

## THIRTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, April 14, 2015

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

The President declared a quorum present.

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senators Hawj, Eaton, Marty and Hoffman introduced—**

**S.F. No. 2068:** A bill for an act relating to human services; appropriating money for a grant to North East Neighborhoods Block Nurse Program to address health disparities among seniors in diverse communities.

Referred to the Committee on Finance.

**Senators Osmek, Hann, Brown, Pratt and Thompson introduced—**

**S.F. No. 2069:** A bill for an act relating to local and state government; abolishing the Metropolitan Council; transferring duties to the commissioners of administration and natural resources; transferring transportation and transit-related functions to Department of Transportation; making conforming amendments to public safety radio communication laws, fiscal disparity laws; providing for payment of bonds and other debt obligations; repealing metropolitan land use planning provisions; ending Metropolitan Council oversight of Metropolitan Airports Commission; transferring Metropolitan Council powers and authority to Metropolitan Parks and Open Space Commission; creating metropolitan area sanitary sewer district; appropriating money; amending Minnesota Statutes 2014, sections 3.886, subdivision 4; 4A.02; 6.80, subdivision 3; 10.60, subdivision 1; 10A.01, subdivisions 24, 31, 32, 35; 13.201; 13.685; 13.72, subdivision 9; 15.0597, subdivision 1; 15.0599, subdivision 1; 15A.0815, subdivision 3; 15B.11, subdivision 3; 16A.88, subdivision 2; 16C.073, subdivision 1; 16C.285, subdivision 1; 43A.346, subdivisions 1, 2; 47.52; 65B.43, subdivision 20; 85.016; 85.017; 85.53, subdivision 3; 103B.155; 103B.231, subdivisions 3a, 7, 9, 11; 103B.235, subdivision 3; 103B.255, subdivisions 8, 9, 12; 103D.401; 103D.405, subdivisions 3, 4, 5, 6; 103G.293; 114C.25; 114D.30, subdivisions 2, 4; 115.741, subdivision 2; 115A.151; 115A.471; 115A.52; 116.16, subdivision 2; 116.182, subdivision 1; 116D.04, subdivision 1a; 116G.03, subdivision 5; 116G.15, subdivisions 2, 5; 116J.401, subdivision 2; 116M.15, subdivision 1; 117.57, subdivision 3; 118A.07, subdivision 1; 124D.892, subdivision 1; 134.201, subdivision 5; 145A.02, subdivision 16; 160.165, subdivision 1; 160.265, subdivision 1; 160.93, subdivisions 1, 2, 2a; 162.09, subdivision 4; 169.306; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 174.03, subdivisions 1, 4, 5, 6a; 174.04, subdivisions 1, 2; 174.247; 174.285, subdivision 4; 174.30, subdivision 4; 174.37, subdivision 2; 174.90; 174.93, subdivisions 1, 2; 216C.145, subdivision 1; 216C.15, subdivision 1; 216H.02, subdivision 2; 221.012, subdivision 38; 221.022; 221.031, subdivision 3a; 240.06, subdivision 2; 270.12, subdivision 3; 275.065, subdivision 3; 275.066; 275.62, subdivision 3; 275.70, subdivision 4; 297A.70, subdivisions 2, 3; 297A.992, subdivisions 4, 5; 352.01, subdivisions 2a, 2b; 352.03, subdivision 1; 352.04, subdivision 6; 352D.02, subdivision 1; 353.50, subdivision 7; 353.64, subdivision 7a; 363A.44, subdivision 1; 373.40, subdivision 1; 383A.81, subdivision 3; 383B.81, subdivision 3; 398A.04, subdivisions 1, 2, 2a, 9; 403.30, subdivision 1; 403.31, subdivisions 4, 5; 403.36, subdivision 1; 414.02, subdivision 3; 414.031, subdivision 4; 462A.04, subdivision 1; 462A.07, subdivision 11; 462A.222, subdivision 4; 462C.04, subdivision 2; 462C.071, subdivision 2; 465.82, subdivision 1; 469.174, subdivision 26; 469.351, subdivision 2; 471.425, subdivision 1; 471.9997; 473.121, subdivisions 2, 14, 24; 473.142; 473.1425; 473.143; 473.144; 473.145; 473.146, subdivisions 1, 3, 4, by adding subdivisions; 473.1466; 473.147; 473.149, subdivision 3; 473.166; 473.167, subdivisions 2, 2a; 473.168, subdivision 2; 473.192, subdivisions 2, 3; 473.223; 473.301, subdivision 2; 473.303; 473.313; 473.315, subdivision 1; 473.325; 473.334, subdivision 1; 473.341; 473.351, subdivisions 1, 2, 3; 473.375; 473.384; 473.385; 473.386; 473.387, subdivisions 2, 3, 4; 473.3875; 473.39, subdivisions 1, 2, 2a, 5; 473.391; 473.3925; 473.399; 473.3994; 473.3995; 473.3997; 473.405; 473.4051, subdivision 1; 473.4056, subdivision 1; 473.4057, subdivisions 1, 2, 3, 4, 6, 7, 8; 473.407, subdivisions 1, 3, 4, 5; 473.408; 473.409; 473.41, subdivision 1; 473.411, subdivision 5; 473.415, subdivision 1; 473.416; 473.42; 473.436, subdivisions 2, 3, 6; 473.446, subdivisions 1, 2, 3, 8, by adding a subdivision; 473.448; 473.449; 473.602; 473.604, subdivision 1, by adding a subdivision; 473.608, subdivision 19; 473.611, subdivision 5; 473.638; 473.64; 473.655; 473.661, subdivision 4; 473.667, subdivision 8; 473.8011; 473.910, subdivision 3; 473F.02, subdivisions 7, 8; 473F.08, subdivisions 3, 5, 7a;

473F.13, subdivision 1; 473H.04, subdivision 3; 473H.06, subdivisions 1, 5; 473H.08, subdivision 4; 473J.25, by adding a subdivision; 477A.011, subdivisions 3, 38; 477A.0124, subdivision 2; 572A.02, subdivision 5; 604B.04, subdivision 7; 609.2231, subdivision 11; 609.594, subdivision 1; 609.6055, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 115; 473; repealing Minnesota Statutes 2014, sections 3.8841; 103B.235, subdivision 3a; 115.66; 115A.03, subdivision 19; 174.22, subdivision 3; 238.43, subdivision 5; 297A.992, subdivision 12; 403.27; 403.29, subdivision 4; 403.32; 462.382; 462C.071, subdivision 4; 473.121, subdivisions 3, 8, 12; 473.123, subdivisions 1, 2a, 3, 3a, 3e, 4, 8; 473.125; 473.127; 473.129; 473.1293; 473.132; 473.1565; 473.165; 473.167, subdivisions 3, 4; 473.175; 473.181, subdivisions 2, 5; 473.191; 473.206; 473.208; 473.24; 473.242; 473.245; 473.246; 473.249, subdivisions 1, 2; 473.25; 473.251; 473.253; 473.254; 473.255; 473.3875; 473.388, subdivisions 1, 2, 3, 4, 5, 7; 473.39, subdivision 4; 473.3993, subdivision 4; 473.3999; 473.411, subdivisions 3, 4; 473.4461; 473.501, subdivisions 1, 3; 473.504, subdivisions 4, 5, 6, 9, 10, 11, 12; 473.505; 473.511, subdivisions 1, 2, 3, 4; 473.5111; 473.512; 473.513; 473.515; 473.5155; 473.516, subdivisions 1, 2, 3, 4; 473.517, subdivisions 1, 3, 6, 10; 473.519; 473.521; 473.523, subdivisions 1, 1a; 473.524; 473.541; 473.542; 473.543, subdivisions 1, 2, 3, 4; 473.545; 473.547; 473.549; 473.621, subdivision 6; 473.834, subdivisions 1, 2; 473.851; 473.852, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 473.853; 473.854; 473.856; 473.857; 473.858; 473.859; 473.86; 473.861; 473.862; 473.864; 473.865; 473.866; 473.867, subdivisions 1, 2, 3, 5, 6; 473.869; 473.87; 473.871; 473.915; 473F.02, subdivision 21; 473F.08, subdivision 3b; 473H.02, subdivisions 7, 8; 473J.25, subdivision 5; Minnesota Rules, parts 5800.0010; 5800.0020; 5800.0030; 5800.0040; 5800.0050; 5800.0060; 5800.0070; 5800.0080; 5800.0090; 5800.0100; 5800.0110; 5800.0120; 5800.0130; 5800.0140; 5800.0150.

Referred to the Committee on State and Local Government.

**Senator Koenen introduced—**

**S.F. No. 2070:** A bill for an act relating to workforce development; appropriating money for the pathway to the preservation trades program.

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

**Senator Eken introduced—**

**S.F. No. 2071:** A bill for an act relating to insurance; modifying basic economic loss benefits to include losses to a Good Samaritan; amending Minnesota Statutes 2014, sections 65B.43, by adding a subdivision; 65B.44, subdivision 1.

Referred to the Committee on Commerce.

**Senator Osmek introduced—**

**S.F. No. 2072:** A bill for an act relating to energy; repealing provisions governing hydrogen as an energy source; repealing Minnesota Statutes 2014, sections 216B.8109; 216B.811; 216B.812; 216B.813; 216B.815.

Referred to the Committee on Environment and Energy.

**Senator Osmek introduced—**

**S.F. No. 2073:** A bill for an act relating to state government; requiring a study of the prospects for reorganizing energy activities among state agencies; appropriating money.

Referred to the Committee on State and Local Government.

**Senator Cohen introduced—**

**S.F. No. 2074:** A bill for an act relating to taxation; individual income; providing a film production tax credit; appropriating money; amending Minnesota Statutes 2014, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Hawj introduced—**

**S.F. No. 2075:** A bill for an act relating to natural resources; appropriating money for outreach efforts to the Southeast Asian community.

