

NINETY-FIFTH DAY

St. Paul, Minnesota, Monday, May 3, 2010

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Clark 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 Steven Carmany.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2873.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 28, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2624:

H.F. No. 2624: A bill for an act relating to state government; appropriating money for environment and natural resources.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Wagenius, Rukavina and Howes have been appointed as such committee on the part of the House.

House File No. 2624 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2010

Senator Anderson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2624, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Betzold moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 2644: A bill for an act relating to retirement; Minneapolis Employees Retirement Fund; transfer of administrative functions to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; appropriating money; amending Minnesota Statutes 2008, sections 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 126C.41, subdivision 3; 256D.21; 353.01, subdivision 2b, by adding subdivisions; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.34, subdivisions 1, 6; 353.37, subdivisions 1, 2, 3, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.71, subdivision 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 354.71; 354A.011, subdivision 27; 354A.39; 355.095, subdivision 1; 356.214, subdivision 1; 356.215, subdivision 8; 356.30, subdivision 3; 356.302, subdivisions 1, 7; 356.303, subdivision 4; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.64; 356.65, subdivision 2; 356.91; 422A.101, subdivision 3; 422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1; 69.031, subdivision 5; 352.01, subdivision 2b; 353.01, subdivision 2a; 353.06; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.401,

subdivision 3; 356.415, subdivision 2; 356.96, subdivision 1; 480.181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 353; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 356.43; 422A.01, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14, subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5.

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

Page 54, line 35, reinstate "~~public~~" and delete "general" and strike "fund" and insert "Association"

Page 56, line 16, reinstate "~~public~~" and delete "general" and strike "fund" and insert "Association"

Page 56, line 17, reinstate "~~public~~" and delete "general"

Page 56, line 18, strike "fund" and insert "Association"

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

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

S.F. No. 2199: A bill for an act relating to state government; reducing the number of members of the legislature; preventing the division of a senate district in the formation of a congressional district; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1.

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

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

S.F. No. 2573: A bill for an act relating to retirement; Minnesota State Retirement System; Public Employees Retirement Association; Teachers Retirement Association; first class city teacher retirement fund associations; increasing certain contribution rates; suspending certain postretirement adjustments; reducing certain postretirement adjustment increase rates; reducing interest rates on refunds; reducing deferred annuity augmentation rates; eliminating interest on reemployed annuitant earnings limitation deferred accounts; increasing certain vesting requirements; increasing certain early retirement reduction rates; reducing certain benefit accrual rates; extending certain amortization periods; requiring a retirement fund investment authority study; authorizing certain bylaw amendments; amending Minnesota Statutes 2008, sections 3A.02, subdivision 4; 352.113, subdivision 1; 352.115, subdivision 1; 352.12, subdivision 2; 352.22, subdivisions 2, 3; 352.72, subdivisions 1, 2; 352.93, subdivisions 1, 2a, 3a; 352.931, subdivision 1; 352B.02, as amended; 352B.08, subdivisions 1, 2a; 352B.11, subdivision 2b; 352B.30, subdivisions 1, 2; 352F.07; 353.01, by adding a subdivision; 353.27, subdivision 3b; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivisions 1, 1a; 353.34, subdivisions 1, 2, 3; 353.651,

subdivisions 1, 4; 353.657, subdivisions 1, 2a; 353.71, subdivisions 1, 2; 353E.04, subdivisions 1, 4; 353E.07, subdivisions 1, 2; 353F.03; 354.42, subdivision 3, by adding subdivisions; 354A.12, subdivisions 1, 3c; 354A.27, subdivisions 5, 6, by adding a subdivision; 354A.31, subdivision 1; 354A.35, subdivision 1; 354A.37, subdivisions 2, 3, 4; 356.215, subdivision 8; 356.30, subdivision 1; 356.302, subdivisions 3, 4, 5; 356.303, subdivision 2; 356.315, subdivision 5; 356.47, subdivision 3; Minnesota Statutes 2009 Supplement, sections 352.75, subdivision 4; 352.95, subdivision 2; 353.27, subdivisions 2, 3; 353.33, subdivision 1; 353.65, subdivisions 2, 3; 354.42, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.55, subdivision 11; 354A.12, subdivision 2a; 356.215, subdivision 11; 356.415, subdivision 1, by adding subdivisions; 423A.02, subdivision 3; repealing Minnesota Statutes 2008, section 354A.27, subdivision 1.

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

Page 10, line 33, delete "11.20" and insert "12.40"

Page 11, line 15, delete "16.80" and insert "18.60"

Page 11, delete lines 18 to 23

Page 11, line 24, reinstate the stricken language and delete the new language

Page 11, line 29, reinstate the stricken "1e" and delete "1f"

Page 37, line 25, delete "8.5" and insert "8.25"

Page 37, line 26, delete "9.0" and insert "8.5"

Page 37, after line 26, insert:

<u>"basic program after June 30, 2013</u>	<u>8.75 percent</u>
<u>basic program after June 30, 2014</u>	<u>9.0 percent"</u>

Page 37, line 28, delete "6.0" and insert "5.75"

Page 37, line 29, delete "6.5" and insert "6.0"

Page 37, after line 29, insert:

<u>"coordinated program after June 30, 2013</u>	<u>6.25 percent</u>
<u>coordinated program after June 30, 2014</u>	<u>6.5 percent"</u>

Page 38, line 16, delete "5.0" and insert "4.75"

Page 38, line 17, delete "5.5" and insert "5.0"

Page 38, line 18, delete "2014" and insert "2013" and delete "6.5" and insert "5.25"

Page 38, after line 18, insert:

<u>"after June 30, 2014</u>	<u>5.5 percent"</u>
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Page 38, delete lines 23 to 27 and insert:

<u>"before July 1, 2011</u>	<u>8.0 percent of salary</u>
<u>after June 30, 2011</u>	<u>8.25 percent of salary</u>
<u>after June 30, 2012</u>	<u>8.5 percent of salary</u>
<u>after June 30, 2013</u>	<u>8.75 percent of salary</u>
<u>after June 30, 2014</u>	<u>9.0 percent of salary"</u>

Page 57, line 17, delete "or" and before "retirement" insert "or 1e,"

Page 58, line 14, after "plans" insert "other than the State Patrol retirement plan"

Page 58, lines 16 and 31, delete "the State Patrol retirement plan,"

Page 63, after line 30, insert:

"Sec. 80. Minnesota Statutes 2009 Supplement, section 356.415, is amended by adding a subdivision to read:

Subd. 1e. Annual postretirement adjustments; State Patrol retirement plan. (a) Retirement annuity, disability benefit, or survivor benefit recipients of the State Patrol retirement plan are entitled to a postretirement adjustment annually on January 1, as follows:

(1) a postretirement increase of 1.5 percent must be applied each year, effective on January 1, to the monthly annuity or benefit of each annuitant or benefit recipient who has been receiving an annuity or a benefit for at least 18 full months before the January 1 increase; and

(2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit for at least six full months, an annual postretirement increase of 1/12 of 1.5 percent for each month that the person has been receiving an annuity or benefit must be applied, effective January 1, following the calendar year in which the person has been retired for at least six months, but has been retired for less than 18 months.

(b) The increases provided by this subdivision commence on January 1, 2011. Increases under this subdivision for the State Patrol retirement plan terminate on December 31 of the calendar year in which the actuarial valuation prepared by the approved actuary under sections 356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement indicates that the market value of assets of the retirement plan equals or exceeds 90 percent of the actuarial accrued liability of the retirement plan and increases under subdivision 1 recommence after that date.

(c) An increase in annuity or benefit payments under this subdivision must be made automatically unless written notice is filed by the annuitant or benefit recipient with the executive director of the applicable covered retirement plan requesting that the increase not be made.

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

Sec. 81. Minnesota Statutes 2009 Supplement, section 356.415, is amended by adding a subdivision to read:

Subd. 3. Actuarial valuation reports until funding is stabilized. Notwithstanding any provision of section 356.215, subdivision 8, to the contrary, until the actuarial valuations, prepared

annually by the approved actuary under sections 356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement, indicate that the market value of assets of the applicable covered plans equals or exceeds 90 percent of the actuarial accrued liabilities, the actuarial valuation reports must utilize a post-retirement interest rate assumption that is equal to the difference between the pre-retirement interest rate assumption provided in section 356.215, subdivision 8, and the stated annual post-retirement adjustment rate provided under this section, as applicable to each covered plan.

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

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 2918: A bill for an act relating to retirement; various retirement plans; increasing certain contribution rates; suspending certain postretirement adjustments; reducing certain postretirement adjustment increase rates; reducing interest rates on refunds; reducing deferred annuity augmentation rates; eliminating interest on reemployed annuitant earnings limitation deferred accounts; increasing certain vesting requirements; increasing certain early retirement reduction rates; reducing certain benefit accrual rates; extending certain amortization periods; making changes of an administrative nature for retirement plans administered by the Minnesota State Retirement Association; revising insurance withholding for certain retired public employees; authorizing state patrol plan service credit for leave procedures; addressing plan coverage errors and omitted contributions; revising unlawful discharge annuity repayment requirements; requiring employment unit accommodation of daily valuation of investment accounts; eliminating administrative fee maximum for the unclassified state employees retirement program; making changes of an administrative nature in the general employees retirement plan of the Public Employees Retirement Association, the public employees police and fire retirement plan, and the defined contribution retirement plan; making various administrative modifications in the voluntary statewide lump-sum volunteer firefighter retirement plan of the Public Employees Retirement Association; revising purchase of salary credit procedures in certain partial salary situations; adding new partial salary credit purchase authority for partial paid medical leaves and budgetary leaves; redefining TRA allowable service credit; defining annual base salary; requiring base salary reporting by TRA-covered employing units; making changes of an administrative nature in the Minnesota State Colleges and Universities System individual retirement account plan; setting deadline dates for actuarial reporting; extending and revising an early retirement incentive program; permitting the court-ordered revocation of an optional annuity election in certain marriage dissolutions; transfer of the administrative functions of the Minneapolis Employees Retirement Fund to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; making various technical corrections relating to volunteer fire relief associations; revising break-in-service return to firefighting authorizations; authorizing Minnesota deferred compensation plan service pension transfers; revising payout defaults in survivor benefits; authorizing corrections of certain special fund deposits; requiring a retirement fund investment authority study; authorizing certain bylaw amendments; making technical changes; appropriating money; amending Minnesota Statutes 2008, sections 3A.02,

subdivision 4; 3A.07; 11A.04; 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 69.051, subdivision 3; 126C.41, subdivision 3; 256D.21; 352.01, subdivision 2a; 352.03, subdivision 4; 352.04, subdivision 9; 352.113, subdivision 1; 352.115, subdivisions 1, 10; 352.12, subdivision 2; 352.22, subdivisions 2, 3; 352.72, subdivisions 1, 2; 352.91, by adding a subdivision; 352.93, subdivisions 1, 2a, 3a; 352.931, subdivision 1; 352.965, subdivisions 1, 2, 6; 352B.02, as amended; 352B.08, subdivisions 1, 2a; 352B.11, subdivision 2b; 352B.30, subdivisions 1, 2; 352D.015, subdivisions 4, 9, by adding a subdivision; 352D.02, subdivisions 1, 1c, 2, 3; 352D.03; 352D.04, subdivisions 1, 2; 352D.05, subdivisions 3, 4; 352D.06, subdivision 3; 352D.065, subdivision 3; 352D.09, subdivisions 3, 7; 352F.07; 353.01, subdivisions 2b, 2d, by adding subdivisions; 353.0161, subdivision 2; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivisions 1, 1a; 353.34, subdivisions 1, 2, 3, 6; 353.37, subdivisions 1, 2, 3, 3a, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.651, subdivisions 1, 4; 353.657, subdivisions 1, 2a; 353.71, subdivisions 1, 2, 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 353D.01, subdivision 2; 353D.03, subdivision 1; 353D.04, subdivisions 1, 2; 353E.04, subdivisions 1, 4; 353E.07, subdivisions 1, 2; 353F.025, subdivisions 1, 2; 353F.03; 354.05, by adding a subdivision; 354.07, subdivision 5; 354.091; 354.42, subdivisions 3, 7, by adding subdivisions; 354.52, subdivision 6, by adding a subdivision; 354.66, subdivision 3; 354.71; 354A.011, subdivision 27; 354A.12, subdivisions 1, 3c, by adding a subdivision; 354A.27, subdivisions 5, 6, by adding a subdivision; 354A.31, subdivision 1; 354A.35, subdivision 1; 354A.37, subdivisions 2, 3, 4; 354A.39; 354B.25, subdivisions 1, 3; 354C.14; 355.095, subdivision 1; 356.214, subdivision 1; 356.215, subdivisions 3, 8; 356.216; 356.24, subdivision 1; 356.30, subdivisions 1, 3; 356.302, subdivisions 1, 3, 4, 5, 7; 356.303, subdivisions 2, 4; 356.315, subdivision 5; 356.351, subdivision 1; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.47, subdivision 3; 356.50, subdivision 4; 356.64; 356.65, subdivision 2; 356.91; 356.96, subdivisions 2, 3, 7, 8; 356A.06, subdivision 8; 422A.101, subdivision 3; 422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; 490.123, by adding a subdivision; 518.58, subdivisions 3, 4; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1; 69.031, subdivision 5; 69.772, subdivision 6; 69.773, subdivision 6; 352.01, subdivision 2b; 352.75, subdivision 4; 352.95, subdivision 2; 352B.011, subdivision 3; 353.01, subdivisions 2, 2a, 16; 353.06; 353.27, subdivisions 2, 3, 7; 353.33, subdivision 1; 353.371, subdivision 4; 353.65, subdivisions 2, 3; 353F.02, subdivision 4; 353G.05, subdivision 2; 353G.06, subdivision 1; 353G.08; 353G.09, subdivision 3; 353G.11, subdivision 1, by adding a subdivision; 354.42, subdivision 2; 354.47, subdivision 1; 354.49, subdivision 2; 354.52, subdivision 4b; 354.55, subdivision 11; 354A.12, subdivision 2a; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.351, subdivision 2; 356.401, subdivision 3; 356.415, subdivisions 1, 2, by adding subdivisions; 356.96, subdivisions 1, 5; 423A.02, subdivision 3; 424A.01, subdivisions 1, 6; 424A.015, by adding a subdivision; 424A.016, subdivisions 4, 7; 424A.02, subdivisions 9, 10; 424A.05, subdivision 3, by adding a subdivision; 424A.08; 480.181, subdivision 2; Laws 2006, chapter 271, article 3, section 43, as amended; Laws 2009, chapter 169, article 4, section 49; article 5, section 2; article 7, section 4; proposing coding for new law in Minnesota Statutes, chapters 352B; 353; 353G; 356; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 352.91, subdivision 5; 353.01, subdivision 40; 353.46, subdivision 1a; 353.88; 353D.03, subdivision 2; 353D.12; 354A.27, subdivision 1; 354C.15; 356.43; 422A.01, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14,

subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5; 424A.001, subdivision 6; Laws 2009, chapter 169, article 10, section 32.

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

Page 12, line 13, delete "11.20" and insert "12.40"

Page 12, line 28, delete "16.80" and insert "18.60"

Page 12, delete lines 31 to 36

Page 13, line 1, reinstate the stricken language and delete the new language

Page 13, line 6, reinstate the stricken "1e" and delete "1f"

Page 39, line 7, delete "2010" and insert "2011"

Page 39, line 8, delete "2010" and insert "2011" and delete "8.5" and insert "8.25"

Page 39, line 9, delete "2011" and insert "2012" and delete "9.0" and insert "8.5"

Page 39, after line 9, insert:

<u>"basic program after June 30, 2013</u>	<u>8.75 percent</u>
<u>basic program after June 30, 2014</u>	<u>9.0 percent"</u>

Page 39, line 10, delete "2010" and insert "2011"

Page 39, line 11, delete "2010" and insert "2011" and delete "6.0" and insert "5.75"

Page 39, line 12, delete "2011" and insert "2012" and delete "6.5" and insert "6.0"

Page 39, after line 12, insert:

<u>"coordinated program after June 30, 2013</u>	<u>6.25 percent</u>
<u>coordinated program after June 30, 2014</u>	<u>6.50 percent"</u>

Page 39, line 33, delete "2010" and insert "2011"

Page 39, line 34, delete "2010" and insert "2011" and delete "5.0" and insert "4.75"

Page 39, line 35, delete "2011" and insert "2012" and delete "5.5" and insert "5.0"

Page 39, line 36, delete "6.5" and insert "5.25"

Page 39, after line 36, insert:

<u>"after June 30, 2014</u>	<u>5.5 percent"</u>
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Page 40, delete lines 3 to 7 and insert:

<u>"before July 1, 2011</u>	<u>8.0 percent of salary</u>
<u>after June 30, 2011</u>	<u>8.25 percent of salary</u>
<u>after June 30, 2012</u>	<u>8.5 percent of salary</u>
<u>after June 30, 2013</u>	<u>8.75 percent of salary</u>
<u>after June 30, 2014</u>	<u>9.0 percent of salary"</u>

Page 59, line 4, delete "or" and before "retirement" insert "or 1e,"

Page 59, line 33, after "plans" insert "other than the State Patrol retirement plan"

Page 59, line 35, delete "the State Patrol retirement plan,"

Page 60, line 15, delete "the State Patrol retirement plan,"

Page 65, after line 14, insert:

"Sec. 80. Minnesota Statutes 2009 Supplement, section 356.415, is amended by adding a subdivision to read:

Subd. 1e. **Annual postretirement adjustments; State Patrol retirement plan.** (a) Retirement annuity, disability benefit, or survivor benefit recipients of the State Patrol retirement plan are entitled to a postretirement adjustment annually on January 1, as follows:

(1) a postretirement increase of 1.5 percent must be applied each year, effective on January 1, to the monthly annuity or benefit of each annuitant or benefit recipient who has been receiving an annuity or a benefit for at least 18 full months before the January 1 increase; and

(2) for each annuitant or benefit recipient who has been receiving an annuity or a benefit for at least six full months, an annual postretirement increase of 1/12 of 1.5 percent for each month that the person has been receiving an annuity or benefit must be applied, effective January 1, following the calendar year in which the person has been retired for at least six months, but has been retired for less than 18 months.

(b) The increases provided by this subdivision commence on January 1, 2011. Increases under this subdivision for the State Patrol retirement plan terminate on December 31 of the calendar year in which the actuarial valuation prepared by the approved actuary under sections 356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement indicates that the market value of assets of the retirement plan equals or exceeds 90 percent of the actuarial accrued liability of the retirement plan and increases under subdivision 1 recommence after that date.

(c) An increase in annuity or benefit payments under this subdivision must be made automatically unless written notice is filed by the annuitant or benefit recipient with the executive director of the applicable covered retirement plan requesting that the increase not be made.

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

Sec. 81. Minnesota Statutes 2009 Supplement, section 356.415, is amended by adding a subdivision to read:

Subd. 3. **Actuarial valuation reports until funding is stabilized.** Notwithstanding any provision of section 356.215, subdivision 8, to the contrary, until the actuarial valuations, prepared annually by the approved actuary under sections 356.214 and 356.215 and the standards for actuarial work promulgated by the Legislative Commission on Pensions and Retirement, indicate that the market value of assets of the applicable covered plans equals or exceeds 90 percent of the actuarial accrued liabilities, the actuarial valuation reports must utilize a post-retirement interest rate assumption that is equal to the difference between the pre-retirement interest rate assumption provided in section 356.215, subdivision 8, and the stated annual post-retirement adjustment rate provided under this section, as applicable to each covered plan.

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

Page 68, after line 13, insert:

"Sec. 86. **ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; TEMPORARY SUSPENSION OF POSTRETIREMENT ADJUSTMENT.**

Notwithstanding Minnesota Statutes, section 354A.29, no postretirement benefit adjustment to benefit recipients of the St. Paul Teachers Retirement Fund Association shall be provided for the year commencing January 1, 2011.

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

Page 85, delete section 2

Page 89, line 24, delete ", paragraph (b)"

Page 143, line 23, reinstate the stricken "and"

Page 143, line 26, reinstate the stricken language and delete the new language

Page 143, delete lines 27 and 28

Page 144, line 17, after "termination" insert "if the person had been laid off"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 2937: A bill for an act relating to human services; chemical dependency treatment; pilot projects; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 254B; repealing Laws 2009, chapter 79, article 7, section 26, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. [254B.13] PILOT PROJECTS; CHEMICAL HEALTH CARE.

Subdivision 1. **Authorization for pilot projects.** The commissioner may approve and

implement pilot projects developed under the planning process required under Laws 2009, chapter 79, article 7, section 26, to provide alternatives to and enhance coordination of the delivery of chemical health services required under section 254B.03.

Subd. 2. **Program design and implementation.** (a) The commissioner and counties participating in the pilot projects shall continue to work in partnership to refine and implement the pilot projects initiated under Laws 2009, chapter 79, article 7, section 26.

(b) The commissioner and counties participating in the pilot projects shall complete the planning phase by June 30, 2010, and, if approved by the commissioner for implementation, enter into agreements governing the operation of the pilot projects with implementation scheduled no earlier than July 1, 2010.

Subd. 3. **Program evaluation.** The commissioner shall evaluate pilot projects under this section and report the results of the evaluation to the chairs and ranking minority members of the legislative committees with jurisdiction over chemical health issues by January 15, 2013. Evaluation of the pilot projects must be based on outcome evaluation criteria negotiated with the pilot projects prior to implementation.

Subd. 4. **Notice of project discontinuation.** Each county's participation in the pilot project may be discontinued for any reason by the county or the commissioner of human services after 30 days' written notice to the other party. Any unspent funds held for the exiting county's pro rata share in the special revenue fund under the authority in subdivision 5, paragraph (d), shall be transferred to the consolidated chemical dependency treatment fund following discontinuation of the pilot project.

Subd. 5. **Duties of commissioner.** (a) Notwithstanding any other provisions in this chapter, the commissioner may authorize pilot projects to use chemical dependency treatment funds to pay for nontreatment pilot services:

(1) in addition to those authorized under section 254B.03, subdivision 2, paragraph (a); and

(2) by vendors in addition to those authorized under section 254B.05 when not providing chemical dependency treatment services.

(b) For purposes of this section, "nontreatment pilot services" include navigator services, peer support, family engagement and support, housing support, rent subsidies, supported employment, and independent living skills.

(c) State expenditures for chemical dependency services and nontreatment pilot services provided by or through the pilot projects must not be greater than the chemical dependency treatment fund expected share of forecasted expenditures in the absence of the pilot projects. The commissioner may restructure the schedule of payments between the state and participating counties under the local agency share and division of cost provisions under section 254B.03, subdivisions 3 and 4, as necessary to facilitate the operation of the pilot projects.

(d) To the extent that state fiscal year expenditures within a pilot project are less than the expected share of forecasted expenditures in the absence of the pilot projects, the commissioner shall deposit the unexpended funds in a separate account within the consolidated chemical dependency treatment fund, and make these funds available for expenditure by the pilot projects the following year. To the extent that treatment and nontreatment pilot services expenditures within the pilot project exceed the amount expected in the absence of the pilot projects, the pilot project county or counties are

responsible for the portion of nontreatment pilot services expenditures in excess of the otherwise expected share of forecasted expenditures.

(e) The commissioner may waive administrative rule requirements that are incompatible with the implementation of the pilot project, except that any chemical dependency treatment funded under this section must continue to be provided by a licensed treatment provider.

(f) The commissioner shall not approve or enter into any agreement related to pilot projects authorized under this section that puts current or future federal funding at risk.

Subd. 6. **Duties of county board.** The county board, or other county entity that is approved to administer a pilot project, shall:

(1) administer the pilot project in a manner consistent with the objectives described in subdivision 2 and the planning process in subdivision 5;

(2) ensure that no one is denied chemical dependency treatment services for which they would otherwise be eligible under section 254A.03, subdivision 3; and

(3) provide the commissioner with timely and pertinent information as negotiated in agreements governing operation of the pilot projects.

Sec. 2. **REPEALER.**

Laws 2009, chapter 79, article 7, section 26, subdivision 3, is repealed."

Amend the title numbers accordingly

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

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

S.F. No. 3246: A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **DEPARTMENT OF CORRECTIONS.**

The amounts in this section are appropriated from the general fund to the commissioner of corrections in fiscal year 2011 for full and final payment under Minnesota Statutes, sections 3.738 and 3.739, of claims against the state for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a state correctional facility. This appropriation is available until June 30, 2011.

(a) For sentence-to-service and community work service claims under \$500 and other claims already paid by the department, \$3,692.83.

(b) For payment to Robert Finch for permanent injuries to his left hand suffered while performing assigned duties while incarcerated at MCF-Faribault, \$7,200.

(c) For payment to Thomas Hamilton for permanent injuries to his ankle suffered while performing assigned duties while incarcerated at MCF-Faribault, \$4,736.

(d) For payment to Leon Hettver for permanent injuries to his left hand suffered while performing assigned duties while incarcerated at MCF-Faribault, \$1,875.

(e) For payment to Robert Johnson for permanent injuries to his face suffered while performing assigned duties while incarcerated at MCF-Stillwater, \$1,500.

(f) For payment to William Jones for permanent injuries to his left hand suffered while performing assigned duties while incarcerated at MCF-Faribault, \$3,750.

(g) For payment to Tamara Lamke for permanent injuries to her knee suffered while performing sentence-to-service work in Isanti County, \$3,750.

(h) For payment to John Lee for permanent injuries to his left hand suffered while performing assigned duties while incarcerated at MCF-Faribault, \$3,703.13.

(i) For payment to Paul McKay for permanent injuries to his right hand suffered while performing assigned duties while incarcerated at MCF-Rush City, \$1,875.

(j) For payment to Chad Westring for permanent injuries to his spine suffered while performing sentence-to-service work in Todd County, \$11,475; and for payment to medical providers for treatment of Mr. Westring, \$13,903.33.

Sec. 2. OFFICE OF THE COURT ADMINISTRATOR.

(a) \$34,049.10 is appropriated from the general fund in fiscal year 2011 to the Office of the Court Administrator for payment to William Howard Heins as full and final payment of his claim for compensation for wrongful imprisonment.

(b) The Office of the Court Administrator shall ensure that all fines and restitution balances listed by the Office of the Court Administrator on the attachment to their April 9, 2010, letter to the Joint House/Senate Subcommittee on Claims, except item number seven on that list, are paid out of the payment to Mr. Heins in paragraph (a). The amounts to be paid total \$8,565.10, or so much of that amount as is still owed when Mr. Heins receives the payment provided for in paragraph (a).

(c) Before receiving payment under paragraph (a), Mr. Heins must sign a release agreeing that it is a full and final payment of his claim against the state, or political subdivision of the state, or any employee of the state or political subdivision for wrongful imprisonment in 2007 and 2008 and that he will not request or accept credit against any future sentences imposed on him for that time of wrongful imprisonment. The Office of the Court Administrator shall reduce the amount of any payment under this section to reflect any credit given to Mr. Heins for the wrongful imprisonment covered by the payment in any sentencing proceeding before the payment is made."

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

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

S.F. No. 2170: A bill for an act relating to real property; providing for mediation prior to commencement of mortgage foreclosure proceedings on homestead property; creating a

homestead-lender mediation account; amending Minnesota Statutes 2008, sections 580.021, as amended; 580.022, subdivision 1; 580.23, by adding a subdivision; 582.30, subdivision 2; Minnesota Statutes 2009 Supplement, sections 357.18, subdivision 1; 508.82, subdivision 1; 508A.82, 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:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 580.021, as amended by Laws 2009, chapter 130, section 4, is amended to read:

580.021 FORECLOSURE PREVENTION COUNSELING; MEDIATION REFERRAL.

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages by advertisement under this chapter ~~and foreclosure of mortgages by action under~~ or 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 when the notice of pendency under section 580.032 or the lis pendens for a foreclosure under chapter 581 is recorded.

Subd. 2. **Requirement to provide notice of opportunity for counseling and mediation.** Before the notice of pendency under section 580.032, subdivision 3, or the lis pendens for a foreclosure under chapter 581 is recorded, a party foreclosing a mortgage must provide to the mortgagor information contained in a form prescribed in section 580.022, subdivision 1, that:

(1) foreclosure prevention counseling services provided by an authorized foreclosure prevention counseling agency are available; ~~and~~

(2) the party will transmit the homeowner's name, address, and telephone number to an approved foreclosure prevention agency; and

(3) if the mortgagor receives counseling services but is unable to resolve the default, the mortgagor may have the mortgage debt reviewed in a mediation proceeding with the Office of Administrative Hearings.

Clause (3) expires on July 1, 2012.

The notices required by this subdivision may be provided concurrently with a written notice of default.

For the purposes of this section, an "authorized foreclosure prevention counseling agency" or "counseling agency" is a government agency or a nonprofit agency funded, all or in part, for foreclosure prevention services, by the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development, or otherwise approved by the United States Department of Housing and Urban Development to provide foreclosure prevention counseling services.

Subd. 3. **Notification to authorized counseling agency.** The party entitled to foreclose shall, within one week of sending the notice prescribed in section 580.022, provide to the appropriate authorized foreclosure prevention counseling agency the mortgagor's name, address, and most recent known telephone number.

Subd. 4. **Notice of provision of counseling; request for contact information.** (a) An authorized foreclosure prevention counseling agency that contacts or is contacted by a mortgagor or the mortgagor's authorized representative and agrees to provide foreclosure prevention assistance services to the mortgagor or representative must provide the form prescribed in section 580.022, subdivision 2, to the mortgagee. The form serves as notice to the mortgagee that the mortgagor is receiving foreclosure prevention counseling assistance. Upon receipt of the form, the mortgagee must not commence or continue a foreclosure proceeding past the day prior to the time when the initial published notice contained in section 580.03 must be given, except when allowed under sections 583.40 to 583.47.

(b) The mortgagee must return the form to the ~~authorized foreclosure prevention~~ counseling agency within 15 days of receipt of the form with the name and telephone number of the mortgagee's agent. The agent must be a person authorized by the mortgagee to:

(1) discuss with the ~~authorized foreclosure prevention~~ counseling agency or the mortgagor the terms of the mortgage; and

(2) negotiate any resolution to the mortgagor's default.

(c) Nothing in this subdivision requires a mortgagee to reach a resolution relating to the mortgagor's default.

Subd. 5. **Mediation referral.** (a) If an authorized foreclosure prevention counseling agency provides counseling services to a mortgagor, the counseling agency must discuss repayment options and alternatives for resolving the default with the mortgagor and mortgagee. If the mortgagor and mortgagee are unable to negotiate a resolution of the mortgagor's default within 60 days of receipt of the form submitted by the mortgagee under subdivision 4, paragraph (b), the counseling agency must give the mortgagor a mediation request affidavit in the form prescribed in section 583.45, unless the mortgagor is not eligible for mediation under section 583.41. The counseling agency also must inform the mortgagor that if the mortgagor wishes to pursue mediation, the form must be sent by certified mail to the Office of Administrative Hearings within seven days of receipt of the form and include a mediation fee of \$160. The counseling agency must forward the mortgagor's name to the Office of Administrative Hearings along with a copy of the form submitted by the mortgagee under subdivision 4, paragraph (b), to verify the mortgagor's eligibility to participate in mediation.

(b) This subdivision expires on July 1, 2012.

Sec. 2. Minnesota Statutes 2008, section 580.022, subdivision 1, is amended to read:

Subdivision 1. **Counseling form.** The notice required under section 580.021, subdivision 2, ~~clause (2)~~, must be printed on colored paper that is other than the color of any other document provided with it and must appear substantially as follows:

"PREFORECLOSURE NOTICE

Foreclosure Prevention Counseling and Mediation

Why You Are Getting This Notice

YOU HAVE DEFAULTED ON A MORTGAGE OF THE HOMESTEAD PROPERTY DESCRIBED AS [Legal Description and Property Address]. THE HOLDER OF THE

MORTGAGE, [Name of Holder of Mortgage] INTENDS TO FORECLOSE ON THIS PROPERTY. YOU HAVE THE RIGHT TO PARTICIPATE IN A MEDIATION PROCESS TO SEE IF A RESOLUTION CAN BE REACHED WITH [Name of Holder of Mortgage]. TO LEARN MORE ABOUT MEDIATION, CONTACT THE OFFICE OF ADMINISTRATIVE HEARINGS AT (651) 361-7900, OR ONLINE AT WWW.OAH.STATE.MN.US. IF YOU WANT TO PARTICIPATE IN MEDIATION, YOU MUST FIRST PARTICIPATE IN FORECLOSURE PREVENTION COUNSELING WITH THE AGENCY LISTED BELOW.

We do not want you to lose your home and your equity. Government-approved nonprofit agencies are available to, if possible, help you prevent foreclosure.

We have given your contact information to an authorized foreclosure prevention counseling agency to contact you to help you prevent foreclosure.

Who Are These Foreclosure Prevention Counseling Agencies

They are nonprofit agencies who are experts in housing and foreclosure prevention counseling and assistance. They are experienced in dealing with lenders and homeowners who are behind on mortgage payments and can help you understand your options and work with you to address your delinquency. They are approved by either the Minnesota Housing Finance Agency or the United States Department of Housing and Urban Development. They are not connected with us in any way.

Which Agency Will Contact You

[insert name, address, and telephone number of agency]

You can also contact them directly."

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 583.47, the period of time for redemption as provided under subdivision 1 is five months instead of six months, unless section 583.43, subdivision 3, applies.

(b) If the mortgagor or the mortgagor's personal representatives or assigns participated in mediation proceedings under sections 583.40 to 583.47, and the mortgagor or owner seeks to postpone the sale under section 580.07, the postponement must be to the first date that is not a Saturday, Sunday, or legal holiday and is four months after the originally scheduled date of sale. Except as provided in this paragraph, the mortgagor or owner must otherwise follow the provisions of section 580.07 in seeking a postponement of sale.

(c) This subdivision expires on July 1, 2012.

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.

Sec. 5. **[583.40] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to sections 583.40 to 583.47.

Subd. 2. **Commence a foreclosure proceeding.** "Commence a foreclosure proceeding" means to file a notice of pendency under section 580.032 or commence a foreclosure action under chapter 581.

Subd. 3. **Mediator.** "Mediator" means the administrative law judge, staff attorney, or other person assigned to conduct the mediation.

Subd. 4. **Office.** "Office" means the Office of Administrative Hearings.

Subd. 5. **Send.** "Send" means to deliver by certified mail or another method acknowledging receipt.

Subd. 6. **Serve.** "Serve" means personal service under the Minnesota Rules of Civil Procedure.

Sec. 6. **[583.41] APPLICABILITY.**

Subdivision 1. **Mortgagees.** (a) Sections 583.40 to 583.47 apply to a person who is the holder of a mortgage to which section 580.021 applies.

(b) Sections 583.40 to 583.47 do not apply to property if the holder of the mortgage, before selling the property to the owner, occupied the property as the holder's principal place of residency.

Subd. 2. **Mortgagors.** Sections 583.40 to 583.47 apply to a mortgagor who has received foreclosure prevention counseling under section 580.021 and who has been verified as eligible for mediation by an authorized foreclosure prevention counseling agency, or who files a mediation request under section 583.42, subdivision 1, paragraph (b), indicating that the mortgagor did not receive the required preforeclosure prevention counseling and mediation notice. Sections 583.40 to 583.47 do not apply to a mortgagor who qualifies as a debtor under the Farmer-Lender Mediation Act.

Subd. 3. **Applicability.** Sections 583.40 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.

Subd. 4. **Eligibility.** For the purposes of sections 583.40 to 583.47, a mortgagor is eligible for mediation only if the following criteria apply:

(1) the mortgagor generally meets all the mediation eligibility requirements in sections 583.40 to 583.47;

(2) if, while the foreclosure prevention counseling agency provided counseling services to the mortgagor, the mortgagee did not modify the mortgagor's mortgage loan that is subject to the foreclosure proceeding; and

(3) there is a reasonable likelihood that the mortgagor could afford a modified loan. For purposes of this clause, whether a potential loan modification would result in a debt-to-income ratio that is within the traditional secondary market loan qualification guidelines established by Fannie Mae or Freddie Mac must be considered.

Subd. 5. **Exemption.** Sections 583.40 to 583.47 do not apply to mortgages originated, serviced, and held by a credit union, an organization majority-owned by one or more credit unions, a savings association, or a bank that has a physical location in Minnesota and has had five foreclosures or less during twelve months preceding the date of the foreclosure notice for the subject mortgage. This exemption only applies if the credit union, savings association, or bank underwrote the loans in its portfolio to prudent industry lending standards, including requiring income documentation and verification.

Sec. 7. **[583.42] MEDIATION PROCEEDINGS.**

Subdivision 1. **Mediation request; fee.** (a) A mortgagor who wishes to participate in mediation must send a mediation request affidavit in the form prescribed in section 583.45 to the office within seven days after receiving the mediation request affidavit from the counseling agency under section 580.021, subdivision 5, accompanied by a mediation fee of \$160. The mortgagor must disclose all known mortgagees with debts secured by the property. A mortgagor who fails to send a timely mediation request accompanied by the fee waives the right to mediation under sections 583.40 to 583.47 for that specific mortgage foreclosure. Upon receipt of a mediation request affidavit, the office must send a copy of the affidavit to the holder of the mortgage. The holder of the mortgage must not commence a foreclosure proceeding against the property or proceed with a proceeding to which paragraph (b) applies until the stay of the foreclosure is lifted or as otherwise authorized under sections 583.40 to 583.47.

(b) If a mortgagor did not receive the preforeclosure prevention counseling and mediation notice required under section 580.021 and a mortgage foreclosure proceeding has been commenced against the mortgagor's property, the mortgagor may send the mediation request affidavit to the office at any time before the time when the initial public notice contained in section 580.03 must be given. The mediation request affidavit must indicate that the mortgagor has not received the required notice.

(c) The office must combine all mediation requests for the same mortgagor that are received before the initial mediation meeting into one mediation proceeding.

(d) The mortgagor is only entitled to a single mediation proceeding for a specific mortgage foreclosure. In the event a mortgage is modified through the mediation process contained in sections 583.40 to 583.47, that mortgage is not eligible for mediation if the modified mortgage becomes the subject of a subsequent foreclosure proceeding.

