

STATE OF MINNESOTA

# Journal of the Senate

NINETY-FIRST LEGISLATURE

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SIXTH SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Thursday, November 12, 2020

The Senate met at 12:00 noon and was called to order by the President.

The members of the Senate paused for a moment of silent prayer and reflection.

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

The Secretary called the roll by legislative district in numerical order as follows:

First District.....	Mark Johnson
Second District.....	Paul J. Utke
Third District.....	Thomas M. Bakk
Fourth District.....	Kent Eken
Fifth District.....	Justin D. Eichorn
Sixth District.....	David J. Tomassoni
Seventh District.....	Erik Simonson
Eighth District.....	Bill Ingebrigtsen
Ninth District.....	Paul E. Gazelka
Tenth District.....	Carrie Ruud
Eleventh District.....	Jason Rarick
Twelfth District.....	Torrey N. Westrom
Thirteenth District.....	Jeff R. Howe
Fourteenth District.....	Jerry Relph
Fifteenth District.....	Andrew Mathews
Sixteenth District.....	Gary H. Dahms
Seventeenth District.....	Andrew R. Lang
Eighteenth District.....	Scott J. Newman
Nineteenth District.....	Nick A. Frentz
Twentieth District.....	Rich Draheim
Twenty-First District.....	Michael P. Goggin
Twenty-Second District.....	Bill Weber

Twenty-Third District. . . . .	Julie A. Rosen
Twenty-Fourth District. . . . .	John R. Jasinski
Twenty-Fifth District. . . . .	David H. Senjem
Twenty-Sixth District. . . . .	Carla J. Nelson
Twenty-Seventh District. . . . .	Dan Sparks
Twenty-Eighth District. . . . .	Jeremy R. Miller
Twenty-Ninth District. . . . .	Bruce D. Anderson
Thirtieth District. . . . .	Mary Kiffmeyer
Thirty-First District. . . . .	Michelle R. Benson
Thirty-Second District. . . . .	Mark W. Koran
Thirty-Third District. . . . .	David J. Osmek
Thirty-Fourth District. . . . .	Warren Limmer
Thirty-Fifth District. . . . .	Jim Abeler
Thirty-Sixth District. . . . .	John A. Hoffman
Thirty-Seventh District. . . . .	Jerry Newton
Thirty-Eighth District. . . . .	Roger C. Chamberlain
Thirty-Ninth District. . . . .	Karin Housley
Fortieth District. . . . .	Chris A. Eaton
Forty-First District. . . . .	Carolyn Laine
Forty-Second District. . . . .	Jason Isaacson
Forty-Third District. . . . .	Charles W. Wiger
Forty-Fourth District. . . . .	Paul T. Anderson
Forty-Fifth District. . . . .	Ann H. Rest
Forty-Sixth District. . . . .	Ron Latz
Forty-Seventh District. . . . .	Scott M. Jensen
Forty-Eighth District. . . . .	Steve A. Cwodzinski
Forty-Ninth District. . . . .	Melisa Franzen
Fiftieth District. . . . .	Melissa H. Wiklund
Fifty-First District. . . . .	Jim Carlson
Fifty-Second District. . . . .	Matt D. Klein
Fifty-Third District. . . . .	Susan Kent
Fifty-Fourth District. . . . .	Karla Bigham
Fifty-Fifth District. . . . .	Eric R. Pratt
Fifty-Sixth District. . . . .	Dan D. Hall
Fifty-Seventh District. . . . .	Greg D. Clausen
Fifty-Eighth District. . . . .	Matt Little
Fifty-Ninth District. . . . .	Bobby Joe Champion
Sixtieth District. . . . .	Kari Dziedzic
Sixty-First District. . . . .	D. Scott Dibble

- Sixty-Second District..... Jeff Hayden
- Sixty-Third District..... Patricia Torres Ray
- Sixty-Fourth District..... Richard J. Cohen
- Sixty-Fifth District..... Sandra L. Pappas
- Sixty-Sixth District..... John Marty
- Sixty-Seventh District..... FOUNG HAWJ

The President declared a quorum present.

Pursuant to Rule 14.1, the President announced the following members intend to vote under Rule 40.7: Anderson, B.; Anderson, P.; Bakk; Carlson; Champion; Clausen; Dahms; Dibble; Dziedzic; Eaton; Eichorn; Gazelka; Goggin; Hall; Hayden; Housley; Isaacson; Jensen; Kiffmeyer; Koran; Laine; Lang; Latz; Limmer; Little; Marty; Mathews; Nelson; Newman; Newton; Osmek; Pratt; Relp; Rest; Rosen; Senjem; Simonson; Sparks; Torres Ray; Weber; and Wiklund.

**STATE OF MINNESOTA  
PROCLAMATION FOR SPECIAL SESSION 2020**

WHEREAS: The Ninety-First Legislature adjourned its regular session on May 17, 2020; and

WHEREAS: I called the Legislature into special sessions in June, July, August, September, and October 2020, the Legislature adjourned those special sessions, and the Legislature is not currently in session; and

WHEREAS: The COVID-19 pandemic continues to threaten Minnesotans and burden our State's resources; and

WHEREAS: The Minnesota Constitution allows the Governor to call a special session of the Legislature on extraordinary occasions; and

WHEREAS: Minnesota Statutes 2020, section 12.31, subdivision 2(b), provides that, if the Governor determines a need to extend a peacetime emergency beyond 30 days and the Legislature is not sitting in session, the Governor must issue a call immediately convening both houses of the Legislature; and

WHEREAS: An extraordinary occasion, as envisioned by the Minnesota Constitution, has arisen, and it is necessary to extend the COVID-19 Peacetime Emergency originally declared on March 13, 2020.

NOW, THEREFORE, I, TIM WALZ, Governor of Minnesota, by the authority vested in me by Article IV, Section 12 of the Minnesota Constitution and Sections 4.03 and 12.31 of the Minnesota Statutes, summon the members of the Legislature to convene in a Sixth Special Session on Thursday, November 12, 2020 at 12:00 p.m. at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol on Monday, November 9, 2020.

Tim Walz, Governor

Steve Simon, Secretary of State

## MOTIONS AND RESOLUTIONS

### Senators Gazelka and Kent introduced --

**Senate Resolution No. 1:** A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Temporary Rules of the Senate for the 91st Legislature are the Rules for the Special Session, except that Rules 3.6, 5, and 9 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 91st Legislature.

With respect to Rule 30, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Senator Benson moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, B.; Anderson, P.; Dahms; Eichorn; Gazelka; Goggin; Hall; Housley; Jensen; Kiffmeyer; Koran; Lang; Limmer; Mathews; Nelson; Newman; Osmek; Relph; Rosen; Senjem; and Weber.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf of the following Senators: Bakk, Carlson, Champion, Clausen, Dibble, Dziedzic, Eaton, Hayden, Isaacson, Laine, Latz, Little, Marty, Newton, Rest, Simonson, Sparks, Torres Ray, and Wiklund.

The motion prevailed. So the resolution was adopted.

**Senators Gazelka and Kent introduced --**

**Senate Resolution No. 2:** A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Benson moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

**Senator Benson introduced--**

**S.F. No. 1:** A bill for an act relating to state government; permitting the legislature to terminate any order or rule promulgated by the governor directing a response to a peacetime emergency if the emergency is continued for more than 30 days; amending Minnesota Statutes 2020, sections 12.31, subdivision 2; 12.32.

Referred to the Committee on Rules and Administration.

**Senator Benson introduced--**

**S.F. No. 2:** A bill for an act relating to health occupations; creating a psychology interjurisdictional compact; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Rules and Administration.

**Senator Utke introduced--**

**S.F. No. 3:** A bill for an act relating to economic development; establishing a forgivable loan program for remote recreational businesses; requiring a report; appropriating money.

Referred to the Committee on Rules and Administration.

**Senator Utke introduced--**

**S.F. No. 4:** A bill for an act relating to education finance; directing the commissioner of education to adjust pupil units for certain fiscal year 2021 revenue formulas.

Referred to the Committee on Rules and Administration.

**Senator Dibble introduced--**

**S.F. No. 5:** A bill for an act relating to health; modifying electronic monitoring requirements; modifying Board of Executives for Long-Term Service and Supports fees; establishing private enforcement of certain rights; establishing a private cause of action for retaliation in certain long-term care settings; modifying infection control requirements in certain long-term care settings; modifying hospice and assisted living bills of rights; establishing consumer protections for clients receiving assisted living services; prohibiting termination of assisted living services during a peacetime emergency; establishing procedures for transfer of clients receiving certain long-term care services during a peacetime emergency; requiring the commissioner of health to establish a state plan to control SARS-CoV-2 infections in certain long-term care settings; establishing the Long-Term Care COVID-19 Task Force; changing provisions for nursing homes, home care, and assisted living; requiring a report; appropriating money; amending Minnesota Statutes 2020, sections 144.56, by adding subdivisions; 144.6502, subdivision 3, by adding a subdivision; 144.6512, by adding subdivisions; 144.652, by adding a subdivision; 144A.04, by adding subdivisions; 144A.291, subdivision 2; 144A.4798, subdivision 3, by adding subdivisions; 144A.751, subdivision 1; 144G.03, by adding subdivisions; 144G.07, by adding subdivisions; 144G.08, subdivisions 7, 9, 23, by adding a subdivision; 144G.09, subdivision 3; 144G.10, subdivision 1, by adding a subdivision; 144G.42, subdivision 9, by adding subdivisions; 144G.45, subdivisions 2, 5; 144G.91, by adding a subdivision; 144G.92, subdivision 5, by adding a subdivision; Laws 2019, chapter 60, article 1, section 46; article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 144A; 144G.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS - CONTINUED****Senator Clausen introduced --**