Referred to the Committee on Finance.

**Senator Sieben introduced—**

**S.F. No. 2076:** A bill for an act relating to public safety; motor vehicles; providing a weight limit exception for portable toilet service vehicles; amending Minnesota Statutes 2014, section 169.87, subdivision 6.

Referred to the Committee on Transportation and Public Safety.

**MOTIONS AND RESOLUTIONS**

Senator Hayden moved that the name of Senator Carlson be added as a co-author to S.F. No. 1049. The motion prevailed.

Senator Dibble moved that the name of Senator Petersen, B. be added as a co-author to S.F. No. 1249. The motion prevailed.

Senator Pappas moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 1419. The motion prevailed.

Senator Carlson moved that the name of Senator Limmer be added as a co-author to S.F. No. 1556. The motion prevailed.

Senator Hayden moved that S.F. No. 1966 be withdrawn from the Committee on Health, Human Services and Housing and re-referred to the Committee on Finance.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|           |              |        |              |          |
|-----------|--------------|--------|--------------|----------|
| Anderson  | Hall         | Limmer | Osmek        | Thompson |
| Benson    | Hann         | Miller | Petersen, B. | Weber    |
| Dahms     | Housley      | Nelson | Rosen        |          |
| Fischbach | Ingebrigtsen | Newman | Ruud         |          |
| Gazelka   | Kiffmeyer    | Nienow | Senjem       |          |

The motion did not prevail.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Rosen moved that S.F. No. 706 be withdrawn from the Committee on Finance, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 706 was read the second time.

Senator Hayden moved that S.F. No. 1012 be withdrawn from the Committee on Finance, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1012 was read the second time.

#### **Senators Latz and Bonoff introduced –**

**Senate Resolution No. 132:** A Senate resolution congratulating the Hopkins High School girls basketball team on winning the 2015 State High School Class 4A girls basketball championship.

Referred to the Committee on Rules and Administration.

#### **Senator Jensen introduced –**

**Senate Resolution No. 133:** A Senate resolution congratulating Samuel M. Prieve of Faribault, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

### **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. 1741, 1081 and 1147.

**SPECIAL ORDER**

**S.F. No. 1741:** A bill for an act relating to health; allowing a patient to enjoin collection actions taken by a nonprofit hospital if the hospital has failed to provide a financial assistance policy; proposing coding for new law in Minnesota Statutes, chapter 604.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1081:** A bill for an act relating to public safety; accounting for untested sexual assault test kits; requiring a report.

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1147:** A bill for an act relating to real property; clarifying the mortgage foreclosure by advertisement publication requirements; amending Minnesota Statutes 2014, section 582.25; proposing coding for new law in Minnesota Statutes, chapter 580.

Senator Latz moved to amend S.F. No. 1147 as follows:

Page 1, line 16, delete "city and"

Page 6, line 4, before the period, insert ", and apply to foreclosures in which the notice of pendency under Minnesota Statutes, section 580.032, is recorded on or after that date"

The motion prevailed. So the amendment was adopted.

Senator Hall moved to amend S.F. No. 1147 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2014, section 580.03, is amended to read:

**580.03 NOTICE OF SALE; SERVICE ON OCCUPANT.**

(a) Six weeks' published notice shall be given that such mortgage will be foreclosed by sale of the mortgaged premises or some part thereof, and at least four weeks before the appointed time of sale a copy of such notice shall be served in like manner as a summons in a civil action in the district court upon the person in possession of the mortgaged premises, if the same are actually occupied. If there be a building on such premises used by a church or religious corporation, for its usual meetings, service upon any officer or trustee of such corporation shall be a sufficient service upon it. The notices required by sections 580.041 and 580.042 must be served simultaneously with the notice of foreclosure required by this section.

(b) In lieu of, or in addition to, published notice under paragraph (a), the notice of sale may be posted on the Web site of the county where the mortgaged premises, or some part of the mortgaged premises, are located if the county maintains a Web site that provides for the posting of notices of sale. Notice under this paragraph must appear on the Web site continuously for at least six weeks before the appointed time of sale. The county may charge a fee to the party for arranging for the notice. The amount of the fee must be set by the county to recover the value of the service."

Page 1, line 8, after "sale" insert "in a qualified newspaper"

Page 6, line 4, delete "and 2" and insert "to 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 2 and nays 54, as follows:

Those who voted in the affirmative were:

Hall                      Nienow

Those who voted in the negative were:

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

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

S.F. No. 1147 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MEMBERS EXCUSED

Senators Brown; Chamberlain; Cohen; Ortman; Pederson, J.; Reinert; Westrom and Wiklund were excused from the Session of today. Senator Pratt was excused from the Session of today from 11:00 to 11:25 a.m. Senator Rosen was excused from the Session of today at 11:25 a.m. Senator Saxhaug was excused from the Session of today from 11:25 to 11:30 a.m.

### ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 16, 2015. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate