

EIGHTY-SIXTH DAY

St. Paul, Minnesota, Thursday, April 21, 2016

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

CALL OF THE SENATE

Senator Bakk 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. Dennis Morreim.

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 18, 2016

The Honorable Sandra L. Pappas
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 84, S.F. No. 2850.

Sincerely,
Mark Dayton, Governor

April 18, 2016

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2016 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2016	Date Filed 2016
2850		84	2:19 p.m. April 18	April 18

Sincerely,
Steve Simon
Secretary of State

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2994, 3102, 3281 and 3252.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 18, 2016

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2994: A bill for an act relating to workers' compensation; reinsurance; modifying retention limits; amending Minnesota Statutes 2014, section 79.34, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2740, now on General Orders.

H.F. No. 3102: A bill for an act relating to lawful gambling; modifying provisions relating to gambling managers; providing for certain raffles; increasing prize limits; prescribing local regulation; amending Minnesota Statutes 2014, sections 349.12, subdivision 19, by adding subdivisions; 349.13; 349.168, subdivision 1; 349.17, by adding a subdivision; 349.213, subdivision 1; Minnesota Statutes 2015 Supplement, sections 349.12, subdivisions 18, 21a; 349.173; 349.211, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3034, now on General Orders.

H.F. No. 3281: A bill for an act relating to lawful gambling; providing for raffle boards; amending Minnesota Statutes 2014, sections 297E.02, subdivisions 6a, 7; 349.2125, subdivision 1; 349.2127, subdivisions 2, 3, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2742, now on General Orders.

H.F. No. 3252: A bill for an act relating to commerce; requiring qualified active duty military members and veterans and spouses to receive a licensing experience waiver for the broker's examination; amending Minnesota Statutes 2014, section 82.59, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3085, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Skoe from the Committee on Taxes, to which was re-referred

S.F. No. 2328: A bill for an act relating to civil law; modifying certain probate provisions; updating references throughout Minnesota Statutes to include limited liability companies under the Minnesota Revised Uniform Limited Liability Company Act; clarifying certain fees; making other clarifying changes; clarifying certain provisions for receiverships and assignments for the benefit of creditors; providing for a short form of assignment for recording with a deed to transfer real property; amending Minnesota Statutes 2014, sections 5.001, subdivision 2; 5.25, subdivisions 1, 3; 115D.03, subdivision 6a; 116J.395, subdivision 3; 211B.15, subdivision 1; 216B.1612, subdivision 2; 302A.651, subdivision 4; 308B.005, subdivision 18; 319B.02, subdivisions 10, 12; 322C.0201, subdivision 4; 322C.0205, subdivision 1; 322C.0208; 322C.1011, subdivisions 1, 2; 484.73, subdivision 2; 524.1-201; 524.2-102; 524.2-202; 524.2-301; 524.2-403; 524.2-404; 524.2-606; 524.3-406; 524.3-1201; 524.3-1203, subdivision 5; 524.5-313; 559.17, subdivision 2; 576.22; 576.29, subdivision 1; 576.30; 576.45, subdivision 3; 576.47; 577.12; 577.15; 609.748, subdivision 2; Minnesota Statutes 2015 Supplement, sections 5.25, subdivision 5; 124E.05, subdivision 1; 302A.471, subdivision 1; 322C.0105, subdivision 1a; 322C.0407, subdivision 4; 322C.1007, subdivision 1; 524.5-417; proposing coding for new law in Minnesota Statutes, chapter 524.

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

Page 12, delete lines 5 to 7 and insert:

"(a) In order to achieve tax objectives that are clearly provided for in the transferor's will, the court may modify the terms of a governing instrument in a manner that is not contrary to the transferor's probable intention for any of the following purposes:

(1) to ensure that the governing instrument correctly creates an interest in which a surviving spouse has a qualifying income interest with respect to which an election has been or will be made in whole or in part under section 2056(b)(7), 2056A, or 2523(f) of the Internal Revenue Code;

(2) to ensure that the governing instrument correctly creates an interest that will qualify for the marital deduction under section 2056 or 2056A of the Internal Revenue Code, by election or otherwise;

(3) to ensure that the governing instrument correctly creates an interest that will qualify for the charitable deduction under section 2055, 2522, or 642(c) of the Internal Revenue Code;

(4) to ensure that the governing instrument correctly creates an interest that is to be excepted, excluded, or exempt from or under chapter 13 of the Internal Revenue Code pertaining to generation-skipping transfers; or

(5) to ensure that the governing instrument correctly creates an interest in a trust that satisfies the criteria for qualified subchapter S trusts under section 1361(d) of the Internal Revenue Code.