**Senate Resolution No. 3:** A Senate resolution recognizing Veda Kanitz for receiving the Willard Munger Award for Distinguished Environmental Stewardship.

Referred to the Committee on Rules and Administration.

**Senator Howe introduced --**

**Senate Resolution No. 4:** A Senate resolution expressing the sense of the Senate supporting the Minnesota State Patrol response to the November 4th protest.

Referred to the Committee on Rules and Administration.

Senator Benson moved that Senator Tomassoni be elected and qualified as the President of the Senate, for the remainder of the Ninety-First Legislature, effective at 1:00 p.m., November 12, 2020.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 63 and nays 4, as follows:

Those who voted in the affirmative were:

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

Pursuant to Rule 40, Senator Jasinski cast the affirmative vote on behalf of the following Senators: Anderson, B.; Anderson, P.; Dahms; Eichorn; Gazelka; Goggin; Hall; Housley; Jensen; Kiffmeyer; Koran; Lang; Limmer; Mathews; Nelson; Newman; Osmek; Relph; Rosen; Senjem; and Weber.

Pursuant to Rule 40, Senator Kent cast the affirmative vote on behalf on the following Senators: Bakk, Champion, Clausen, Dibble, Dziedzic, Hayden, Isaacson, Laine, Little, Marty, Newton, Rest, Simonson, Sparks, Torres Ray, and Wiklund.

Those who voted in the negative were:

Carlson	Eaton	Howe	Latz
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Pursuant to Rule 40, Senator Kent cast the negative vote on behalf of the following Senators: Carlson, Eaton, and Latz.

The motion prevailed. So Senator Tomassoni was elected President of the Senate.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### Senator Abeler introduced--

**S.F. No. 6:** A bill for an act relating to human services; extending the expiration of the waiver modifying certain background study requirements for human services programs under emergency authority granted to the commissioner of human services by the governor in executive orders related

to the peacetime emergency due to the COVID-19 pandemic; amending Laws 2020, First Special Session chapter 7, section 1, subdivision 3; by adding a subdivision.

Referred to the Committee on Rules and Administration.

**Senators Wiger, Klein, Bigham, Cwodzinski, and Kent introduced--**

**S.F. No. 7:** A bill for an act relating to education finance; authorizing the use of the prior year's pupil count for the 2020-2021 school year to reflect COVID-19 changes in enrollment; appropriating money; amending Minnesota Statutes 2020, section 126C.05, subdivision 5; Laws 2019, First Special Session chapter 11, article 1, section 25, subdivision 2, as amended.

Referred to the Committee on Rules and Administration.

**Senators Hawj, Franzen, Wiger, and Pappas introduced--**

**S.F. No. 8:** A bill for an act relating to health; guaranteeing that health care is available and affordable for every Minnesotan; establishing the Minnesota Health Plan, Minnesota Health Board, Minnesota Health Fund, Office of Health Quality and Planning, Ombudsman for Patient Advocacy, and auditor general for the Minnesota Health Plan; requesting a 1332 waiver; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2018, sections 13.3806, by adding a subdivision; 14.03, subdivisions 2, 3; 15A.0815, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 62X.

Referred to the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Benson moved that the names of Senators Relph, Draheim, Housley, and Nelson be added as co-authors to S.F. No. 1. The motion prevailed.

Senator Utke moved that the name of Senator Wiger be added as a co-author to S.F. No. 4. The motion prevailed.

**Senators Gazelka and Kent introduced --**

**Senate Resolution No. 5:** A Senate resolution relating to adjournment of the Special Session.

BE IT RESOLVED by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Senator Benson moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.



**RECESS**

Senator Benson 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.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2020 Sixth Special Session pursuant to law.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted November 12, 2020

**ADJOURNMENT**

Senator Benson moved that the Senate do now adjourn the Special Session sine die. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate

**COMMUNICATIONS RECEIVED SUBSEQUENT TO ADJOURNMENT****MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is about to adjourn the 2020 Sixth Special Session sine die.

Patrick D. Murphy, Chief Clerk, House of Representatives

Transmitted November 12, 2020