

TWENTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, March 25, 2009

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

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Pastor Gary Dreier.

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

Anderson	Foley	Lourey	Pogemiller	Skoe
Berglin	Frederickson	Lynch	Prettner Solon	Skogen
Betzold	Gerlach	Marty	Rest	Sparks
Bonoff	Gimse	Metzen	Robling	Stumpf
Carlson	Higgins	Michel	Rosen	Tomassoni
Cohen	Ingebrigtsen	Moua	Rummel	Torres Ray
Dahle	Kelash	Olseen	Saltzman	Vandever
Dibble	Koch	Olson, G.	Saxhaug	Vickerman
Dille	Koering	Olson, M.	Scheid	Wiger
Doll	Kubly	Ortman	Senjem	
Fischbach	Langseth	Pappas	Sheran	
Fobbe	Limmer	Pariseau	Sieben	

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1486: A bill for an act relating to solid waste; amending reporting requirements for manufacturers and retailers of video display devices; limiting the amount of recycled electronics products that can be applied to future recycling obligations; amending Minnesota Statutes 2008, sections 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 3.

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

Page 2, line 16, delete "15" and insert "25"

Page 4, line 2, delete "the day following final enactment" and insert "July 1, 2009"

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

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

S.F. No. 340: A bill for an act relating to real property; mortgages; requiring notice and mandatory mediation prior to commencement of mortgage foreclosure proceedings on homestead property; creating a homestead-lender mediation account; amending Minnesota Statutes 2008, sections 357.18, subdivision 1; 508.82, subdivision 1; 508A.82, subdivision 1; 580.021; 580.022, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 583.

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

Page 3, line 9, delete "form" and insert "affidavit in the form prescribed in section 583.46, subdivision 2"

Page 4, after line 14, insert:

"Sec. 3. Minnesota Statutes 2008, section 580.23, is amended by adding a subdivision to read:

Subd. 1a. **Five-month redemption period.** (a) Notwithstanding subdivision 1, if, before the sale of lands in conformity with the preceding sections of this chapter, the mortgagor or the mortgagor's personal representatives or assigns participated in mediation proceedings under sections 583.40 to 583.49, the period of time for redemption as provided under subdivision 1 is five months instead of six months.

(b) This subdivision expires on December 31, 2014.

Sec. 4. Minnesota Statutes 2008, section 582.30, subdivision 2, is amended to read:

Subd. 2. ~~Not if six-month or five-week redemption period~~ **No deficiency judgment.** A deficiency judgment is not allowed if a mortgage is foreclosed by advertisement under chapter 580, and has a redemption period of six months under section 580.23, subdivision 1, five months under section 580.23, subdivision 1a, or five weeks under section 582.032."

Page 5, delete subdivision 3 and insert:

"Subd. 3. **Applicability.** Sections 580.40 to 583.48 do not apply to mortgages refinanced or modified under the Home Affordable Refinance or Home Affordable Modification Programs established by the United States Treasury Department in 2009."

Page 5, line 14, delete "form" and insert "affidavit in the form prescribed in section 583.46, subdivision 2"

Page 5, line 15, delete "form" and insert "mediation request affidavit"

Page 5, delete line 19 and insert "request affidavit, the attorney general must send a copy of the affidavit to the holder of the mortgage."

Page 5, line 25, delete "a" and insert "the"

Page 5, line 26, after "request" insert "affidavit"

Page 5, line 27, delete "form" and insert "affidavit"

Page 6, delete lines 7 to 9 and insert:

"(5) that sections 583.40 to 583.48 do not prohibit the creditor from continuing the foreclosure proceeding up through, but not including, the time when the initial published notice contained in section 580.03 must be given but the creditor must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.48; and"

Page 6, line 15, after the period, insert "At the discretion of the mediator, mediation meetings may be held by interactive telephonic or other electronic means by which the mediator and all parties can hear each other and participate in all discussions during the meeting."

Page 6, delete lines 27 to 31 and insert:

"Subd. 3. **Effect of mediation proceeding notice.** (a) Sections 583.40 to 583.48 do not prevent a creditor from continuing the foreclosure proceeding up through, but not including, the time when the initial published notice contained in section 580.03 must be given. A creditor must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.48."

Page 8, lines 12 and 13, delete "a termination statement" and insert "an affidavit"

Page 8, line 19, delete "termination statement" and insert "affidavit"

Page 8, after line 19, insert:

"(d) Within three business days after the end of mediation, the mediator must forward the affidavit under paragraph (b) for recording with the county recorder or registrar of titles of the county where the property is located. The filed affidavit is prima facie evidence of the facts stated in the affidavit."

Page 10, delete lines 20 and 21 and insert:

"Subd. 2. **Mediation request affidavit form.** The affidavit for requesting mediation under section 583.42, must be in substantially the following form:

MEDIATION REQUEST AFFIDAVIT

Re: Homestead-Lender Mediation Act Applicability.

State of Minnesota _____)

) SS.

County of _____)

_____, being first duly sworn, deposes and says:

I wish to participate in a mediation process to resolve a dispute with the holder of a mortgage on property in which I have an ownership interest, located at:

Street Address

City, State, Zip Code

CHECK THE APPLICABLE STATEMENT

[] This property consists of one to four family dwelling units, one of which I occupied as my principal place of residency on the date that I received a Preforeclosure Notice relating to the dispute.

[] I did not receive a Preforeclosure Notice but this property consists of one to four family dwelling units, one of which I occupied as my principal place of residency on the date of this Mediation Request Affidavit.

Subscribed and sworn to before me this

_____ day of _____, _____ .

Notary Public, _____ County _____

My Commission expires: _____"

Page 11, after line 2, insert:

"ARTICLE 2

MISCELLANEOUS

Section 1. Minnesota Statutes 2008, section 580.041, subdivision 2, is amended to read:

Subd. 2. **Content of notice.** The notice required by this section must appear substantially as follows:

"Help For Homeowners in Foreclosure

The attorney preparing this foreclosure is: _____

(Attorney name, address, phone)

It is being prepared for:

(Lender name, loss mitigation phone number)

AS OF [insert date], this lender says that you owe \$[insert dollar amount] to bring your mortgage up to date. You must pay this amount to keep your house from going through a sheriff's sale. The sheriff's sale is scheduled for [insert date] at [insert time] at [insert place].

Mortgage foreclosure is a complex process. People may contact you with advice and offers

to help "save" your home.

Remember: It is important that you learn as much as you can about foreclosure and your situation. Find out about all your options before you make any agreements with anyone about the foreclosure of your home.

Getting Help

As soon as possible, you should contact your lender at the above number to talk about things you might be able to do to prevent foreclosure. You should also consider contacting the foreclosure prevention counselor in your area. A foreclosure prevention counselor can answer your questions, offer free advice, and help you create a plan which makes sense for your situation.

Contact the Minnesota Home Ownership Center at 651-659-9336 or 866-462-6466 or www.hocmn.org to get the phone number and location of the nearest counseling organization. Call today. The longer you wait, the fewer options you may have for a desirable result.

Information About the Foreclosure Process

You do not need to move at the time of the sheriff's sale. After the sheriff's sale you have the right to "redeem." Redeem means that you pay off the entire loan amount plus fees to keep your house. You can keep living in your home for a period of time. This is called a "redemption period." The redemption period is [insert number of months] months after the sheriff's sale. This redemption period is your chance to try and sell your home or refinance it with a different loan. You can also pay the redemption amount with any other funds you have available. At the end of the redemption period you will have to leave your home. If you do not, the person or company that bid on your home at the sheriff's sale has the right to file an eviction against you in district court.

Reinstatement: AS OF [insert date], this lender says that you owe \$[insert dollar amount] to bring your mortgage up to date. You must pay this amount plus any regular loan payments due between now and the sheriff's sale to keep your house from going through a sheriff's sale. The sheriff's sale is scheduled for [insert date] at [insert time] at [insert place]. After the sheriff's sale, you may choose to reinstate your mortgage at any time before the redemption period of [insert applicable redemption period] ends, unless you previously reinstated your mortgage."

Sec. 2. Minnesota Statutes 2008, section 580.12, is amended to read:

580.12 CERTIFICATE OF SALE; RECORD; EFFECT.

(a) When any sale of real property is made under a power of sale contained in any mortgage, the officer shall make and deliver to the purchaser a certificate, executed in the same manner as a conveyance, containing:

- (1) a description of the mortgage;
- (2) a description of the property sold;
- (3) the price paid for each parcel sold;
- (4) the time and place of the sale, and the name of the purchaser;

(5) the interest rate in effect on the date of the sheriff's sale; and

(6) the time allowed by law for redemption or, if applicable, reinstatement under section 580.30, paragraph (b), provided that if the redemption period stated in the certificate is five weeks and a longer redemption period was stated in the published notice of foreclosure sale, a certified copy of the court order entered under section 582.032, authorizing reduction of the redemption period to five weeks, must be attached to the certificate.

(b) A certificate of sale must not be recorded until after expiration of the redemption and reinstatement period and the sale is not final until the mortgagor's rights of redemption and reinstatement have expired and the certificate of sale has been recorded.

(c) A certificate which states a five-week redemption period must be recorded within ten days after the sale issuance; any other certificate must be recorded within 20 days after the sale issuance. When so recorded, upon expiration of the time for redemption or reinstatement under section 580.30, paragraph (b), the certificate shall operate as a conveyance to the purchaser or the purchaser's assignee of all the right, title, and interest of the mortgagor in and to the premises named therein at the date of such mortgage, without any other conveyance. A certificate must not contain a time allowed for redemption that is less than the time specified by section 580.23, 582.032, or 582.32, whichever applies.

Sec. 3. Minnesota Statutes 2008, section 580.225, is amended to read:

580.225 SATISFACTION OF JUDGMENT.

The amount received from foreclosure sale under this chapter is full satisfaction of the mortgage debt, ~~except~~ unless the mortgage is reinstated as provided in section 582.30.

Sec. 4. Minnesota Statutes 2008, section 580.26, is amended to read:

580.26 CERTIFICATE OF REDEMPTION OR REINSTATEMENT; RECORD.

The person or officer from whom ~~such~~ a redemption or reinstatement under section 580.30, paragraph (b), is made shall make and deliver to the person redeeming or reinstating a certificate executed and acknowledged in the same manner as a conveyance, containing:

(1) the name of the person redeeming or reinstating, and the amount paid by the person on ~~such~~ the redemption or reinstatement;

(2) a description of the sale for which ~~such~~ the redemption or reinstatement is made, and of the property redeemed or reinstated;

(3) a statement of the claim upon which ~~such~~ the redemption or reinstatement is made and, if upon a lien, the amount claimed to be due thereon at the date of redemption.

If redemption or reinstatement is made by the owner of the property sold, the owner's heirs, personal representatives, or assigns, ~~such~~ the certificate shall be recorded within four days after the expiration of the year allowed the owner for redemption and, if made by a creditor holding a lien, the certificate shall be recorded within four days after such a redemption. Unless so recorded, the certificate shall be void as against any person in good faith redeeming from the same person or lien.

Sec. 5. Minnesota Statutes 2008, section 580.27, is amended to read:

580.27 EFFECT OF REDEMPTION OR REINSTATEMENT AFTER SALE.

Subdivision 1. **Sale annulled.** If redemption is made by the owner of the property sold, the owner's heirs, personal representatives or assigns, or if a reinstatement is made by the owner under section 580.30, paragraph (b), such the redemption or reinstatement annuls the sale; if by a creditor holding a lien on the property, or some part thereof, the certificate of redemption, executed, acknowledged, and recorded as provided in section 580.26, operates as an assignment to the creditor of the right acquired under such sale, subject to such right of any other person to redeem as provided by law.

Subd. 2. **Reinstatement after sale; status of mortgage.** The mortgage note is not extinguished or discharged until the mortgagor's rights of redemption and reinstatement have expired and the certificate of sale has been recorded. The mortgage retains the priority it had at the time of the sale with respect to other liens and encumbrances on the property, whether created or perfected before or after the sale.

Sec. 6. Minnesota Statutes 2008, section 580.30, subdivision 1, is amended to read:

Subdivision 1. **Reinstatement.** (a) Subject to paragraph (b), in any proceedings for the foreclosure of a real estate mortgage, whether by action or by advertisement, if at any time before the sale of the premises under such foreclosure the mortgagor, the owner, or any holder of any subsequent encumbrance or lien, or any one for them, shall pay or cause to be paid to the holder of the mortgage so being foreclosed, or to the attorney foreclosing the same, or to the sheriff of the county, the amount actually due thereon and constituting the default actually existing in the conditions of the mortgage at the time of the commencement of the foreclosure proceedings, including payment, then the mortgage must be fully reinstated and further proceedings in the foreclosure must be abandoned. Insurance, delinquent taxes, if any, upon the premises, any taxes paid by the foreclosing party during the reinstatement period, interest to date of payment, cost of publication and services of process or notices, attorney's fees not exceeding \$150 or one-half of the attorney's fees authorized by section 582.01, whichever is greater, together with other lawful disbursements necessarily incurred in connection with the proceedings by the party foreclosing, then, and in that event, the mortgage shall be fully reinstated and further proceedings in such foreclosure shall be thereupon abandoned. are due and payable at the time the mortgage is satisfied or, if a foreclosure sale is held, at the time redemption is made.

(b) This paragraph applies to the foreclosure of a mortgage under this chapter on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner. The mortgage may be reinstated by the owner at any time before or after the sale of the property until expiration of the applicable redemption period under section 580.23, provided that the party seeking reinstatement pays the applicable costs required for reinstatement under paragraph (a) and additional allowable costs described in section 582.03 that would be required for a redemption of the property.

(c) Paragraph (b) does not apply if the mortgage being foreclosed previously has been reinstated under this section.

Sec. 7. Minnesota Statutes 2008, section 582.03, subdivision 1, is amended to read:

Subdivision 1. **Allowable costs collectable upon redemption.** The holder of any sheriff's

certificate of sale, from a foreclosure by advertisement or action of a mortgage or lien or execution, or the holder of any certificate of redemption as a junior creditor during the period of redemption, may shall pay and claim the following on redemption: any taxes or assessments on which any penalty would otherwise accrue, and any costs of a hazard insurance policy for the holder's interest in the mortgaged premises incurred for the period of holding the sheriff's certificate, any costs incurred when an order to reduce a mortgagor's redemption period under section 582.032 is entered, any fees paid to the county recorder, registrar of titles, or sheriff to obtain or record the certificates of sale or redemption or notices of intention to redeem, any reasonable fees paid to licensed real estate brokers for broker price opinions or to licensed appraisers for appraisals, any deed tax paid to file a certificate of redemption, reasonable attorney fees incurred after the foreclosure sale not to exceed one-half of the amount authorized by section 582.01, any costs incurred under section 582.031, and any interest or installment of principal upon any prior or superior mortgage, lien, or contract for deed in default or that becomes due during the period of redemption. In all such cases, the costs so paid and claimed due, with interest, shall be a part of the sum required to be paid to redeem from such sale. No other costs, fees, interest, or other amount may be added to the amount necessary to redeem.

Sec. 8. [582.21] TAXES TO BE PAID IN FULL.

No party may foreclose on any mortgage of real estate, whether by action or by advertisement, unless the party bringing the foreclosure proceedings has paid any outstanding taxes or assessments upon the mortgaged premises.

Sec. 9. EFFECTIVE DATE.

This article is effective the day following final enactment and applies to foreclosure proceedings commenced on or after that date."

Renumber the articles and sections in sequence

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "modifying the right of reinstatement and other provisions relating to mortgage foreclosures;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

S.F. No. 489: A bill for an act relating to reverse mortgages; eliminating the requirement that a reverse mortgage becomes due when committed principal has been fully paid; mandating counseling by an independent housing agency; regulating lender default; imposing liability on a subsequent purchaser of a reverse mortgage; providing for a right of rescission; defining suitability; amending Minnesota Statutes 2008, section 47.58, subdivisions 1, 3, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 58; 60K.

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

Page 5, line 13, before the period, insert "with respect to a mortgage that is not federally insured" and after the first "mortgage" insert "that is not federally insured"

Page 5, delete section 5

Page 5, line 23, delete "business" and delete "Any"

Page 5, delete lines 24 and 25 and insert "The effects of a rescission shall be the same as provided in Code of Federal Regulations, Regulation Z, title 12, section 226.23."

Page 5, line 26, delete everything before "Any"

Page 5, line 27, delete "The"

Page 5, delete line 28 and insert "Within ten days of receipt of the written notice of rescission, the lender shall provide the borrower a written notice of acknowledgment that the mortgage is null and void and a satisfaction of mortgage."

Page 5, line 33, delete "business"

Page 6, line 2, delete everything after the period

Page 6, delete lines 3 to 4

Page 6, line 5, delete everything before the quote

Page 6, after line 30, insert:

"Sec. 8. [60A.992] REMEDIES CUMULATIVE.

This chapter does not limit any remedy at law that may be otherwise available at law for a violation of section 60K.57."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 1310: A bill for an act relating to commerce; reforming no-fault auto insurance; increasing certain first-party benefits; regulating certain arbitration awards; prohibiting balance billing by health care providers; regulating the furnishing of certain accident record information; clarifying civil liability with respect to recovery of medical and health care expenses; amending Minnesota Statutes 2008, sections 65B.44, subdivisions 2, 3, 4; 65B.51, subdivisions 1, 3; 65B.525, by adding a subdivision; 65B.54, by adding a subdivision; 169.09, subdivision 13; 548.251, subdivision 1; 604.01, by adding a subdivision; 604.02, by adding a subdivision.

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

Page 4, delete section 6

Page 4, line 29, delete "excessive,"

Page 4, line 30, delete the first comma and after "paid" insert "more than a reasonable amount"

Page 7, delete sections 10 and 11

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "regulating certain arbitration awards;"

Page 1, line 5, delete "civil"

Page 1, line 6, before the semicolon, insert "for purposes of no-fault insurance and collateral source deductions"

Amend the title numbers accordingly

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

Senator Moua from the Committee on Judiciary, to which was referred

S.F. No. 1147: A bill for an act relating to real property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivision 2; 580.04; 582.031; 582.032, subdivision 2, by adding a subdivision; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 463.251, subdivision 2, is amended to read:

Subd. 2. **Order; notice.** (a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property

is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section 582.031, subdivision 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside.

Sec. 2. Minnesota Statutes 2008, section 463.251, subdivision 3, is amended to read:

Subd. 3. **Securing building by city; lien.** If the owner of the building or the holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued under subdivision 2 or to request a hearing on the order within ~~six~~ 14 days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section 463.21. In the metropolitan area, as defined in section 473.121, subdivision 2, the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Sec. 3. Minnesota Statutes 2008, section 504B.151, subdivision 1, is amended to read:

Subdivision 1. **Limitation on lease and notice to tenant.** (a) Once a landlord has received notice of a contract for deed cancellation under section 559.21 or notice of a mortgage foreclosure sale under chapter 580, 581, or 582, the landlord may only enter into (i) a periodic residential lease agreement with a term of not more than two months or the time remaining in the contract cancellation period or the mortgagor's redemption period, whichever is less or (ii) a fixed term residential tenancy not extending beyond the cancellation period or the landlord's period of redemption until:

- (1) the contract for deed has been reinstated or paid in full;
- (2) the mortgage default has been cured and the mortgage reinstated;
- (3) the mortgage has been satisfied;
- (4) the property has been redeemed from a foreclosure sale; or
- (5) a receiver has been appointed.

(b) Before entering into a lease under this section and accepting any rent or security deposit from a tenant, the landlord must notify the prospective tenant in writing that the landlord has received notice of a contract for deed cancellation or notice of a mortgage foreclosure sale as appropriate, and the date on which the contract cancellation period or the mortgagor's redemption period ends.

(c) This section does not apply to a manufactured home park as defined in section 327C.01, subdivision 5.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to leases entered into on or after that date.

Sec. 4. Minnesota Statutes 2008, section 504B.178, subdivision 8, is amended to read:

Subd. 8. **Withholding rent.** No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month

residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, or for the last month of a contract for deed cancellation period under section 559.21 or a mortgage foreclosure redemption period under chapter 580, 581, or 582, on the grounds that the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that the deposit should serve as payment for the rent. Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for the following:

- (1) a penalty in an amount equal to the portion of the deposit which the landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent; and
- (2) interest on the whole deposit as provided in subdivision 2, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to cancellations of contracts for deed or mortgage foreclosures commenced on or after that date.

Sec. 5. Minnesota Statutes 2008, section 580.021, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale of the owner.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under section 47.20, subdivision 8, is sent on or after that date."

Page 2, line 15, before "the" insert "for mortgaged premises described in section 582.032, subdivision 1,"

Page 2, after line 24, insert:

"Sec. 7. Minnesota Statutes 2008, section 580.041, subdivision 1a, is amended to read:

Subd. 1a. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under section 47.20, subdivision 8, is sent on or after that date.

Sec. 8. Minnesota Statutes 2008, section 580.042, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under section 47.20, subdivision 8, is sent on or after that date."

Page 2, line 30, strike ", but is under no obligation to,"

Page 3, delete lines 7 to 11 and insert:

"(b) The holder of the mortgage or sheriff's certificate shall enter the premises and take the following actions: make reasonable periodic inspections, install or change locks on all doors and all windows, if the holder knows that there is prima facie evidence of abandonment of the property as described in section 582.032, subdivision 7, clauses (1) to (6). If the holder of the mortgage or sheriff's certificate installs or changes locks under this section, a key to the premises must be promptly delivered to the mortgagor or any person lawfully claiming through the mortgagor, upon request.

(c) The holder of the mortgage or sheriff's certificate may enter the premises and take the following actions to protect the premises from waste, trespass, or from falling below minimum community standards for public safety and sanitation: board windows, doors, and other openings; install and operate an alarm system; and other prevent or minimize damage to the premises from the elements, vandalism, trespass, or other illegal activities if the holder knows that there is prima facie evidence of abandonment of the property as described in section 582.032, subdivision 7, clauses (1) to (6). If the holder of the mortgage or sheriff's certificate installs or changes locks under this section, a key to the premises must be promptly delivered to the mortgagor or any person lawfully claiming through the mortgagor, upon request."

Page 4, delete section 5 and insert:

"Sec. 11. Minnesota Statutes 2008, section 582.032, subdivision 4, is amended to read:

Subd. 4. **Summons and complaint.** In a foreclosure by advertisement, the party foreclosing a mortgage or holding the sheriff's certificate of sale or the political subdivision in which the mortgaged premises are located may initiate a proceeding in district court to reduce the mortgagor's redemption period under this section. The proceeding must be initiated by the filing of a complaint, naming the mortgagor, or the mortgagor's personal representatives or assigns of record, as defendant, in district court for the county in which the mortgaged premises are located. If the proceeding is initiated by a political subdivision, the party foreclosing the mortgage or holding the sheriff's certificate of sale must also be named as a defendant. If the proceeding is commenced after the foreclosure sale, the holders of junior liens and interests entitled to notice under subdivision 3 must also be named as defendants. The complaint must identify the mortgaged premises by legal description and must identify the mortgage by the names of the mortgagor and mortgagee, and any assignee of the mortgagee; the date of its making; and pertinent recording information. The complaint must allege that the mortgaged premises are:

- (1) ten acres or less in size;
- (2) improved with a residential dwelling consisting of less than five units, which is not a model home or a dwelling under construction;
- (3) not property used in agricultural production; and
- (4) abandoned.

The complaint must request an order reducing the mortgagor's redemption period to five weeks. When the complaint has been filed, the court shall issue a summons commanding the person or persons named in the complaint to appear before the court on a day and at a place stated in the summons. The appearance date shall be not less than 15 nor more than 25 days from the date of the

issuing of the summons. A copy of the filed complaint must be attached to the summons.

Sec. 12. Minnesota Statutes 2008, section 582.032, subdivision 5, is amended to read:

Subd. 5. **Order to show cause.** In a foreclosure by action, the plaintiff or the holder of the sheriff's certificate may make a motion to reduce the mortgagor's redemption period under this section. The political subdivision in which the mortgaged premises are located may intervene in the action and make a motion to reduce the redemption period. The motion must conform generally to the pleading requirements provided in subdivision 4. For purposes of the motion, the court has continuing jurisdiction over the parties and the mortgaged premises through the expiration of the redemption period. When the motion has been filed, the court shall issue an order to show cause commanding the parties it considers appropriate to appear before the court on a day and at a place stated in the order. The appearance date may not be less than 15 nor more than 25 days after the date of the order to show cause. A copy of the motion must be attached to the order to show cause."

Page 7, line 5, delete "Possessor" and insert "Occupant" and delete "\"Possessor\"" and insert "\"Occupant\""

Page 7, line 26, delete "possessor" and insert "occupant"

Page 8, lines 1, 2, 4, and 5, delete "possessor" and insert "occupant"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the first semicolon, insert "modifying provisions governing orders to secure vacant property;"

Amend the title numbers accordingly

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

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

S.F. No. 214: A bill for an act relating to notaries public; modifying fees; regulating commissions and notarial stamps and seals; providing clarifications; providing for the accommodations of physical limitations; amending Minnesota Statutes 2008, sections 357.021, subdivision 2; 358.028; 358.09; 358.15; 358.47; 358.48; 359.01, subdivisions 2, 3, 4; 359.02; 359.03, subdivisions 1, 2, 3, 4; 359.061; 359.12; proposing coding for new law in Minnesota Statutes, chapters 357; 359; repealing Minnesota Statutes 2008, sections 357.17; 359.05.

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

Page 7, delete section 10

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 224: A bill for an act relating to health care; renaming special transportation services; modifying medical transportation requirements; modifying reimbursement; amending Minnesota Statutes 2008, section 256B.0625, subdivision 17.

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 2008, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) Medical assistance covers medical transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. Medical transportation must be provided by:

(1) an ambulance, as defined in section 144E.001, subdivision 2;

(2) special transportation; or

(3) common carrier including, but not limited to, bus, taxicab, other commercial carrier, or private automobile.

(b) Medical assistance covers special transportation, as defined in Minnesota Rules, part 9505.0315, subpart 1, item F, if the recipient has a physical or mental impairment that would prohibit the recipient from safely accessing and using a bus, taxi, other commercial transportation, or private automobile.

The commissioner may use an order by the recipient's attending physician to certify that the recipient requires special transportation services. Special transportation ~~includes~~ providers shall perform driver-assisted ~~service to~~ services for eligible individuals. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs or stretchers in the vehicle. Special transportation providers must obtain written documentation from the health care service provider who is serving the recipient being transported, identifying the time that the recipient arrived. Special transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Special transportation providers must take recipients to the nearest appropriate health care provider, using the most direct route available. The ~~maximum~~ minimum medical assistance reimbursement rates for special transportation services are:

(1) (i) \$17 for the base rate and \$1.35 per mile for special transportation services to eligible persons who need a wheelchair-accessible van;

~~(2)~~ (ii) \$11.50 for the base rate and \$1.30 per mile for special transportation services to eligible persons who do not need a wheelchair-accessible van; and

~~(3)~~ (iii) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip, for special transportation services to eligible persons who need a stretcher-accessible vehicle;

(2) the base rates for special transportation services in areas defined under RUCA to be super rural shall be equal to the reimbursement rate established in clause (1) plus 22.6 percent; and

(3) for special transportation services in areas defined under RUCA to be rural or super rural areas:

(i) for a trip equal to 17 miles or less, mileage reimbursement shall be equal to 150 percent of the respective mileage rate in clause (1); and

(ii) for a trip between 18 and 50 miles, mileage reimbursement shall be equal to 125 percent of the respective mileage rate in clause (1).

(c) For purposes of reimbursement rates for special transportation services under paragraph (b), the zip code of the recipient's place of residence shall determine whether the urban, rural, or super rural reimbursement rate applies.

(d) For purposes of this subdivision, "rural urban commuting area" or "RUCA" means a census-tract based classification system under which a geographical area is determined to be urban, rural, or super rural.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 18b. **Broker dispatching prohibition.** The commissioner shall not use a broker or coordinator for any purpose related to transportation services under subdivision 18."

Amend the title as follows:

Page 1, line 2, delete "renaming special transportation services;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 675: A bill for an act relating to health; making technical changes for emergency medical services; amending Minnesota Statutes 2008, section 144E.101, subdivisions 6, 7.

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

Page 2, lines 5 and 12, delete "primarily" and insert "mainly"

Page 3, lines 20 and 28, delete "primarily" and insert "mainly"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1479: A bill for an act relating to health; making technical changes to electronic

prescription drug program; amending Minnesota Statutes 2008, section 62J.497, subdivisions 1, 2.

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

Page 2, line 21, strike everything after "care"

Page 2, line 22, strike everything before the period, and insert "practitioner, other than a veterinarian, as defined in section 151.01, subdivision 23"

Page 3, after line 17, insert:

"Sec. 3. **[145.58] MINNESOTA VACCINES FOR CHILDREN PROGRAM.**

The commissioner of health shall enroll a licensed pharmacy or pharmacist as a program-registered provider in the pediatric vaccine administration program established under section 13631 of the federal Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, based on the program's infrastructure capacity to enroll additional pharmacy providers in the program."

Amend the title accordingly

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1229: A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2008, sections 144A.44, subdivision 2; 256B.0655, subdivisions 1b, 1g, 2, 3, 7; 626.556, subdivision 3c, by adding a subdivision.

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

Page 1, lines 11 and 17, delete "assistance" and insert "assistant"

Page 3, line 11, delete "have" and insert "has"

Page 7, line 33, delete "assistance" and insert "assistant"

Page 9, line 12, delete "section" and insert "subdivision"

Page 11, lines 4, 20, 30, 31, and 33, delete "assistance" and insert "assistant"

Page 11, line 27, delete "ASSISTANCE" and insert "ASSISTANT"

Page 12, lines 3, 8, and 12, delete "assistance" and insert "assistant"

Page 12, line 4, delete "assistance"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1217: A bill for an act relating to health; modifying emergency medical transport provisions; amending Minnesota Statutes 2008, section 144.604, subdivisions 1, 2; repealing Minnesota Statutes 2008, section 144.604, subdivision 3.

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

Page 2, after line 8, insert:

"Sec. 3. Minnesota Statutes 2008, section 144.608, subdivision 3, is amended to read:

Subd. 3. **Regional trauma advisory councils.** (a) Up to eight regional trauma advisory councils may be formed as needed.

(b) Regional trauma advisory councils shall advise, consult with, and make recommendation to the state Trauma Advisory Council on suggested regional modifications to the statewide trauma criteria that will improve patient care and accommodate specific regional needs. The commissioner, in consultation with the Emergency Medical Services Regulatory Board and the emergency medical services and trauma hospitals in each region, shall provide quarterly data updates on major trauma scene ground ambulance transports to each regional trauma advisory council.

(c) Each regional advisory council must have no more than 15 members. The commissioner, in consultation with the Emergency Medical Services Regulatory Board, shall name the council members.

(d) Regional council members may receive expenses in the same manner and amount as authorized by the plan adopted under section 43A.18, subdivision 2."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "requiring that certain information be provided to regional trauma advisory councils;"

Amend the title numbers accordingly

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

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1343: A bill for an act relating to human services; establishing a special transportation services pilot project in Hennepin County; establishing an advisory committee; requiring a report.

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

Page 1, line 8, delete "the Minnesota Paratransit Providers Association" and insert "representatives of the special transportation providers"

Page 2, delete lines 3 and 4 and insert:

"(6) if the patient decides against any form of transportation or treatment, the paramedic shall follow the against medical advice protocol of the Hennepin County Emergency Medical Services

Council."

Page 2, after line 26, insert:

"(2) meet the operating standards for a special transportation service under Minnesota Statutes, section 174.30, and be certified by the commissioner of transportation under Minnesota Statutes, section 174.30, subdivision 4a;"

Page 2, line 27, delete "(2)" and insert "(3)"

Page 2, line 29, delete "(3)" and insert "(4)"

Page 2, after line 33, insert:

"Subd. 5. **Alternative transportation option.** Ninety days after the initiation of the pilot project, the Minnesota Ambulance Association and representatives of the special transportation providers shall, in consultation with the advisory committee established in subdivision 8, review initial pilot project findings to determine whether certain patients may be transported by taxi instead of by special transportation services as an alternative to ambulance transportation. If it is determined that transportation by taxi is a viable option for certain patients, the pilot project shall report that finding to the house of representatives and senate policy and finance committees with jurisdiction over health care and shall notify the ambulance companies participating in the pilot project. Upon the date of that notification, ambulance paramedics may make a referral to a taxi company for alternative transportation services. The pilot project shall pay \$..... to the taxi company for each patient transported under the pilot project."

Page 2, line 34, delete "5" and insert "6"

Page 3, line 1, delete everything after the semicolon and insert "and ambulance services, ambulance personnel,"

Page 3, line 2, delete "Minnesota Statutes, chapter 144E;"

Page 3, line 4, delete "6" and insert "7"

Page 3, line 7, delete "7" and insert "8" and delete "the"

Page 3, line 8, delete "Minnesota Paratransit Providers Association" and insert "representatives of the special transportation providers"

Page 3, line 12, after the semicolon, insert "the Hennepin County Human Services and Public Health Department; the Metropolitan Regional Emergency Medical Services Board;"

Page 3, line 14, delete "8" and insert "9" and delete "the Minnesota"

Page 3, line 15, delete "Paratransit Providers Association" and insert "representatives of the special transportation providers"

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 723: A bill for an act relating to health care; prohibiting the use of a broker for medical transportation services; allowing county social workers to make level-of-need determinations; amending Minnesota Statutes 2008, sections 256.045, by adding a subdivision; 256B.04, subdivision 14a; 256B.0625, subdivisions 17, 18, by adding a subdivision.

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 2008, section 256.045, is amended by adding a subdivision to read:

Subd. 3d. **Special requirements regarding medical assistance nonemergency transportation services.** Notwithstanding the provisions of Minnesota Rules, parts 9505.0125, subpart 1, and 9505.0130, subpart 2, a recipient of medical assistance nonemergency medical transportation services under section 256B.0625, subdivision 17 or 18, shall be given a written notice of a denial, reduction, termination, or suspension of those services no later than 30 days before the effective date of the action, and a local agency shall not reduce, suspend, or terminate eligibility for those services when a recipient appeals within 30 days of the agency's mailing of the notice, unless the recipient requests in writing not to receive continued medical assistance nonemergency medical transportation services while the appeal is pending.

Sec. 2. Minnesota Statutes 2008, section 256B.04, subdivision 14a, is amended to read:

Subd. 14a. **Level of need determination.** Nonemergency medical transportation level of need determinations must be performed by a physician, a registered nurse working under direct supervision of a physician, a physician's assistant, a nurse practitioner, a licensed practical nurse, ~~or a discharge planner, or the county at the time of initial medical assistance application and reviewed at each redetermination of eligibility.~~ The determination shall be based on a question format and scoring methodology developed by the commissioner, in consultation with providers. Nonemergency medical transportation level of need determinations must not be performed more than semiannually on any individual, ~~unless the individual's circumstances have sufficiently changed so as to require a new level of need determination.~~ Individuals residing in licensed nursing facilities are exempt from a level of need determination and are eligible for special transportation services until the individual no longer resides in a licensed nursing facility. If a person authorized by this subdivision to perform a level of need determination determines that an individual requires stretcher transportation, the individual is presumed to maintain that level of need until otherwise determined by a person authorized to perform a level of need determination, or for six months, whichever is sooner.

Sec. 3. Minnesota Statutes 2008, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) Medical assistance covers transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services.

(b) Medical assistance covers special transportation, as defined in Minnesota Rules, part 9505.0315, subpart 1, item F, if the recipient has a physical or mental impairment that would prohibit the recipient from safely accessing and using a bus, taxi, other commercial transportation,

or private automobile.

The commissioner may use an order by the recipient's attending physician to certify that the recipient requires special transportation services. Special transportation includes driver-assisted service to eligible individuals. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs or stretchers in the vehicle. Special transportation providers must obtain written documentation from the health care service provider who is serving the recipient being transported, identifying the time that the recipient arrived. Special transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Special transportation providers must take recipients to the nearest appropriate health care provider, using the most direct quickest route available as determined by a commercially available software program approved by the commissioner. The maximum medical assistance reimbursement rates for special transportation services are:

(1) \$17 for the base rate and \$1.35 per mile for services to eligible persons who need a wheelchair-accessible van;

(2) \$11.50 for the base rate and \$1.30 per mile for services to eligible persons who do not need a wheelchair-accessible van; and

(3) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip, for services to eligible persons who need a stretcher-accessible vehicle.

Sec. 4. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 17b. **Broker dispatching prohibition.** The commissioner shall not use a broker or coordinator for any purpose related to nonemergency medical transportation services including, but not limited to, managing or dispatching transportation services, verifying recipient eligibility, authorizing recipients for the appropriate level of transportation, and monitoring provider compliance with subdivision 17.

Sec. 5. Minnesota Statutes 2008, section 256B.0625, subdivision 18, is amended to read:

Subd. 18. ~~Bus or taxicab~~ **Access transportation.** To the extent authorized by rule of the state agency, medical assistance covers costs of the most appropriate and cost-effective form of transportation incurred by any ambulatory eligible person for obtaining nonemergency medical care, including gasoline reimbursement, volunteer drivers, bus tokens, or common carrier transportation. The minimum medical assistance reimbursement rates for access transportation services provided by common carrier or for-hire vehicles are:

(1) \$13 for the base rate and \$1.45 per mile for each mile or portion thereof that is in excess of five miles for services to eligible persons who need a wheelchair-accessible van; and

(2) \$10 for the base rate and \$1.45 per mile for each mile or portion thereof that is in excess of five miles for services to eligible persons who do not need a wheelchair-accessible van.

Sec. 6. **APPROPRIATIONS.**

\$...... is appropriated from the general fund to the commissioner of human services for the

biennium beginning July 1, 2009, for grants to counties to offset the administrative costs of making level of need determinations. Counties shall receive a per capita payment of \$....., with a minimum county payment of \$..... The commissioner may reduce per capita payments a pro rata amount in order to make minimum per-county payments. The commissioner shall structure grants to counties in order to maximize federal financial participation.

EFFECTIVE DATE. This section is effective July 1, 2009."

Delete the title and insert:

"A bill for an act relating to health care; modifying special transportation services; creating special appeal rights for services recipients; requiring counties to conduct level of need determinations; prohibiting the use of a broker; appropriating money; amending Minnesota Statutes 2008, sections 256.045, by adding a subdivision; 256B.04, subdivision 14a; 256B.0625, subdivisions 17, 18, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred

S.F. No. 1504: A bill for an act relating to human services; amending mental health provisions; changing medical assistance reimbursement and eligibility; changing provider qualification and training requirements; amending mental health behavioral aide services; adding an excluded service; amending Minnesota Statutes 2008, sections 148C.11, subdivision 1; 245.4885, subdivision 1; 256B.0615, subdivisions 1, 3; 256B.0622, subdivision 8, by adding a subdivision; 256B.0623, subdivision 5; 256B.0624, subdivision 8; 256B.0625, subdivision 49; 256B.0943, subdivisions 1, 2, 4, 5, 6, 7, 9; 256B.0944, subdivision 5.

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

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 2008, section 245.4835, subdivision 1, is amended to read:

Subdivision 1. **Required expenditures.** (a) Counties must maintain a level of expenditures for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889 so that each year's county expenditures are at least equal to that county's average expenditures for those services for calendar years 2004 and 2005. The commissioner will adjust each county's base level for minimum expenditures in each year by the amount of any increase or decrease in that county's state grants or other noncounty revenues for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889.

(b) In order to simplify administration and improve budgeting predictability, the commissioner:

(1) shall use each county's actual prior year revenues to adjust the county's minimum required expenditures for the coming year;

(2) may use more current information regarding major changes in revenues if the change is known early enough to allow counties time to adjust their budgets;

(3) shall allocate each county's revenues proportionally across applicable expenditures;

(4) shall adjust each county's base to allow for major changes in state or federal block grants or other revenues that can be used for mental health services, but are not dedicated to mental health; in this case, the commissioner shall calculate the mental health share of total county expenditures that were eligible to be funded from that revenue source in the base year, and use that mental health share to allocate the change in those revenues to mental health. This clause applies to changes in revenues that are beyond the county's control; and

(5) may adjust a county's base if the county's population is declining and the county's per capita mental health expenditures are higher than the state average.

(c) Paragraph (b), clause (4) expires December 31, 2011.

Sec. 3. Minnesota Statutes 2008, section 245.4835, subdivision 2, is amended to read:

Subd. 2. **Failure to maintain expenditures.** (a) If a county does not comply with subdivision 1, the commissioner shall require the county to develop a corrective action plan according to a format and timeline established by the commissioner. If the commissioner determines that a county has not developed an acceptable corrective action plan within the required timeline, or that the county is not in compliance with an approved corrective action plan, the protections provided to that county under section 245.485 do not apply.

(b) The commissioner shall consider the following factors to determine whether to approve a county's corrective action plan:

(1) the degree to which a county is maximizing revenues for mental health services from noncounty sources;

(2) the degree to which a county is expanding use of alternative services that meet mental health needs, but do not count as mental health services within existing reporting systems. If approved by the commissioner, the alternative services must be included in the county's base as well as subsequent years. The commissioner's approval for alternative services must be based on the following criteria:

(i) the service must be provided to children with emotional disturbance or adults with mental illness;

(ii) the services must be based on an individual treatment plan or individual community support plan as defined in the Comprehensive Mental Health Act; and

(iii) the services must be supervised by a mental health professional and provided by staff who meet the staff qualifications defined in sections 256B.0943, subdivision 7, and 256B.0622, subdivision 5.

(c) Additional county expenditures to make up for the prior year's underspending may be spread out over a two-year period."

Page 4, line 21, before "In" insert "If a single entity provides both services, one rate is established for the entity's residential services and another rate for the entity's nonresidential services under this section."

Page 4, line 26, after "part 31" insert ", as relating to for-profit entities,"

Page 4, line 27, after "A-122" insert ", as relating to nonprofit entities"

Page 5, delete lines 23 to 32 and insert:

"(c) The commissioner shall require repayment from the provider if the provider has not incurred the costs included in the approved budget, if costs are determined to be unallowable under the criteria in subdivision 8, paragraph (c), clause (2), or if a provider's revenue is more than 105 percent of actual allowed costs due to utilization beyond the projections in the approved budget. The repayment to the commissioner will be proportional to the percent of total units of service reimbursed by the commissioner.

(d) If a provider's revenue is less than 95 percent of actual allowed costs due to lower utilization than projected, the commissioner may adjust the rate so that the provider can recover 95 percent of actual allowable costs. The resulting additional payment by the commissioner will be proportional to the percent of total units of service reimbursed by the commissioner.

(e) The commissioner has the authority to audit programs using all applicable state and federal laws and regulations, including those referenced in subdivision 8, paragraph (c), clause (2)."

Page 7, line 27, strike "(3)" and insert "(4)"

Page 9, line 21, delete the new language

Page 13, delete section 14 and insert:

"Sec. 16. Minnesota Statutes 2008, section 256B.0943, subdivision 6, is amended to read:

Subd. 6. Provider entity clinical infrastructure requirements. (a) To be an eligible provider entity under this section, a provider entity must have a clinical infrastructure that utilizes diagnostic assessment, ~~an~~ individualized treatment ~~plan~~ plans, service delivery, and individual treatment plan review that are culturally competent, child-centered, and family-driven to achieve maximum benefit for the client. The provider entity must review, and update as necessary the clinical policies and procedures every three years and must distribute the policies and procedures to staff initially and upon each subsequent update.

(b) The clinical infrastructure written policies and procedures must include policies and procedures for:

(1) providing or obtaining a client's diagnostic assessment that identifies acute and chronic clinical disorders, co-occurring medical conditions, sources of psychological and environmental problems, ~~and~~ including a functional assessment. The functional assessment component must clearly summarize the client's individual strengths and needs;

(2) developing an individual treatment plan that is:

(i) is based on the information in the client's diagnostic assessment;

(ii) identified goals and objectives of treatment, treatment strategy, schedule for accomplishing treatment goals and objectives, and the individuals responsible for providing treatment services and supports;

~~(ii)~~ (iii) is developed ~~no later than the end of the first psychotherapy session after the completion of the client's diagnostic assessment by the a mental health professional who provides the client's psychotherapy and before the provision of children's therapeutic services and supports;~~

~~(iii)~~ (iv) is developed through a child-centered, family-driven, culturally appropriate planning process ~~that identifies service needs and individualized, planned, and culturally appropriate interventions that contain specific treatment goals and objectives for the client and the client's family or foster family;~~

~~(iv)~~ (v) is reviewed at least once every 90 days and revised, if necessary; and

~~(v)~~ (vi) is signed by the clinical supervisor and by the client or, ~~if appropriate,~~ by the client's parent or other person authorized by statute to consent to mental health services for the client;

(3) developing an individual behavior plan that documents ~~services~~ treatment strategies to be provided by the mental health behavioral aide. The individual behavior plan must include:

(i) detailed instructions on the ~~service~~ treatment strategies to be provided;

(ii) time allocated to each ~~service~~ treatment strategy;

(iii) methods of documenting the child's behavior;

(iv) methods of monitoring the child's progress in reaching objectives; and

(v) goals to increase or decrease targeted behavior as identified in the individual treatment plan;

(4) providing clinical supervision of the mental health practitioner and mental health behavioral aide. A mental health professional must document the clinical supervision the professional provides by cosigning individual treatment plans and making entries in the client's record on supervisory activities. Clinical supervision does not include the authority to make or terminate court-ordered placements of the child. A clinical supervisor must be available for urgent consultation as required by the individual client's needs or the situation. Clinical supervision may occur individually or in a small group to discuss treatment and review progress toward goals. The focus of clinical supervision must be the client's treatment needs and progress and the mental health practitioner's or behavioral aide's ability to provide services;

~~(4a) CTSS-certified provider entities providing meeting day treatment and therapeutic preschool programs must meet the conditions in items (i) to (iii):~~

~~(i) the supervisor must be present and available on the premises more than 50 percent of the time in a five-working-day period during which the supervisee is providing a mental health service;~~

~~(ii) the diagnosis and the client's individual treatment plan or a change in the diagnosis or individual treatment plan must be made by or reviewed, approved, and signed by the supervisor; and~~

~~(iii) every 30 days, the supervisor must review and sign the record of indicating the supervisor has reviewed the client's care for all activities in the preceding 30-day period;~~

~~(4b) meeting the clinical supervision standards in items (i) to (iii) for all other services provided under CTSS, clinical supervision standards provided in items (i) to (iii) must be used:~~

(i) ~~medical assistance shall reimburse for services provided by a mental health practitioner who maintains a consulting relationship with a mental health professional who accepts full professional responsibility and is present on site for at least one observation during the first 12 hours in which the mental health practitioner provides the individual, family, or group skills training to the child or the child's family;~~

(ii) medical assistance shall reimburse for services provided by a mental health behavioral aide who maintains a consulting relationship with a mental health professional who accepts full professional responsibility and has an approved plan for clinical supervision of the behavioral aide. Plans will be approved in accordance with supervision standards promulgated by the commissioner of human services;

~~(ii) thereafter, (iii) the mental health professional is required to be present on site for observation as clinically appropriate when the mental health practitioner or mental health behavioral aide is providing individual, family, or group skills training to the child or the child's family~~ CTSS services; and

~~(iii) (iv) when conducted, the observation must be a minimum of one clinical unit. The on-site presence of the mental health professional must be documented in the child's record and signed by the mental health professional who accepts full professional responsibility;~~

(5) providing direction to a mental health behavioral aide. For entities that employ mental health behavioral aides, the clinical supervisor must be employed by the provider entity or other certified children's therapeutic supports and services provider entity to ensure necessary and appropriate oversight for the client's treatment and continuity of care. The mental health professional or mental health practitioner giving direction must begin with the goals on the individualized treatment plan, and instruct the mental health behavioral aide on how to construct therapeutic activities and interventions that will lead to goal attainment. The professional or practitioner giving direction must also instruct the mental health behavioral aide about the client's diagnosis, functional status, and other characteristics that are likely to affect service delivery. Direction must also include determining that the mental health behavioral aide has the skills to interact with the client and the client's family in ways that convey personal and cultural respect and that the aide actively solicits information relevant to treatment from the family. The aide must be able to clearly explain the activities the aide is doing with the client and the activities' relationship to treatment goals. Direction is more didactic than is supervision and requires the professional or practitioner providing it to continuously evaluate the mental health behavioral aide's ability to carry out the activities of the individualized treatment plan and the individualized behavior plan. When providing direction, the professional or practitioner must:

(i) review progress notes prepared by the mental health behavioral aide for accuracy and consistency with diagnostic assessment, treatment plan, and behavior goals and the professional or practitioner must approve and sign the progress notes;

(ii) identify changes in treatment strategies, revise the individual behavior plan, and communicate treatment instructions and methodologies as appropriate to ensure that treatment is implemented correctly;

(iii) demonstrate family-friendly behaviors that support healthy collaboration among the child, the child's family, and providers as treatment is planned and implemented;

(iv) ensure that the mental health behavioral aide is able to effectively communicate with the child, the child's family, and the provider; and

(v) record the results of any evaluation and corrective actions taken to modify the work of the mental health behavioral aide;

(6) providing service delivery that implements the individual treatment plan and meets the requirements under subdivision 9; and

(7) individual treatment plan review. The review must determine the extent to which the services have met the goals and objectives in the previous treatment plan. The review must assess the client's progress and ensure that services and treatment goals continue to be necessary and appropriate to the client and the client's family or foster family. Revision of the individual treatment plan does not require a new diagnostic assessment unless the client's mental health status has changed markedly. The updated treatment plan must be signed by the clinical supervisor and by the client, if appropriate, and by the client's parent or other person authorized by statute to give consent to the mental health services for the child."

Page 18, line 32, reinstate the stricken language and after the second "a" insert "two-hour"

Page 18, line 33, reinstate "time block" and delete the new language

Page 18, line 34, delete the new language and strike "three-hour" and insert "two-hour" and strike ", but no more"

Page 18, delete line 35 and insert "~~than two hours,~~ of individual or group psychotherapy. ~~The remainder of the three hour~~"

Page 19, line 1, strike "time block may include"

Page 19, line 2, delete the new language and strike "but only if the therapies are included in"

Page 19, line 3, strike everything before the period and insert "The remainder of the structured treatment program may include individual or group psychotherapy and individual or group skills training, if included in the client's individual treatment plan"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 1247: A bill for an act relating to agriculture; classifying certain research, monitoring, and assessment data; amending Minnesota Statutes 2008, section 13.643, by adding a subdivision.

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

Page 1, line 18, delete "Minnesota"

Page 1, line 19, delete everything before the period and insert "section 144.382, subdivision 4"

Page 1, after line 23, insert:

"EFFECTIVE DATE. This section is effective the day following enactment."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Pappas from the Committee on Higher Education, to which was referred

S.F. No. 819: A bill for an act relating to higher education; regulating the provision of information related to postsecondary enrollment options; amending Minnesota Statutes 2008, section 124D.09, subdivision 9.

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

Senator Pappas from the Committee on Higher Education, to which was re-referred

S.F. No. 661: A bill for an act relating to information practices; classifying certain data maintained by the University of Minnesota; expanding requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; amending Minnesota Statutes 2008, sections 13.3215; 135A.17, subdivision 2; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 203B.05, subdivision 1.

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

Pages 1 to 2, delete sections 1 and 2

Page 4, delete section 4

Renumber the sections in sequence

Amend the title accordingly

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

Senator Pappas from the Committee on Higher Education, to which was referred

S.F. No. 1267: A bill for an act relating to retirement; permitting certain Minnesota State Colleges and Universities System tenured faculty to elect defined benefit plan retirement coverage; amending Minnesota Statutes 2008, section 354B.21, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Report adopted.

Senator Pappas from the Committee on Higher Education, to which was referred

S.F. No. 1266: A bill for an act relating to retirement; authorizing the Minnesota State Colleges

and Universities early separation incentive programs; proposing coding for new law in Minnesota Statutes, chapter 136F.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Report adopted.

Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred

S.F. No. 1410: A bill for an act relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 1; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 2008, section 18.81, subdivision 3.

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

Page 5, delete section 14 and insert:

"Sec. 14. Minnesota Statutes 2008, section 18.80, subdivision 1, is amended to read:

Subdivision 1. **County agricultural inspectors.** The county board shall designate a responsible authority to address any nonperformance issues by local weed inspectors. In lieu of designating a responsible authority, the county board shall appoint one or more county agricultural inspectors that meet the qualifications prescribed by rule. The appointment of a responsible authority or agricultural inspector must be for a period of time which is sufficient to accomplish the duties assigned to this position. A notice of the appointment must be delivered to the commissioner within ten days of the appointment and it must establish the initial number of hours to be worked annually."

Page 6, after line 27, insert:

"Sec. 16. Minnesota Statutes 2008, section 18.81, subdivision 3, is amended to read:

Subd. 3. **Nonperformance by inspectors; reimbursement for expenses.** If local weed inspectors neglect or fail to do their duty as prescribed in this section, the county responsible authority designee or agricultural inspector shall issue a notice to the inspector providing instructions on how and when to do their duty. If, after the time allowed in the notice, the local weed inspector has not complied as directed, the county responsible authority designee or agricultural inspector may consult with the Department of Agriculture to perform the duty for the local weed inspector. A claim for the expense of doing the local weed inspector's duty is a legal charge against the municipality in which the inspector has jurisdiction. The county responsible authority designee or agricultural inspector doing overseeing the work may file an itemized statement of costs with the clerk of the municipality in which the work was performed. The municipality shall immediately issue proper warrants to the county for the work performed. If the municipality fails to issue the warrants, the county auditor may include the amount contained in the itemized statement of costs as part of the next annual tax levy in the municipality and withhold that amount from the municipality in making its next apportionment."

Page 8, lines 30 to 36, reinstate the stricken language

Page 9, line 1, reinstate the stricken language

Page 9, line 2, reinstate the stricken language and delete the new language

Page 9, lines 3 to 7, delete the new language

Page 13, line 9, delete "may" and insert "shall"

Page 13, line 24, delete the second "and"

Page 13, line 25, delete "soil and water" and insert "water and soil" and delete the period and insert "; and"

Page 13, after line 25, insert:

"(15) soil and water conservation districts."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

Senator Stumpf from the Committee on Education, to which was referred

S.F. No. 1428: A bill for an act relating to school safety; permitting Special School District No. 6, South Saint Paul, to contract with South Metro Fire Department for fire inspection services; amending Minnesota Statutes 2008, section 299F.47, subdivision 4.

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

Page 1, line 7, delete "(a)" and strike "If" and insert "Local"

Page 1, line 8, strike everything after "schools"

Page 1, line 9, strike "and January 1, 1990, then inspections" and strike "continue to"

Page 1, line 10, before the period, insert "or the local fire department"

Page 1, delete lines 11 to 13 and insert:

"Sec. 2. **REPEALER.**

Minnesota Statutes 2008, section 299F.47, subdivision 5, is repealed."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 245: A bill for an act relating to insurance; providing equal access to acupuncture; requiring equal access to acupuncture services by certain group policies and subscriber contracts; requiring claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners; requiring reporting on referrals to acupuncture practitioners and reimbursement rates; amending Minnesota Statutes 2008, section 62A.15, subdivision 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1653: A bill for an act relating to commerce; regulating various licenses, forms, coverages, marketing practices, and records; classifying certain data; providing for the coordination of health insurance benefits; prescribing a criminal penalty; amending Minnesota Statutes 2008, sections 13.716, by adding a subdivision; 45.011, subdivision 1; 45.0135, subdivision 7; 58.02, subdivision 17; 59B.01; 60A.08, by adding a subdivision; 60A.198, subdivisions 1, 3; 60A.205, subdivision 1; 60A.2085, subdivisions 1, 3, 7, 8; 60A.23, subdivision 8; 60A.235; 60A.32; 60K.365; 62A.011, subdivision 3; 62A.136; 62A.315; 62A.316; 62L.02, subdivision 26; 62M.05, subdivision 3a; 65A.27, subdivision 1; 67A.191, subdivision 2; 72A.139, subdivision 2; 72A.20, subdivision 15; 82.31, subdivision 4; 82B.08, by adding a subdivision; 82B.20, subdivision 2; 256B.0571, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 62A; 72A; 82B; repealing Minnesota Statutes 2008, sections 70A.07; 79.56, subdivision 4; 325E.311; 325E.312; 325E.313; 325E.314; 325E.315; 325E.316; Minnesota Rules, parts 2742.0100; 2742.0200; 2742.0300; 2742.0400; 2742.0500.

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

Page 3, delete lines 22 to 32 and insert:

"Subd. 15. **Classification of insurance filings data.** (1) All forms, rates, and related information filed with the commissioner under section 61A.02 shall be nonpublic until the filing becomes effective.

(2) All forms, rates, and related information filed with the commissioner under section 62A.02 shall be nonpublic until the filing becomes effective.

(3) All forms, rates, and related information filed with the commissioner under section 62C.14, subdivision 10, shall be nonpublic until the filing becomes effective.

(4) All forms, rates, and related information filed with the commissioner under section 70A.06 shall be nonpublic until the filing becomes effective.

(5) All forms, rates, and related information filed with the commissioner under section 79.56 shall be nonpublic until the filing becomes effective."

Page 11, delete lines 24 and 25

Page 12, delete section 17

Page 15, lines 4 to 15, reinstate the stricken language

Page 16, line 23, delete "(7)" and insert "(8)"

Page 16, line 25, delete "(8)" and insert "(9)" and after "coverage" insert "for cost sharing"

Page 17, line 20, after "coverage" insert "for cost sharing"

Page 17, line 29, delete "and"

Page 17, line 30, reinstate the stricken language and delete the period and insert "and"

Page 17, delete lines 35 and 36 and insert:

"~~(5)~~ (4) preventive medical care benefit coverage for the following preventative health services not covered by Medicare:"

Page 18, lines 1 to 9, reinstate the stricken language

Page 18, line 10, reinstate "payment for a procedure covered by Medicare" and after the stricken semicolon, insert a period

Pages 22 to 40, delete sections 25 to 34

Page 40, line 12, reinstate the stricken language and delete the new language

Page 44, after line 11, insert:

"Sec. 30. Minnesota Statutes 2008, section 72A.20, subdivision 26, is amended to read:

Subd. 26. **Loss experience.** An insurer shall without cost to the insured provide an insured with the loss or claims experience of that insured for the current policy period and for the two policy periods preceding the current one for which the insurer has provided coverage, within 30 days of a request for the information by the policyholder. Whenever reporting loss experience data, actual claims paid on behalf of the insured must be reported separately from claims incurred but not paid, pooling charges for catastrophic claim protection, and any other administrative fees or charges that may be charged as an incurred claim expense. Claims experience data must be provided to the insured in accordance with state and federal requirements regarding the confidentiality of medical data. The insurer shall not be responsible for providing information without cost more often than once in a 12-month period. The insurer is not required to provide the information if the policy covers the employee of more than one employer and the information is not maintained separately for each employer and not all employers request the data.

An insurer, health maintenance organization, or a third-party administrator may not request more than three years of loss or claims experience as a condition of submitting an application or providing coverage.

This subdivision only applies to group life policies and group health policies."

Page 46, after line 8, insert:

"Sec. 32. Minnesota Statutes 2008, section 79A.04, subdivision 1, is amended to read:

Subdivision 1. **Annual securing of liability.** Each year every private self-insuring employer shall secure incurred liabilities for the payment of compensation and the performance of its obligations and the obligations of all self-insuring employers imposed under chapter 176 by

renewing the prior year's security deposit or by making a new deposit of security. If a new deposit is made, it must be posted ~~within 60 days of the filing of the self-insured employer's annual report with the commissioner, but in no event later than July 1~~ in the following manner: within 60 days of the filing of the annual report, the security posting for all prior years plus one-third of the posting for the current year; by July 31, one-third of the posting for the current year; by October 31, the final one-third of the posting for the current year.

Sec. 33. Minnesota Statutes 2008, section 79A.04, is amended by adding a subdivision to read:

Subd. 2a. **Exceptions.** Notwithstanding the requirements of subdivisions 1 and 2, the commissioner may, until the next annual securing of liability, adjust this required security deposit for the portion attributable to the current year only, if in the commissioner's judgment, the self-insurer will be able to meet its obligations under this chapter until the next annual securing of liability.

Sec. 34. Minnesota Statutes 2008, section 79A.06, is amended by adding a subdivision to read:

Subd. 7. **Insolvency of a self-insurance group insurer.** In the event of the insolvency of the insurer of a self-insurance group issued a policy under section 79A.06, subdivision 5, including a policy covering only a portion of the period of self-insurance, eligibility for chapter 60C coverage under the policy shall be determined by applying the requirements of section 60C.09, subdivision 2, clause (3), to each self-insurance group member, rather than to the net worth of the self-insurance group entity or the aggregate net worth all members of the self-insurance group entity.

Sec. 35. Minnesota Statutes 2008, section 79A.24, subdivision 1, is amended to read:

Subdivision 1. **Annual securing of liability.** Each year every commercial self-insurance group shall secure its estimated future liability for the payment of compensation and the performance of the obligations of its membership imposed under chapter 176. A new deposit must be posted ~~within 30 days of the filing of the commercial self-insurance group's annual actuarial report with the commissioner~~ in the following manner: within 30 days of the filing of the annual report, the security posting for all prior years plus one-third of the posting for the current year; by July 31, one-third of the posting for the current year; by October 31, the final one-third of the posting for the current year.

Sec. 36. Minnesota Statutes 2008, section 79A.24, is amended by adding a subdivision to read:

Subd. 2a. **Exceptions.** Notwithstanding the requirements of subdivisions 1 and 2, the commissioner may, until the next annual securing of liability, adjust this required security deposit for the portion attributable to the current year only, if in the commissioner's judgment, the self-insurer will be able to meet its obligations under this chapter until the next annual securing of liability."

Page 51, delete section 48

Page 51, line 21, delete "and Minnesota Rules, parts"

Page 51, line 22, delete everything before "are"

Page 51, delete lines 24 and 25 and insert:

"Sections 19 to 23 apply to plans and certificates with an effective date for coverage on or after

June 10, 2010. Sections 32 to 36 are effective the day following the final enactment."

Page 51, delete lines 26 to 32

Page 52, delete lines 1 to 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the second semicolon

Page 1, line 4, delete everything before "prescribing"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1486, 489, 1310, 1147, 675, 1479, 1217, 661, 245 and 1653 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Fobbe moved that her name be stricken as a co-author to S.F. No. 6. The motion prevailed.

Senator Kubly moved that the name of Senator Frederickson be added as a co-author to S.F. No. 203. The motion prevailed.

Senator Olson, G. moved that her name be stricken as a co-author to S.F. No. 709. The motion prevailed.

Senator Rosen moved that the name of Senator Sparks be added as a co-author to S.F. No. 1062. The motion prevailed.

Senator Pappas moved that the name of Senator Sheran be added as a co-author to S.F. No. 1266. The motion prevailed.

Senator Tomassoni moved that the name of Senator Sheran be added as a co-author to S.F. No. 1315. The motion prevailed.

Senator Higgins moved that the name of Senator Frederickson be added as a co-author to S.F. No. 1486. The motion prevailed.

Senator Saltzman moved that the name of Senator Lourey be added as a co-author to S.F. No. 1668. The motion prevailed.

Senator Saltzman moved that the name of Senator Lourey be added as a co-author to S.F. No. 1669. The motion prevailed.

Senator Prettnr Solon moved that the name of Senator Sheran be added as a co-author to S.F.

No. 1771. The motion prevailed.

Senator Torres Ray moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 1799. The motion prevailed.

Senator Skoe moved that S.F. No. 1562 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes. The motion prevailed.

Senator Rosen moved that S.F. No. 1766 be withdrawn from the Committee on Finance and re-referred to the Committee on Health, Housing and Family Security. The motion prevailed.

Senators Dibble, Jungbauer, Rummel, Koch and Dahle introduced –

Senate Resolution No. 62: A Senate resolution recognizing March 26, 2009, as "Braille Readers are Leaders Day."

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Metzen introduced–

S.F. No. 1843: A bill for an act relating to taxation; sales and use taxes; modifying certain sales and use tax exemptions; amending Minnesota Statutes 2008, sections 297A.61, by adding a subdivision; 297A.67, subdivision 8.

Referred to the Committee on Taxes.

Senator Rummel introduced–

S.F. No. 1844: A bill for an act relating to education; modifying referendum revenue; amending Minnesota Statutes 2008, sections 126C.01, by adding a subdivision; 126C.17, subdivisions 5, 6.

Referred to the Committee on Finance.

Senators Ingebrigtsen, Koering and Day introduced–

S.F. No. 1845: A bill for an act relating to public safety; expanding the fourth-degree assault crime; amending Minnesota Statutes 2008, section 609.2231, subdivision 2.

Referred to the Committee on Judiciary.

Senator Berglin introduced–

S.F. No. 1846: A bill for an act relating to alcohol; allowing a special liquor license for the city of Minneapolis.

Referred to the Committee on Commerce and Consumer Protection.

Senators Koch and Gerlach introduced–

S.F. No. 1847: A bill for an act relating to employment; modifying the minimum wage for tipped employees; providing for a tip credit; amending Minnesota Statutes 2008, section 177.24, subdivision 2.

Referred to the Committee on Business, Industry and Jobs.

Senator Koch introduced–

S.F. No. 1848: A bill for an act relating to agriculture; directing the commissioner of agriculture to make recommendations on horse operations.

Referred to the Committee on Agriculture and Veterans.

Senators Sparks, Metzen and Gerlach introduced–

S.F. No. 1849: A bill for an act relating to commerce; regulating consumer small loan lenders and residential mortgage originators and servicers; providing for the calculation of reserves and nonforfeiture values of preneed funeral insurance contracts; revising annual audit requirements for insurers; regulating life and health guaranty association notices; regulating the powers of, and surplus requests for, township mutuals; imposing penalties; amending Minnesota Statutes 2008, sections 47.58, subdivision 1; 47.60, subdivisions 1, 3, 6; 58.05, subdivision 3; 58.06, subdivision 2; 58.13, subdivision 1; 60A.124; 60B.03, subdivision 15; 60L.02, subdivision 3; 61B.28, subdivisions 7, 8; 67A.01; 67A.06; 67A.07; 67A.14, subdivisions 1, 7; 67A.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 67A; repealing Minnesota Statutes 2008, sections 60A.129; 67A.14, subdivision 5; 67A.17; 67A.19; Minnesota Rules, parts 2675.2180; 2675.7100; 2675.7110; 2675.7120; 2675.7130; 2675.7140.

Referred to the Committee on Commerce and Consumer Protection.

Senator Latz introduced–

S.F. No. 1850: A bill for an act relating to education; establishing a public residential high school for science, technology, engineering, and mathematics; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

Senator Dibble introduced–

S.F. No. 1851: A bill for an act relating to metropolitan government; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2008, section 473.39, by adding a subdivision.

Referred to the Committee on Finance.

Senators Berglin, Olson, M. and Torres Ray introduced–

S.F. No. 1852: A bill for an act relating to education finance; providing funding for Ojibwe and

Dakota immersion programs; appropriating money.

Referred to the Committee on Finance.

Senator Olson, M. introduced—

S.F. No. 1853: A bill for an act relating to capital improvements; appropriating money for the Headwaters Science Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Olson, M. introduced—

S.F. No. 1854: A bill for an act relating to education finance; adding a pupil miles transported component to the general education revenue formula; amending Minnesota Statutes 2008, section 126C.10, subdivisions 1, 18, by adding a subdivision.

Referred to the Committee on Finance.

Senators Erickson Ropes and Doll introduced—

S.F. No. 1855: A bill for an act relating to state employees; limiting reimbursement for travel expenses.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Erickson Ropes introduced—

S.F. No. 1856: A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for renovation of the Lanesboro dam.

Referred to the Committee on Finance.

Senators Higgins, Rosen and Moua introduced—

S.F. No. 1857: A bill for an act relating to family law; enacting the Family Reunification Act of 2009; changing certain child placement procedures; amending Minnesota Statutes 2008, sections 260C.201, subdivision 11; 260C.328; proposing coding for new law in Minnesota Statutes, chapter 260C.

Referred to the Committee on Judiciary.

Senator Olseen introduced—

S.F. No. 1858: A bill for an act relating to public safety; including registered housing with services establishments in definition of health care facility for registration of predatory offenders; amending Minnesota Statutes 2008, section 243.166, subdivision 4b.

Referred to the Committee on Judiciary.

Senator Prettner Solon introduced—

S.F. No. 1859: A bill for an act relating to state employees; providing criteria for state employees' personal electronic health records.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Moua, by request, introduced—

S.F. No. 1860: A bill for an act relating to courts; authorizing media coverage in trial court proceedings; proposing coding for new law in Minnesota Statutes, chapter 480.

Referred to the Committee on Judiciary.

Senator Dahle introduced—

S.F. No. 1861: A bill for an act relating to energy cooperatives; authorizing the formation of distributed generation cooperatives; proposing coding for new law in Minnesota Statutes, chapter 308A.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senator Skogen introduced—

S.F. No. 1862: A bill for an act relating to capital improvements; appropriating money for wastewater treatment facility improvements in the city of Deer Creek; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Skogen introduced—

S.F. No. 1863: A bill for an act relating to health; exempting dentists from certain electronic transaction requirements; amending Minnesota Statutes 2008, section 62J.536, subdivision 1.

Referred to the Committee on Health, Housing and Family Security.

Senator Skogen introduced—

S.F. No. 1864: A bill for an act relating to capital improvements; appropriating money for utility and street improvements in the city of Henning; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Skogen introduced—

S.F. No. 1865: A bill for an act relating to energy improvements; appropriating money for the city of Deer Creek.

Referred to the Committee on Finance.

Senators Foley and Johnson introduced—

S.F. No. 1866: A bill for an act relating to taxation; city of Coon Rapids; tax increment financing. Referred to the Committee on Taxes.

Senator Betzold introduced—

S.F. No. 1867: A bill for an act relating to state government; creating the Minnesota Geospatial Information Office; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 4A.05.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Prettner Solon introduced—

S.F. No. 1868: A bill for an act relating to public safety; expanding the Child Protection Background Check Act to include independent contractors; amending Minnesota Statutes 2008, sections 299C.61, subdivision 6; 299C.62, subdivisions 3, 4.

Referred to the Committee on Judiciary.

Senator Scheid introduced—

S.F. No. 1869: A bill for an act relating to education finance; authorizing a community schools grant to Independent School District No. 286, Brooklyn Center; appropriating money.

Referred to the Committee on Finance.

Senators Metzen, Gerlach, Carlson and Saxhaug introduced—

S.F. No. 1870: A bill for an act relating to appropriations; appropriating money for capital improvements at the Minnesota Zoo.

Referred to the Committee on Finance.

Senator Anderson introduced—

S.F. No. 1871: A bill for an act relating to capital improvements; appropriating money for green industrial parks; authorizing sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Vandever introduced—

S.F. No. 1872: A bill for an act relating to highways; requiring commissioner of transportation to install specific service sign displaying information regarding church in Forest Lake.

Referred to the Committee on Transportation.

Senators Murphy, Lourey, Jungbauer and Kelash introduced—

S.F. No. 1873: A bill for an act relating to public safety; providing for employment of certain peace officers and corrections officers under joint power agreements; amending Minnesota Statutes 2008, section 471.59, by adding subdivisions.

Referred to the Committee on Judiciary.

Senators Metzen, Gerlach, Sparks, Tomassoni and Wiger introduced—

S.F. No. 1874: A bill for an act relating to taxes; modifying provisions relating to lawful gambling taxes; amending Minnesota Statutes 2008, sections 297E.01, subdivisions 7, 8; 297E.02, subdivisions 1, 2, 3, 7, 10; 297E.13, subdivision 5; 349.12, subdivision 25; 349.166, subdivision 2; 349.19, subdivision 2; repealing Minnesota Statutes 2008, sections 297E.02, subdivisions 4, 6, 11; 349.15, subdivision 3; 349.19, subdivision 2a.

Referred to the Committee on Taxes.

Senators Metzen, Gerlach, Sparks, Tomassoni and Wiger introduced—

S.F. No. 1875: A bill for an act relating to lawful gambling; providing for electronic bingo; modifying pull-tab dispensing devices; making clarifying and conforming changes; amending Minnesota Statutes 2008, sections 349.12, subdivisions 5, 12a, 18, 25b, 25c, 25d; 349.151, subdivisions 4b, 4c; 349.16, subdivision 7; 349.1635, subdivision 1; 349.17, subdivisions 6, 7, 8; 349.18, subdivision 1; 349.211, subdivision 1a.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Carlson introduced—

S.F. No. 1876: A bill for an act relating to transportation; modifying and updating provisions relating to motor carriers, highways, and the Department of Transportation; making clarifying and technical changes; amending Minnesota Statutes 2008, sections 168.013, subdivision 1e; 168.185; 169.025; 169.801, subdivision 10; 169.823, subdivision 1; 169.824; 169.8261; 169.827; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivisions 1, 2; 169.865, subdivisions 1, 2, 3, 4; 169.866, subdivision 1; 169.87, subdivision 2; 174.64, subdivision 4; 174.66; 221.012, subdivisions 19, 29; 221.021, subdivision 1; 221.022; 221.025; 221.026, subdivisions 2, 5; 221.0269, subdivision 3; 221.031, subdivisions 1, 3, 3c, 6; 221.0314, subdivisions 2, 3a, 9; 221.033, subdivisions 1, 2; 221.121, subdivisions 1, 7; 221.122, subdivision 1; 221.123; 221.132; 221.151, subdivision 1; 221.161, subdivisions 1, 4; 221.171; 221.172, subdivision 3; 221.185, subdivisions 2, 4, 5a, 9; 221.605, subdivision 1; 221.68; 221.81, subdivision 3d; repealing Minnesota Statutes 2008, sections 169.67, subdivision 6; 169.826, subdivisions 1b, 5; 169.832, subdivisions 11, 11a; 221.012, subdivisions 2, 3, 6, 7, 11, 12, 21, 23, 24, 30, 32, 39, 40, 41; 221.031, subdivision 2b; 221.072; 221.101; 221.111; 221.121, subdivisions 2, 3, 5, 6, 6a, 6c, 6d, 6e, 6f; 221.131, subdivision 2a; 221.141, subdivision 6; 221.151, subdivisions 2, 3; 221.153; 221.172, subdivisions 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8.

Referred to the Committee on Transportation.

Senator Murphy introduced—

S.F. No. 1877: A bill for an act relating to education finance; allowing Independent School District No. 857, Lewiston, to collect special education revenue for hired special education teachers.

Referred to the Committee on Finance.

Senator Betzold introduced—

S.F. No. 1878: A bill for an act relating to retirement; Minneapolis Firefighters Relief Association; modifying the number of member representatives on the relief association board of trustees; amending Minnesota Statutes 2008, section 423C.03, subdivision 1.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Kubly introduced—

S.F. No. 1879: A bill for an act relating to education finance; allowing Independent School District No. 2853, Lac qui Parle Valley, to levy funds for a replacement elevator.

Referred to the Committee on Finance.

Senators Metzen and Lourey introduced—

S.F. No. 1880: A bill for an act relating to local government; reestablishing the Board of Innovation; imposing powers and duties on the board; appropriating money; amending Minnesota Statutes 2008, section 3.971, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Metzen and Sieben introduced—

S.F. No. 1881: A bill for an act relating to taxation; authorizing establishment of a tax increment financing district in the city of South St. Paul subject to certain requirements.

Referred to the Committee on Taxes.

Senators Saltzman and Rosen introduced—

S.F. No. 1882: A bill for an act relating to economic development; promoting a science and technology initiative; creating a commission; establishing a center; creating economic development grant programs; defining terms; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Business, Industry and Jobs.

Senator Rest introduced—

S.F. No. 1883: A bill for an act relating to health and human services; changing registration and

licensing provisions for housing with service establishments and entities under the Human Services Licensing Act; amending Minnesota Statutes 2008, sections 144D.03, subdivision 1, by adding a subdivision; 245A.04, subdivisions 1, 2.

Referred to the Committee on Health, Housing and Family Security.

Senators Doll and Scheid introduced—

S.F. No. 1884: A bill for an act relating to human services; modifying licensing requirements related to child care centers; amending Minnesota Statutes 2008, sections 245A.06, subdivision 8; 245A.07, subdivision 5; 245C.301.

Referred to the Committee on Health, Housing and Family Security.

Senator Saxhaug introduced—

S.F. No. 1885: A bill for an act relating to natural resources; requiring ordinances for the operation of certain motorized vehicles; amending Minnesota Statutes 2008, section 169.045, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Saltzman, Scheid, Fobbe, Dahle and Michel introduced—

S.F. No. 1886: A bill for an act relating to commerce; regulating public adjusters; modifying the notice of cancellation and prohibited practices; regulating insurance claims for residential roofing goods and services; amending Minnesota Statutes 2008, section 72B.135, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

Senators Marty, Anderson and Dibble introduced—

S.F. No. 1887: A bill for an act relating to civil law; releasing information to health care agents; providing access to health care agents; amending Minnesota Statutes 2008, sections 13.384, subdivisions 2, 3; 144.225, subdivision 7; 144.419, subdivision 5; 169.09, subdivision 13; 246.70; 253B.10, subdivision 3; 253B.14; 253B.16, subdivision 2; 256B.48, subdivision 8.

Referred to the Committee on Health, Housing and Family Security.

Senator Robling introduced—

S.F. No. 1888: A bill for an act relating to traffic safety; expanding and protecting certain data items on death certificates of decedents; providing surviving family members greater access to crashed vehicles; amending Minnesota Statutes 2008, sections 13.10, by adding a subdivision; 169.09, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Gerlach, Michel, Koch, Dille and Jungbauer introduced—

S.F. No. 1889: A bill for an act relating to state government; requiring certain settlements involving the state to be paid to the state general fund; amending Minnesota Statutes 2008, section 16A.151, subdivision 2.

Referred to the Committee on Finance.

Senator Lourey introduced—

S.F. No. 1890: A bill for an act relating to health information technology; creating certain requirements for the use of federal funding; requiring legislative approval of a plan; limiting the appropriation of federal funds.

Referred to the Committee on Health, Housing and Family Security.

MEMBERS EXCUSED

Senators Bakk, Jungbauer and Latz were excused from the Session of today.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 8:15 a.m., Thursday, March 26, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

INDEX TO DAILY JOURNAL

Wednesday, March 25, 2009

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
214	970				
224	971				
245	987	990			
340	958				
489	964	990			
661	984	990			
675	972	990			
723	976				
819	984				
1147	966	990			
1217	974	990			
1229	973				
1247	983				
1266	984				
1267	984				
1310	965	990			
1343	974				
1410	985				
1428	986				
1479	972	990			
1486	957	990			
1504	978				
1653	987	990			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
6	990		
203	990		
709	990		
1062	990		
1266	990		
1315	990		
1486	990		
1562	991		
1668	990		
1669	990		
1766	991		
1771	991		
1799	991		
Sen. Res. No. 62	991		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 1843 to 1890 Pages 991 to 999