(b) The court may provide that a modification under paragraph (a) has retroactive effect."

Page 14, delete section 14

Page 17, delete section 15

Page 19, delete section 16

Amend the title numbers accordingly

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

Senator Skoe from the Committee on Taxes, to which was re-referred

S.F. No. 1867: A bill for an act relating to energy; allowing rate-regulated cooperative associations to file for Public Utilities Commission review adjustments for property taxes and other costs; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 1, line 9, after "approval" insert "of"

Page 1, line 10, after "real" insert "and"

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

Senator Skoe from the Committee on Taxes, to which was re-referred

S.F. No. 1935: A bill for an act relating to education finance; providing funding and policy for early childhood and family, prekindergarten through grade 12, and adult education, including general education, education excellence, charter schools, special education, early childhood education, self-sufficiency, lifelong learning, and state agencies; appropriating money; amending Minnesota Statutes 2014, sections 13.321, by adding a subdivision; 120B.021, subdivisions 1,

3; 120B.115; 120B.232; 120B.30, subdivision 2, by adding a subdivision; 120B.31, by adding a subdivision; 120B.35; 120B.36, as amended; 122A.61, by adding a subdivision; 122A.63, subdivision 1; 123B.04, subdivision 2, by adding a subdivision; 123B.53, subdivision 5; 123B.535; 124D.091, subdivisions 2, 3; 124D.1158, subdivisions 3, 4; 124D.135, subdivision 6, by adding subdivisions; 124D.59, by adding a subdivision; 124D.68, subdivision 2; 126C.05, subdivision 3; 126C.10, subdivisions 2d, 24; 127A.45, subdivision 6a; Minnesota Statutes 2015 Supplement, sections 120A.41; 120B.021, subdivision 4; 120B.31, subdivision 4; 120B.36, subdivision 1; 122A.21, subdivision 2; 122A.415, subdivision 4; 122A.61, subdivision 1; 123B.595, subdivision 1; 124D.231, subdivision 2; 124D.59, subdivision 2; 124E.10, by adding a subdivision; 125A.08; 125A.11, subdivision 1; 125A.21, subdivision 3; 125A.76, subdivision 2c; 125A.79, subdivision 1; 126C.05, subdivision 1; 126C.10, subdivision 13a; 127A.47, subdivision 7; Laws 2011, First Special Session chapter 11, article 4, section 8; Laws 2012, chapter 263, sections 1, as amended; 2; Laws 2015, First Special Session chapter 3, article 1, section 27, subdivisions 2, 4, 5, 6, 7, 9; article 2, section 70, subdivisions 2, 3, 4, 5, 6, 7, 9, 11, 12, 15, 19, 21, 24; article 3, section 15, subdivision 3; article 4, sections 4; 9, subdivision 2; article 5, section 30, subdivisions 2, 3, 5; article 6, section 13, subdivisions 2, 3, 6, 7; article 7, section 7, subdivisions 2, 3, 4; article 9, section 8, subdivisions 5, 6, 7; article 10, section 3, subdivision 2; article 11, section 3, subdivision 2; article 12, section 4, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 124D; 125B; 136A.

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

Senator Latz from the Committee on Judiciary, to which was re-referred

S.F. No. 2775: A bill for an act relating to state lands; authorizing Meeker County auditor to exercise rights of unit owner in common interest community on behalf of state.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 3094: A bill for an act relating to corrections; appropriating money for payment of awards under the Imprisonment and Exoneration Remedies Act.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

IMPRISONMENT AND EXONERATION REMEDIES ACT

Section 1. **EXONERATION AWARDS.**

The amounts in this section are appropriated in fiscal year 2017 from the general fund to the commissioner of management and budget for full payment of final awards of damages against the state under the Imprisonment and Exoneration Remedies Act, Minnesota Statutes, sections 611.362 to 611.368. This appropriation is available until June 30, 2017 for payment to:

(1) Michael Ray Hansen in compliance with Supreme Court order (A15-0382) filed February 12, 2016, \$916,828.76;

(2) Koua Fong Lee in compliance with Supreme Court order (A15-0111) filed October 30, 2015, \$395,148.13; and

(3) Roger Lee Olsen in compliance with Supreme Court order (A15-1178) filed March 7, 2016, \$475,000.

ARTICLE 2

INJURY AND MEDICAL CLAIMS

Section 1. DEPARTMENT OF CORRECTIONS.

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2017 for full and final payment under Minnesota Statutes, sections 3.738 and 3.739, of claims against the state for losses suffered while incarcerated in a state correctional facility or for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. This appropriation is available until June 30, 2017:

(1) for sentence-to-service and community work service claims under \$500 and other claims already paid by the department, \$608.79;

(2) for payment to Laron Brown for permanent injuries to his left middle finger sustained while performing assigned duties at Minnesota Correctional Facility - Faribault, \$2,250;

(3) for payment to medical providers for treatment of Aleksander Cedarblade for injuries sustained while performing sentence-to-service work in Isanti County, \$2,398.28;

(4) for payment to medical providers for treatment of Nathan Eckstein for injuries sustained while performing sentence-to-service work in Brown County, \$1,083.58; and

(5) for payment to Michael Merrill for permanent injuries to his neck sustained while performing assigned duties at Minnesota Correctional Facility - Stillwater, \$4,800.

ARTICLE 3

CLAIMS PROCEDURES AND LIMITS

Section 1. Minnesota Statutes 2014, section 3.736, subdivision 3, is amended to read:

Subd. 3. **Exclusions.** Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) a loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) a loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) a loss in connection with the assessment and collection of taxes;

(d) a loss caused by snow or ice conditions on a highway or public sidewalk that does not abut a publicly owned building or a publicly owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) a loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) a loss other than injury to or loss of property or personal injury or death;

(g) a loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, state land that contains idled or abandoned mine pits or shafts, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) a loss involving or arising out of the use or operation of a recreational motor vehicle, as defined in section 84.90, subdivision 1, within the right-of-way of a trunk highway, as defined in section 160.02, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) a loss incurred by a user arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or for a loss arising from the construction, operation, maintenance, or administration of grants-in-aid trails as defined in section 85.018, or for a loss arising from the construction, operation, or maintenance of a water access site created by the Iron Range Resources and Rehabilitation Board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person. For the purposes of this clause, a water access site, as defined in section 86A.04 or created by the Iron Range Resources and Rehabilitation Board, that provides access to an idled, water filled mine pit, also includes the entire water filled area of the pit and, further, includes losses caused by the caving or slumping of the mine pit walls;

(j) a loss of benefits or compensation due under a program of public assistance or public welfare, except if state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(k) a loss based on the failure of a person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(l) a loss based on the usual care and treatment, or lack of care and treatment, of a person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(m) loss, damage, or destruction of property of a patient or inmate of a state institution except as provided under section 3.7381;

(n) a loss for which recovery is prohibited by section 169A.48, subdivision 2;

(o) a loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources;

(p) a loss incurred by a visitor to the Minnesota Zoological Garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(q) a loss arising out of a person's use of a logging road on public land that is maintained exclusively to provide access to timber on that land by harvesters of the timber, and is not signed or otherwise held out to the public as a public highway; and

(r) a loss incurred by a user of property owned, leased, or otherwise controlled by the Minnesota National Guard or the Department of Military Affairs, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

The state will not pay punitive damages.

EFFECTIVE DATE. This section is effective July 1, 2016.

Sec. 2. [3.7381] LOSS, DAMAGE, OR DESTRUCTION OF PROPERTY; STATE INSTITUTIONS; CORRECTIONAL FACILITIES.

(a) The commissioners of human services, veterans affairs, or corrections, as appropriate, shall determine, adjust, and settle, at any time, claims and demands of \$7,000 or less arising from negligent loss, damage, or destruction of property of a patient of a state institution under the control of the commissioner of human services or the commissioner of veterans affairs or an inmate of a state correctional facility.

(b) A claim of more than \$7,000, or a claim that was not paid by the appropriate department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

(c) The procedure established by this section is exclusive of all other legal, equitable, and statutory remedies.

EFFECTIVE DATE. This section is effective July 1, 2016.

Sec. 3. Minnesota Statutes 2014, section 3.739, subdivision 2, is amended to read:

Subd. 2. **Evaluation and payment of claims.** Claims of ~~\$500~~ \$7,000 or less subject to this section shall be investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by the claimant's insurance. The investigating agency shall submit all appropriate claims to the Department of Corrections. Subject to the limitations contained in subdivision 2a, the department shall pay the portion of an approved claim that is not covered by the claimant's insurance. This payment shall be made within a reasonable time. On or before the first day of each legislative session, the department shall submit to the appropriate committees of the senate and the house of representatives a list of the claims paid by it during the preceding calendar year and shall be reimbursed by legislative appropriation for the claims paid. For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's insurance" includes the insurance of the juvenile's parents if the juvenile is covered by the insurance.

A claim in excess of ~~\$500~~ \$7,000, and a claim that was not paid by the department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

No juvenile claimant receiving payment under this section may be identified by name either in the list of claimants submitted by the department or in the legislative appropriation.

EFFECTIVE DATE. This section is effective July 1, 2016.

Sec. 4. Minnesota Statutes 2014, section 3.749, is amended to read:

3.749 LEGISLATIVE CLAIMS; FILING FEE.

A person filing a claim with the joint senate-house of representatives Subcommittee on Claims must pay a filing fee of \$5 \$8. The money must be deposited by the clerk of the subcommittee in the state treasury and credited to the general fund. A claimant who is successful in obtaining an award from the subcommittee shall be reimbursed for the fee paid.

EFFECTIVE DATE. This section is effective July 1, 2016."

Delete the title and insert:

"A bill for an act relating to claims against the state; providing for payment of awards under the Imprisonment and Exonerated Remedies Act; providing for payment of injury and medical claims against the Department of Corrections; appropriating money; providing for claims for loss, damage, or destruction of property of patients or inmates of a state institution; establishing a claim limit of \$7,000 for settlement by the commissioners of human services, veterans affairs, or corrections for property claims made by patients or inmates and medical claims made by conditionally released offenders; increasing claims filing fee; amending Minnesota Statutes 2014, sections 3.736, subdivision 3; 3.739, subdivision 2; 3.749; proposing coding for new law in Minnesota Statutes, chapter 3."

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

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

S.F. No. 2678: A bill for an act relating to natural resources; creating Sophia's Law; requiring marine carbon monoxide detection systems on certain motorboats; requiring safety information on carbon monoxide poisoning from certain motorboats; amending Minnesota Statutes 2014, section 86B.005, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 86B.

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 2014, section 86B.005, is amended by adding a subdivision to read:

Subd. 4a. Enclosed accommodation compartment. "Enclosed accommodation compartment" means one contiguous space, surrounded by boat structure that contains all of the following:

- (1) designated sleeping accommodations;
- (2) a galley area with sink; and
- (3) a head compartment.

Sec. 2. Minnesota Statutes 2014, section 86B.005, is amended by adding a subdivision to read:

Subd. 4b. Enclosed occupancy compartment. "Enclosed occupancy compartment" means one contiguous enclosed space surrounded by boat structure that may be occupied by a person.

Sec. 3. Minnesota Statutes 2014, section 86B.005, is amended by adding a subdivision to read:

Subd. 8a. **Marine carbon monoxide detection system.** "Marine carbon monoxide detection system" means a device or system that meets the requirements of the American Boat and Yacht Council Standard A-24, July, 2015, for carbon monoxide detection systems.

Sec. 4. **[86B.532] CARBON MONOXIDE DETECTION DEVICE REQUIREMENTS.**

Subdivision 1. **Requirements.** (a) No motorboat that has an enclosed accommodation compartment may be operated on any waters of the state unless the motorboat is equipped with a functioning marine carbon monoxide detection system installed according to the manufacturer's instructions.

(b) After the effective date of this section, no new motorboat that has an enclosed accommodation compartment may be sold or offered for sale in Minnesota unless the motorboat is equipped with a new functioning marine carbon monoxide detection system installed according to the manufacturer's instructions.

Subd. 2. **Boating safety courses.** All state-sponsored boating safety courses and all boating safety courses that require state approval by the commissioner must incorporate information about the dangers of being overcome by carbon monoxide poisoning while on or behind a motorboat and how to prevent that poisoning.

Subd. 3. **Carbon monoxide poisoning warning labels.** (a) No gasoline-powered motorboat that has an enclosed occupancy compartment may be operated on any waters of the state unless labels warning of carbon monoxide dangers are affixed in the vicinity of: the aft reboarding/stern area, the steering station, and in or at the entrance to any enclosed occupancy compartment.

(b) For a motorboat sold by a dealer, the dealer must ensure that specified warning labels have been affixed before completion of the transaction.

