision 2; 275.025; 275.065, subdivisions 1, 3; 275.07, subdivisions 1, 2; 275.08, subdivision 1b; 275.60; 276.04, subdivisions 1, 2; 278.12; 279.01, subdivisions 1, 3; 279.37, subdivision 2; 282.01, subdivision 4; 282.261, subdivision 2; 289A.02, subdivision 7, as amended; 289A.10, subdivision 1; 289A.12, by adding a subdivision; 289A.20, subdivision 4; 289A.50, subdivision 1; 290.01, subdivisions 6, 7, 19, as amended, 19a, 19b, 19d, 29, 31, as amended; 290.06, by adding subdivisions; 290.067, subdivision 1; 290.0671, subdivisions 1, 6a; 290.0672, subdivision 2; 290.0674, subdivisions 1, 2, by adding a subdivision; 290.0677, subdivision 2; 290.068, subdivisions 1, 3, 6a, by adding a subdivision; 290.081; 290.091, subdivision 2; 290.191, subdivision 5; 290A.03, subdivision 15, as amended; 290C.10; 291.005, subdivision 1, as amended; 291.016, subdivision 3; 291.03, subdivisions 1, 1d; 296A.01, subdivision 12; 296A.08, subdivision 2; 296A.16, subdivision 2; 297A.61, subdivisions 3, 4, 38; 297A.62, subdivision 3; 297A.668, subdivisions 1, 2, 6a, 7; 297A.669, subdivision 14a; 297A.67, subdivisions 7a, 13a, by adding subdivisions; 297A.68, subdivisions 5, 19; 297A.70, subdivisions 4, 10, 14, by adding subdivisions; 297A.71, by adding subdivisions; 297A.75, subdivisions 1, 2, 3; 297A.77, subdivision 3; 297A.815, subdivision 3; 297A.94; 297A.992, subdivisions 1, 6, 6a, by adding a subdivision; 297A.994, subdivision 4; 297E.02, subdivisions 1, 6; 297F.01, subdivision 19, by adding subdivisions; 297F.05, subdivisions 1, 3, by adding subdivisions; 297F.06, subdivisions 1, 4; 297F.08, subdivisions 5, 7, 8; 297F.09, subdivision 1; 297I.20, by adding a subdivision; 298.24, subdivision 1; 309.53, subdivision 3; 345.42, by adding a subdivision; 349.12, by adding a subdivision; 412.221, subdivision 2; 412.301; 426.19, subdivision 2; 447.045, subdivisions 2, 3, 4, 6, 7; 452.11; 455.24; 455.29; 459.06, subdivision 1; 469.053, subdivision 5; 469.0724; 469.107, subdivision 2; 469.169, by adding a subdivision; 469.174, subdivisions 12, 14; 469.175, subdivision 3; 469.176, subdivisions 4, 4c; 469.1761, by adding a subdivision; 469.1763, subdivisions 1, 2, 3; 469.178, subdivision 7; 469.190, subdivisions 1, 5; 469.40, subdivision 11, as amended; 469.43, by adding a subdivision; 469.45, subdivisions 1, 2; 469.47, subdivision 4, as amended; 471.57, subdivision 3; 471.571, subdivision 3; 471.572, subdivisions 2, 4; 473.13, by adding a subdivision; 473.39, by adding a subdivision; 473.446, subdivision 1; 473H.09; 473H.17, subdivision 1a; 475.59; 477A.013, subdivision 10, by adding a subdivision; 477A.017, subdivision 2, by adding a subdivision; 477A.03, subdivisions 2a, 2b;

477A.10; 477A.11, by adding subdivisions; 609.5316, subdivision 3; 611.27, subdivisions 13, 15; Laws 1980, chapter 511, sections 1, subdivision 2, as amended; 2, as amended; Laws 1991, chapter 291, article 8, section 27, subdivisions 3, as amended, 4, as amended, 5, 6; Laws 1996, chapter 471, article 3, section 51; Laws 1999, chapter 243, article 4, section 18, subdivision 1, as amended; Laws 2008, chapter 366, article 7, section 20; Laws 2009, chapter 88, article 5, section 17, as amended; Laws 2011, First Special Session chapter 9, article 6, section 97, subdivision 6; Laws 2014, chapter 308, article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 11A; 16A; 16B; 116J; 116P; 117; 273; 274; 275; 290; 297A; 416; 459; 473; 477A; 609; proposing coding for new law as Minnesota Statutes, chapter 116X; repealing Minnesota Statutes 2014, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 205.10, subdivision 3; 290.06, subdivision 23; 290.067, subdivisions 2, 2a, 2b; 297A.61, subdivisions 50, 51, 52, 53, 54, 55, 56; 297A.992, subdivision 12; 297F.05, subdivision 1a; 477A.017, subdivision 3; 477A.085; 477A.19; Minnesota Rules, part 4503.1400, subpart 4.

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

Davids, Drazkowski, Barrett, Swedzinski and Lenczewski have been appointed as such committee on the part of the House.

House File No. 848 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 4, 2015

Senator Skoe moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 848, 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.

### RECESS

Senator Bakk 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 Bakk 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. 848: Senators Skoe, Rest, Dziedzic, Koenen and Gazelka.

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

**MEMBERS EXCUSED**

Senator Chamberlain was excused from the Session of today. Senator Rosen was excused from the Session of today from 11:00 a.m. to 3:15 p.m. Senator Cohen was excused from the Session of today from 1:00 to 1:45 p.m. Senators Limmer and Senjem were excused from the Session of today from 1:10 to 1:30 p.m. Senator Bakk was excused from the Session of today from 1:10 to 1:50 p.m. Senator Rest was excused from the Session of today from 1:15 to 1:55 p.m. Senator Ortman was excused from the Session of today from 1:20 to 1:30 p.m. Senator Saxhaug was excused from the Session of today from 1:20 to 2:00 p.m. Senator Nienow was excused from the Session of today from 1:45 to 2:15 p.m. Senators Hoffman, Kent and Sieben were excused from the Session of today from 1:50 to 1:55 p.m. Senator Stumpf was excused from the Session of today from 2:00 to 3:00 p.m. Senator Housley was excused from the Session of today at 3:00 p.m. Senator Westrom was excused from the Session of today at 3:10 p.m.

**ADJOURNMENT**

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, May 6, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate