

NINETY-SECOND DAY

St. Paul, Minnesota, Tuesday, May 3, 2016

The Senate met at 11:30 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. J. Michael Byron.

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

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 communication was received.

April 15, 2016

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

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

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT
COMMISSIONER

Shawntera Hardy, 332 Minnesota St., Ste. E200, Saint Paul, in the county of Ramsey, effective April 25, 2016, to complete a term expiring on January 7, 2019.

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

Sincerely,
Mark Dayton, Governor

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2227.

Patrick D. Murphy, Chief Clerk, House of Representatives

Returned May 2, 2016

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2445, 2803, 3308 and 3482.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted May 2, 2016

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2445: A bill for an act relating to health; modifying licensure requirement for osteopathic physicians; making technical changes to the composition of the Board of Medical Practice; amending Minnesota Statutes 2014, sections 147.01, subdivisions 1, 2; 147.02, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2341, now on General Orders.

H.F. No. 2803: A bill for an act relating to civil commitment; specifying notice requirements for early termination of an emergency admission; amending Minnesota Statutes 2014, section 253B.05, subdivisions 2, 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2504, now on General Orders.

H.F. No. 3308: A bill for an act relating to civil law; requiring the court to provide information on alternative dispute resolution to parties in family law cases; amending Minnesota Statutes 2014, section 518.168.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2973, now on General Orders.

H.F. No. 3482: A bill for an act relating to criminal justice; extending the statute of limitations for certain identity theft crimes; appropriating money; amending Minnesota Statutes 2015 Supplement, section 628.26.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3122, now on General Orders.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Latz, Limmer and Cohen introduced—

S.F. No. 3605: A bill for an act relating to criminal justice; addressing the recording or broadcasting of certain criminal proceedings; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 631.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS

Senator Pederson moved that his name be stricken as a co-author to S.F. No. 924. 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 Hoffman 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:

H.F. No. 2514, S.F. Nos. 2963, 1111, 2527, H.F. Nos. 1674, 2777, S.F. Nos. 2430 and 2548.

SPECIAL ORDER

H.F. No. 2514: A bill for an act relating to economic development; modifying host community economic development grants; amending Minnesota Statutes 2014, section 116J.548, subdivisions 2, 3.

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 47 and nays 10, as follows:

Those who voted in the affirmative were:

Bakk	Franzen	Johnson	Pappas	Sparks
Champion	Goodwin	Kent	Pratt	Tomassoni
Clausen	Hall	Kiffmeyer	Reinert	Torres Ray
Dahle	Hann	Koenen	Rest	Weber
Dahms	Hawj	Lourey	Ruud	Westrom
Dibble	Hayden	Marty	Saxhaug	Wiger
Dziedzic	Hoffman	Metzen	Scalze	Wiklund
Eaton	Housley	Nelson	Sheran	
Eken	Ingebrigtsen	Nienow	Sieben	
Fischbach	Jensen	Ortman	Skoe	

Those who voted in the negative were:

Abeler	Benson	Chamberlain	Limmer	Osmek
Anderson	Brown	Gazelka	Newman	Thompson

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2963: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; adding requirements for use of trust fund money; creating reimbursement procedures for the University of Minnesota for money from the environment and natural resources trust fund; amending Minnesota Statutes 2014, section 137.025, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116P.

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 50 and nays 10, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Housley	Nienow	Senjem
Bakk	Eken	Ingebrigtsen	Ortman	Sheran
Carlson	Fischbach	Jensen	Pappas	Sieben
Chamberlain	Franzen	Johnson	Reinert	Skoe
Champion	Gazelka	Kent	Rest	Sparks
Clausen	Goodwin	Koenen	Rosen	Tomassoni
Dahle	Hann	Lourey	Ruud	Torres Ray
Dahms	Hawj	Marty	Saxhaug	Weber
Dibble	Hayden	Metzen	Scalze	Wiger
Dziedzic	Hoffman	Miller	Schmit	Wiklund

Those who voted in the negative were:

Anderson	Benson	Brown	Hall	Kiffmeyer
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Limmer

Newman

Osmek

Pratt

Thompson

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1111: A bill for an act relating to transportation; providing that bus driver is not subject to seat belt fines arising out of violations by certain passengers; amending Minnesota Statutes 2014, section 169.686, subdivision 1.

Senator Koenen moved to amend S.F. No. 1111 as follows:

Page 1, line 21, delete "August 1, 2015" and insert "the day following final enactment"

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend S.F. No. 1111 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2014, section 169.444, is amended by adding a subdivision to read:

Subd. 1b. **Obedience to school bus flagger.** A person may stop and hold vehicles in place at a location on a street or highway with a posted speed limit of 35 miles per hour or less until it is safe for the vehicles to proceed, if the person is: (1) designated by the school district's transportation safety director to act as a flagger; and (2) controlling traffic in order to enable one or more school buses to safely leave school property and enter the adjacent street or highway or to safely enter school property from the adjacent street or highway. A person operating a motor vehicle that has been stopped by a school bus flagger may proceed after stopping only on instruction by the flagger or a police officer.

Sec. 2. Minnesota Statutes 2014, section 169.444, is amended by adding a subdivision to read:

Subd. 1c. **Safety and equipment standards.** The commissioner of public safety must establish safety and equipment standards, including but not limited to necessary training safety equipment and high-visibility safety apparel, for a person designated to perform school bus flagging.

Sec. 3. Minnesota Statutes 2014, section 169.444, subdivision 2, is amended to read:

Subd. 2. **Violations by drivers; penalties.** (a) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1b, is guilty of a petty misdemeanor.

(b) A person who fails to stop a vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, is guilty of a misdemeanor punishable by a fine of not less than \$300.

(b) (c) A person is guilty of a gross misdemeanor if the person fails to stop a motor vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a, and commits either or both of the following acts:

(1) passes or attempts to pass the school bus in a motor vehicle on the right-hand, passenger-door side of the bus; or

(2) passes or attempts to pass the school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

Sec. 4. Minnesota Statutes 2014, section 169.444, subdivision 7, is amended to read:

Subd. 7. **Evidentiary presumption.** (a) There is a rebuttable presumption that signals described in section 169.442 were in working order and operable when a violation of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable school bus were inspected and visually found to be in working order and operable within 12 hours preceding the incident giving rise to the violation.

(b) There is a rebuttable presumption that a motor vehicle outwardly equipped and identified as a school bus satisfies all of the identification and equipment requirements of section 169.441 when a violation of subdivision 1, 1a, 1b, 2, or 5 was allegedly committed, if the applicable school bus bears a current inspection certificate issued under section 169.451."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kent moved to amend S.F. No. 1111 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2014, section 169.06, subdivision 4a, is amended to read:

Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a work zone may stop vehicles and hold vehicles in place ~~until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a work zone may proceed after stopping only on instruction by the flagger or a police officer~~ and direct them to proceed when it is safe. A driver who does not comply with the instruction of an official traffic control device, flagger, or peace officer in a work zone is guilty of a petty misdemeanor, and shall pay a fine of \$300, in addition to the surcharge under section 357.021, subdivision 6.

(b) A person convicted of operating a motor vehicle in violation of a speed limit in a work zone, or any other provision of this section while in a work zone, shall be required to pay a fine of \$300. This fine is in addition to the surcharge under section 357.021, subdivision 6.

(c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator for violating paragraph (a).

(e) A violation under paragraph (c) does not constitute grounds for revocation or suspension of a driver's license.

(f) A peace officer may stop and issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe the driver has, within the last four hours, operated the vehicle in a manner that violates paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to violations committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hann questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1111 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 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler

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

SPECIAL ORDER

S.F. No. 2527: A bill for an act relating to natural resources; appropriating money from outdoor heritage fund; modifying evaluation provisions; modifying prior appropriations; amending Minnesota Statutes 2014, section 97A.056, subdivision 10; Laws 2015, First Special Session chapter 2, article 1, section 2, subdivisions 2, 3, 5.

Senator Ingebrigtsen moved to amend S.F. No. 2527 as follows:

Page 12, line 9, delete "for an"

Page 12, line 10, delete everything before "to"

Page 12, line 15, delete everything after the period

Page 12, delete lines 16 to 21

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 2527. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Ingebrigtsen amendment.

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

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Pratt	Weber
Brown	Hann	Nelson	Reinert	Westrom
Chamberlain	Housley	Newman	Rosen	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

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

The motion did not prevail. So the amendment was not adopted.

S.F. No. 2527 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 48 and nays 16, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Jensen	Reinert	Sparks
Bakk	Eken	Johnson	Rest	Stumpf
Carlson	Fischbach	Kent	Rosen	Tomassoni
Champion	Franzen	Koenen	Saxhaug	Torres Ray
Clausen	Goodwin	Lourey	Scalze	Weber
Cohen	Hawj	Marty	Schmit	Westrom
Dahle	Hayden	Metzen	Senjem	Wiger
Dahms	Hoffman	Miller	Sheran	Wiklund
Dibble	Housley	Nelson	Sieben	
Dziedzic	Ingebrigtsen	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Osmek
Benson	Hall	Newman	Pratt
Brown	Hann	Nienow	Ruud
Chamberlain	Kiffmeyer	Ortman	Thompson

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1674: A bill for an act relating to state government; modifying procedures for creation, annexation, detachment, and dissolution of sanitary districts; modifying filing and hearing requirements; amending Minnesota Statutes 2014, sections 442A.04, subdivisions 2, 3, 8, 9; 442A.05, subdivisions 2, 4, 9, 10; 442A.06, subdivisions 2, 4, 9, 10; 442A.07, subdivisions 2, 3, 8, 9; 442A.08; 442A.13, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2777: A bill for an act relating to public safety; health; courts; authorizing ex parte hearings to determine when an emergency medical service person has a significant exposure to a source individual's bodily fluids; authorizing peace officers to take a noncompliant source individual into temporary custody to collect a blood sample; amending Minnesota Statutes 2014, section 144.7407, subdivision 2.

Senator Champion moved to amend H.F. No. 2777 as follows:

Page 2, line 30, after the period, insert "If a person taken into custody under this paragraph refuses to submit a blood sample, the court shall hold a hearing on the matter within 24 hours and determine whether to order the person to submit a sample."

The motion prevailed. So the amendment was adopted.

H.F. No. 2777 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Benson	Chamberlain	Dahle	Dziedzic
Anderson	Brown	Champion	Dahms	Eaton
Bakk	Carlson	Clausen	Dibble	Eken

Fischbach	Johnson	Nelson	Ruud	Thompson
Franzen	Kent	Newman	Saxhaug	Tomassoni
Gazelka	Kiffmeyer	Nienow	Scalze	Torres Ray
Goodwin	Koenen	Ortman	Schmit	Weber
Hall	Latz	Osmek	Senjem	Westrom
Hann	Limmer	Pappas	Sheran	Wiger
Hawj	Lourey	Pratt	Sieben	Wiklund
Hoffman	Marty	Reinert	Skoe	
Housley	Metzen	Rest	Sparks	
Ingebrigtsen	Miller	Rosen	Stumpf	

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

SPECIAL ORDER

S.F. No. 2430: A bill for an act relating to human services; making technical corrections to the median total care-related per diem; amending Minnesota Statutes 2015 Supplement, section 256B.441, subdivision 30.

Senator Lourey moved to amend S.F. No. 2430 as follows:

Page 1, delete line 21 and insert:

"EFFECTIVE DATE; APPLICATION. This section is effective retroactively from January 1, 2016, and expires on the effective date of 2016 S.F. No. 2539, if enacted during the 2016 regular legislative session. This section prevails over any conflicting amendment regardless of the order of enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 2430 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 2548: A bill for an act relating to health; allowing pharmacists to dispense a 90-day supply of a prescription drug under certain circumstances; amending Minnesota Statutes 2014, section 151.21, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Abeler	Eaton	Kent	Pappas	Sparks
Anderson	Eken	Koenen	Pratt	Stumpf
Bakk	Fischbach	Latz	Reinert	Thompson
Benson	Franzen	Limmer	Rest	Tomassoni
Brown	Gazelka	Lourey	Rosen	Torres Ray
Carlson	Goodwin	Marty	Ruud	Weber
Chamberlain	Hall	Metzen	Saxhaug	Westrom
Champion	Hann	Miller	Scalze	Wiger
Clausen	Hawj	Nelson	Schmit	Wiklund
Dahle	Hoffman	Newman	Senjem	
Dahms	Housley	Nienow	Sheran	
Dibble	Ingebrigtsen	Ortman	Sieben	
Dziedzic	Johnson	Osmeck	Skoe	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Koenen moved that H.F. No. 3281, No. 98 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

MEMBERS EXCUSED

Senator Pederson was excused from the Session of today. Senator Latz was excused from the Session of today from 11:30 a.m. to 1:20 p.m. Senator Bonoff was excused from the Session of today at 12:40 p.m. Senators Carlson, Miller and Schmit were excused from the Session of today from 12:40 to 12:50 p.m. Senator Cohen was excused from the Session of today from 12:40 to 1:00 p.m. and at 1:20 p.m. Senators Nelson and Westrom were excused from the Session of today 12:50 to 1:00 p.m. Senator Hayden was excused from the Session of today at 1:25 p.m. Senator Jensen was excused from the Session of today at 1:35 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Wednesday, May 4, 2016. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