(c) Warning labels approved by the American Boat and Yacht Council, National Marine Manufacturers Association, or the commissioner satisfy the requirements of this section when installed as specified.

Subd. 4. **License agents; distribution.** The commissioner shall mail the information and labels to all motorboat owners of watercraft that are 19 feet and greater in length the first year. The commissioner must also provide license agents with informational brochures and warning labels about the dangers of carbon monoxide poisoning while boating. A license agent must make the brochure and labels available to motorboat owners and make efforts to inform new owners of the requirement. The commissioner shall highlight the new requirements on the watercraft renewal reminder postcard for three consecutive three-year license cycles and in the Minnesota Boating Guide. The brochure must instruct motorboat owners to place the labels according to subdivision 3, and inform motorboat owners of carbon monoxide dangers of gasoline-powered generators.

Subd. 5. **Safety warning.** A first violation of this section shall not result in a penalty, but is punishable only by a safety warning. A second or subsequent violation is a petty misdemeanor.

EFFECTIVE DATE. This section is effective May 1, 2017.

Sec. 5. **REPORT.**

The Minnesota Department of Natural Resources shall submit a report to the legislature by November 1, 2018. The report shall outline any issues encountered relating to implementation of

this act, any changes to marine manufacturing industry standards relating to carbon monoxide, the availability of plug-in or battery-powered marine certified carbon monoxide detectors, and best practices in preventing carbon monoxide poisoning relating to motorboat operation, including the feasibility of requiring carbon monoxide detectors that are more sensitive in measuring carbon monoxide than required in this act.

Sec. 6. **APPROPRIATION.**

(a) \$210,000 in fiscal year 2017 is appropriated from the water recreation account in the natural resources fund to the commissioner of natural resources for the purposes of sections 1 to 5. This is a onetime appropriation.

(b) The commissioner of natural resources shall seek federal and other nonstate funds to reimburse the department for the initial costs of producing and distributing carbon monoxide boat warning labels. All amounts collected under this paragraph shall be deposited into the water recreation account.

Sec. 7. **CITATION.**

Sections 1 to 6 may be known and cited as "Sophia's Law."

Amend the title as follows:

Page 1, line 4, after "motorboats;" insert "requiring a report; appropriating money;"

Amend the title numbers accordingly

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

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

S.F. No. 877: A bill for an act relating to utilities; establishing requirements relating to crossing railroad rights-of-way by utilities; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2014, section 216B.62, is amended by adding a subdivision to read:

Subd. 5b. **Assessing for costs of proceedings under section 237.045.** The commission and department may charge railroads as defined under section 237.045, subdivision 1, paragraph (e), and utilities as defined under section 237.045, subdivision 1, paragraph (f), for their proportionate share of the expenses incurred in the review and disposition of proceedings under section 237.045. A railroad or utility may object to and appeal bills of the commission and department as provided in subdivision 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing assessment authority;"

Amend the title numbers accordingly

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

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

S.F. No. 2405: A bill for an act relating to energy; establishing an electric vehicle promotion program; providing for electric vehicle rebates and incentives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2014, section 216B.62, subdivision 2, is amended to read:

Subd. 2. **Assessing specific utility.** Whenever the commission or department, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed under this chapter (1) to investigate the books, accounts, practices, and activities of, review electric vehicle promotion program plans under section 216B.1615, or make appraisals of the property of, any public utility, (2) to render any engineering or accounting services to any public utility, or (3) to intervene before an energy regulatory agency, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, service, or intervention. The commission and department shall ascertain the expenses, and the department shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which any public utility shall become liable, by reason of costs incurred by the commission within that calendar year, shall not exceed two-fifths of one percent of the gross operating revenue from retail sales of gas, or electric service by the public utility within the state in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 3, but shall be paid out of the general appropriation to the department and commission. In the case of public utilities offering more than one public utility service only the gross operating revenues from the public utility service in connection with which the investigation is being conducted shall be considered when determining this limitation."

Page 3, delete section 3

Amend the title as follows:

Page 1, line 2, delete "providing"

Page 1, line 3, delete everything before "proposing"

Amend the title numbers accordingly

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

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

S.F. No. 2381: A bill for an act relating to elections; modifying provisions related to elections and election administration; modifying provisions related to electronic voting systems; allowing preregistration for 17 year-olds; providing for elections emergency preparedness and response; authorizing alternative method for submitting certain in-person absentee ballot; amending Minnesota Statutes 2014, sections 123B.09, by adding a subdivision; 201.054, subdivisions 1, 2; 201.061, by adding a subdivision; 201.091, subdivision 4; 202A.13; 203B.081; 204B.04, by adding a subdivision; 204B.07, subdivision 4; 204B.14, subdivisions 2, 7; 204B.146, subdivision 3; 204B.18, subdivision 1; 204B.35, by adding a subdivision; 204C.05, subdivision 2; 204C.07, subdivision 3; 204C.15, subdivision 1; 204C.24, subdivision 1; 204C.37; 204C.39, subdivision 4; 204D.08, subdivisions 4, 6; 204D.20, subdivision 3; 204D.22, subdivisions 2, 3; 205.065, subdivision 4; 205.10, subdivision 6; 205A.03, subdivision 3; 205A.05, subdivision 2; 205A.06, subdivision 1; 205A.11, subdivision 2a; 206.80; 206.86, by adding a subdivision; 209.021, subdivision 1; Minnesota Statutes 2015 Supplement, sections 201.071, subdivision 1; 203B.17, subdivision 1; 204B.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 2014, section 204B.17; Minnesota Statutes 2015 Supplement, sections 123B.09, subdivision 5a; 123B.095.

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

Page 2, after line 7, insert:

"EFFECTIVE DATE. (a) This section is effective the day following final enactment and applies to vacancies existing or created on or after that date.

(b) If a vacancy has occurred prior to the effective date but no election has been scheduled, the school board may fill the vacancy by appointment pursuant to this section. If, prior to the effective date, a school board has called a special election pursuant to Minnesota Statutes, section 123B.095, and the absentee voting period has not yet started, the school board may cancel that election and fill the vacancy by appointment or may allow the election to proceed. If the school board decides to cancel the election, the board must adopt a resolution within 14 days of the effective date of this act. The time limitations of Minnesota Statutes, section 205A.05, subdivision 3, do not apply to the cancellation of the election by the school board under this paragraph."

Page 17, delete section 36 and insert:

"Sec. 36. **REPEALER.**

Minnesota Statutes 2015 Supplement, sections 123B.09, subdivision 5a; and 123B.095, are repealed."

Page 17, line 31, delete "1," and delete ", paragraph (a),"

Amend the title numbers accordingly

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

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

H.F. No. 1586 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.
1586	1321				

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. 3014 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.
3014	2776				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3014 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3014, the second engrossment; and insert the language after the enacting clause of S.F. No. 2776, the first engrossment; further, delete the title of H.F. No. 3014, the second engrossment; and insert the title of S.F. No. 2776, the first engrossment.

And when so amended H.F. No. 3014 will be identical to S.F. No. 2776, and further recommends that H.F. No. 3014 be given its second reading and substituted for S.F. No. 2776, 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 Latz from the Committee on Judiciary, to which was referred the following appointment:

BOARD ON JUDICIAL STANDARDS
Carol Cummins

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 SENATE BILLS

S.F. Nos. 2328, 1867, 2775, 3094, 2678, 877, 2405 and 2381 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1586 and 3014 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Sparks, Ingebrigtsen, Fischbach and Kiffmeyer introduced—

S.F. No. 3565: A bill for an act relating to human services; modifying reimbursement rates for intermediate care facilities for persons with developmental disabilities and home and community-based services providers; amending Minnesota Statutes 2014, section 256B.5012, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 2014, section 256B.5012, subdivisions 4, 5, 6, 7, 8, 9, 10, 11, 14.

Referred to the Committee on Health, Human Services and Housing.

Senators Dzedzic and Rest introduced—

S.F. No. 3566: A bill for an act relating to tax forfeiture; amending the period of redemption; giving county auditors additional authority; allowing counties to sell tax-forfeited lands online; allowing an eviction action when an individual holds over real property after a real estate tax judgment sale; allowing a landlord to dispose of an evicted tenant's property; making technical and conforming changes; amending Minnesota Statutes 2014, sections 281.17; 281.23, by adding a subdivision; 282.01, by adding a subdivision; 282.02; 282.241, subdivision 1; 282.322; 504B.285, subdivision 1; 504B.365, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 281; repealing Minnesota Statutes 2014, section 281.22.

Referred to the Committee on Taxes.

Senators Eken, Sheran and Wiger introduced—

S.F. No. 3567: A bill for an act relating to taxation; individual income; allowing a subtraction for Social Security income; providing for a partial subtraction and new tax for net investment income; amending Minnesota Statutes 2014, sections 290.01, subdivision 19b; 290.091, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Eken introduced—

S.F. No. 3568: A bill for an act relating to taxation; individual income; allowing a subtraction for military pension income; providing for a surtax on certain income; amending Minnesota Statutes 2014, sections 290.01, subdivision 19b; 290.091, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Torres Ray introduced—

S.F. No. 3569: A bill for an act relating to employment; workers' compensation; modifying wage theft provisions; amending Minnesota Statutes 2014, sections 176.071; 181.13; 181.14, subdivisions 2, 3; Minnesota Statutes 2015 Supplement, sections 177.27, subdivision 4; 181.171, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Jobs, Agriculture and Rural Development.

Senators Dziedzic, Rest and Schmit introduced—

S.F. No. 3570: A bill for an act relating to capital investment; requiring landscaping related to state-funded capital projects to be pollinator friendly; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government.

Senators Reinert, Ruud, Anderson, Wiger and Hoffman introduced—

S.F. No. 3571: A resolution urging Congress and the President of the United States to pass H.R. 1384 to define as veterans former members of the National Guard who served in the National Guard for 20 or more years and are entitled to retired pay for nonregular service, regardless of whether they served 180 continuous days of active duty service.

Referred to the Committee on State and Local Government.

Senator Cohen introduced—

S.F. No. 3572: A bill for an act relating to natural resources; modifying prior clean water fund appropriations; appropriating money; amending Laws 2011, First Special Session chapter 6, article 2, sections 3; 5; 7, as amended; Laws 2013, chapter 137, article 2, sections 3; 5; 6, as amended; 7; 8; Laws 2015, First Special Session chapter 2, article 2, sections 3; 5; 7.

Referred to the Committee on Finance.

Senators Reinert, Rest and Bakk introduced—

S.F. No. 3573: A bill for an act relating to taxation; sales and use; exempting construction materials for redevelopment of a former school site.

Referred to the Committee on Taxes.

Senator Dibble introduced—

S.F. No. 3574: A bill for an act relating to capital investment; appropriating money for Minneapolis Sculpture Garden renovation expenses; authorizing the issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Nienow introduced—

S.F. No. 3575: A bill for an act relating to transportation; governing vehicle lights and sirens during emergency response by certain responders; amending Minnesota Statutes 2014, sections 169.64, subdivision 3, by adding a subdivision; 169.68; repealing Minnesota Statutes 2014, section 169.58, subdivisions 2, 3.

Referred to the Committee on Transportation and Public Safety.

Senators Wiger, Stumpf, Tomassoni and Saxhaug introduced—

S.F. No. 3576: A bill for an act relating to waters; appropriating money for water supply sustainability study and augmentation design; providing project protections for the city of Vadnais Heights.

Referred to the Committee on Environment and Energy.

Senator Skoe introduced—

S.F. No. 3577: A bill for an act relating to capital investment; appropriating money for wastewater sewer improvements in Clearbrook; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Skoe introduced—

S.F. No. 3578: A bill for an act relating to capital investment; appropriating money for a public safety center for Mahnomen, Clearwater, and Becker Counties; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Dibble, Dziedzic, Torres Ray, Hayden and Champion introduced—

S.F. No. 3579: A bill for an act relating to public safety; requiring local units of government to establish law enforcement citizen oversight councils; specifying the powers and duties of the councils and the responsibilities of local authorities toward them; requiring law enforcement policies, guidelines, training, and reporting on matters relating to procedural justice and community interactions; appropriating money; amending Minnesota Statutes 2014, section 626.89, subdivisions 2, 17; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

Senator Limmer introduced—

S.F. No. 3580: A bill for an act relating to state government; providing for accessibility of legislative auditor reports; amending Minnesota Statutes 2014, section 3.974.

Referred to the Committee on State and Local Government.

Senator Dahms introduced—

S.F. No. 3581: A bill for an act relating to telecommunications; appropriating money to expand rural broadband service.

Referred to the Committee on Finance.

Senators Bakk, Saxhaug and Tomassoni introduced—

S.F. No. 3582: A bill for an act relating to economic development; transferring approval authority from the Iron Range Resources and Rehabilitation Board to the commissioner of Iron Range resources and rehabilitation; requiring the commissioner of Iron Range resources and rehabilitation to seek a recommendation from the board in certain circumstances; amending Minnesota Statutes 2014, sections 15.38, subdivision 7; 116J.424; 216B.161, subdivision 1; 276A.01, subdivisions 8, 17; 282.38, subdivision 1; 298.001, subdivision 8; 298.22, subdivisions 1a, 5a, 6, 8, 10, 11; 298.221; 298.2211, subdivision 3; 298.2213, subdivisions 4, 5; 298.223, subdivisions 1, 2; 298.227; 298.28, subdivisions 7a, 9d; 298.292, subdivision 2; 298.294; 298.296, subdivisions 1, 2, 4; 298.2961, subdivisions 2, 4; 298.298; 298.46, subdivision 2.

Referred to the Committee on Taxes.

Senators Johnson and Abeler introduced—

S.F. No. 3583: A bill for an act relating to capital investment; appropriating money for highway construction in the cities of Anoka and Ramsey; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Pederson and Dahms introduced—

S.F. No. 3584: A bill for an act relating to capital investment; appropriating money for preservation of public housing and to support issuance of additional housing infrastructure bonds; adding senior housing to the allowable uses of housing infrastructure bonds; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2014, section 462A.37, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2015 Supplement, section 462A.37, subdivision 5.

Referred to the Committee on Health, Human Services and Housing.

Senators Wiklund, Carlson, Hall, Dibble and Dahle introduced—

S.F. No. 3585: A bill for an act relating to capital investment; appropriating money for the Metro Orange Bus Rapid Transit (BRT) line; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS

Senator Johnson moved that the names of Senators Koenen and Eken be added as co-authors to S.F. No. 348. The motion prevailed.

Senator Latz moved that the name of Senator Newman be added as a co-author to S.F. No. 498. The motion prevailed.

Senator Pappas moved that the name of Senator Franzen be added as a co-author to S.F. No. 3064. The motion prevailed.

Senator Pappas moved that the name of Senator Hawj be added as a co-author to S.F. No. 3152. The motion prevailed.

Senator Dziedzic moved that the name of Senator Hawj be added as a co-author to S.F. No. 3423. The motion prevailed.

Senator Hawj moved that the name of Senator Pratt be added as a co-author to S.F. No. 3447. The motion prevailed.

Senator Dziedzic moved that the name of Senator Rest be added as a co-author to S.F. No. 3450. The motion prevailed.

Senator Hawj moved that the name of Senator Rest be added as a co-author to S.F. No. 3478. The motion prevailed.

Senator Senjem moved that the name of Senator Nelson be added as a co-author to S.F. No. 3541. The motion prevailed.

Senator Hoffman moved that the name of Senator Abeler be added as a co-author to S.F. No. 3564. The motion prevailed.

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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 1003, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1003 is herewith transmitted to the Senate.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted April 14, 2016

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1003

A bill for an act relating to local government; permitting local governments to donate certain surplus equipment to nonprofit organizations; creating an exception to tort liability; amending

Minnesota Statutes 2014, section 466.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

March 21, 2016

The Honorable Kurt L. Daudt
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

We, the undersigned conferees for H. F. No. 1003 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request the adoption of this report and repassage of the bill.

House Conferees: Carolyn Laine, Jim Nash, Mark Uglem

Senate Conferees: Barb Goodwin, Patricia Torres Ray, Scott J. Newman

Senator Goodwin moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1003 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1003 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Housley	Newman	Senjem
Anderson	Dziedzic	Ingebrigtsen	Ortman	Sheran
Bakk	Eaton	Jensen	Osmek	Sparks
Benson	Eken	Johnson	Pappas	Stumpf
Brown	Fischbach	Kent	Pederson	Thompson
Carlson	Gazelka	Kiffmeyer	Pratt	Tomassoni
Chamberlain	Goodwin	Koenen	Reinert	Torres Ray
Champion	Hall	Limmer	Rest	Westrom
Clausen	Hann	Lourey	Rosen	Wiger
Cohen	Hawj	Marty	Saxhaug	Wiklund
Dahle	Hayden	Miller	Scalze	
Dahms	Hoffman	Nelson	Schmit	

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

MEMBERS EXCUSED

Senators Bonoff, Latz, Metzen, Ruud, Sieben and Weber were excused from the Session of today. Senator Skoe was excused from the Session of today at 11:15 a.m. Senator Franzen was excused from the Session of today from 11:15 to 11:20 a.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Monday, April 25, 2016. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