Subd. 2. **Assignment of mediator; costs.** (a) The chief administrative law judge of the office shall assign an administrative law judge, staff attorney, or other person with mediation training to conduct the mediation.

(b) The office shall provide the parties with a schedule of fees to be charged by administrative law judges, staff attorneys, or other persons who act as mediators. The parties are responsible for paying the costs of the mediation. The costs of mediation must be covered by the mediation fees submitted by the parties. After the initial fees are expended, additional mediation meetings may be held as agreed to and paid for by the participating parties.

Subd. 3. **Mediation proceeding notice.** (a) Within ten days after receiving a mediation request, the mediator must send:

(1) a mediation proceeding notice to the mortgagor; and

(2) a mediation proceeding notice to the mortgagee's agent listed by the mortgagee in the form submitted under section 580.021, subdivision 4, paragraph (b).

(b) The mediation proceeding notice must disclose:

(1) the name and address of the mortgagor;

(2) that the mortgagor has requested mediation under sections 583.40 to 583.47;

(3) the time and place for the initial mediation meeting;

(4) that sections 583.40 to 583.47 do not prohibit the mortgagee 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 mortgagee must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.47;

(5) that by the initial mediation meeting, the mortgagee must provide the mortgagor with a copy of the mortgage and note, a statement of interest rates on the debt, delinquent payments, unpaid principal and interest balances, the mortgagee's estimate of value of the property, and a general description of the debt restructuring programs available from the mortgagee;

(6) that by the initial mediation meeting, the mortgagor must provide the mortgagee and the mediator with full documentation of the mortgagor's income and financial obligations and disclose all known mortgages with debts secured by the property; and

(7) that by the initial meeting, the mortgagee or mortgagees must each submit a mediation fee of \$160 to the office.

(c) Before the initial meeting, a mortgagor and mortgagee must provide the information specified in paragraph (b), clause (5) or (6), and the mortgagee must submit the filing fee specified in paragraph (b), clause (7). An initial mediation meeting must be held within 30 days of the mediation proceeding notice. Mediation meetings must be conducted at a location that is within 100 miles of the mortgaged premises that is the subject of the mediation. At the initial mediation meeting, the mediator shall determine whether or not there is a reasonable likelihood that the mortgagor could afford a modified loan.

Subd. 4. **Effect of mediation proceeding notice.** (a) Sections 583.40 to 583.47 do not prevent a mortgagee 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 mortgagee must not publish the initial notice, except as otherwise allowed under sections 583.40 to 583.47.

(b) Notwithstanding paragraph (a), a mortgagee receiving a mediation proceeding notice may commence or continue a mortgage foreclosure proceeding against the property if:

(1) the mortgagee receives a mediator's affidavit of the mortgagor's lack of good faith under section 583.43;

(2) ten days have expired since the parties signed an unrevoked agreement under subdivision 8 allowing the mortgagee to commence mortgage foreclosure proceedings against the property; or

(3) the mortgagee receives a termination statement under subdivision 9.

(c) The provisions of this subdivision are subject to section 583.43, relating to extensions or reductions in the period before a mortgagee may commence or continue a mortgage foreclosure proceeding.

Subd. 5. **Mediator duties.** (a) At all mediation meetings, the mediator shall:

- (1) attempt to mediate between the parties;
- (2) advise the parties of assistance programs that are available;
- (3) attempt to arrive at an agreement to fairly adjust, refinance, or pay the mortgage debt; and
- (4) advise, counsel, and assist the parties in attempting to arrive at an agreement for the future conduct of financial relations between them.

(b) The mediator may determine the format of the mediation meetings, including whether or not to keep the parties separate.

Subd. 6. **Mediator immunity.** The office and mediators are immune from civil liability for actions within the scope of their positions under this chapter. The office and mediators do not have a duty to advise the parties about the law or to encourage or assist parties regarding their legal rights. This subdivision is in addition to and not a limitation of immunity that otherwise exists under law.

Subd. 7. **Mediation period.** The mediator may call mediation meetings during the mediation period, which may be up to 60 days after the mortgagor sends a mediation request to the office.

Subd. 8. **Mediation agreement.** (a) If an agreement is reached among the parties, the mediator must witness and sign a written mediation agreement, have it signed by the parties, and if applicable, submit the agreement to (1) the office, and (2) any court that has jurisdiction over mortgage foreclosure or redemption proceedings regarding the property.

(b) The parties to the approved mediation agreement:

- (1) are bound by the terms of the agreement; and
- (2) may enforce the mediation agreement as a legal contract.

(c) A mortgagor may agree to allow a mortgagee to commence a mortgage foreclosure proceeding against property that is subject to mediation before the proceeding is otherwise allowed under subdivision 4, provided that the parties may rescind the agreement within five business days after both parties sign the agreement.

Subd. 9. **Termination of mediation.** (a) The mediator must sign and serve on the parties an affidavit by the end of the mediation period.

(b) The mediator must prepare an affidavit acknowledging that mediation has ended and that:

- (1) describes or references agreements reached between the parties, if any, and agreements reached among mortgagees, if any; or
- (2) states that no agreement was reached between the parties, despite a good faith effort by the parties.

(c) Mediation agreements may be included as part of the affidavit.

(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.

Subd. 10. **Disposition of fees.** Mediation fees collected by the office under this section must be deposited in the administrative hearings account in the state treasury and are appropriated to the office for purposes of this section.

Sec. 8. [583.43] GOOD FAITH REQUIRED.

Subdivision 1. **Obligation of good faith.** The parties must engage in mediation in good faith. Not participating in good faith includes:

- (1) failure to attend and participate in mediation sessions without cause;
- (2) failure to provide full information, including the obligation to provide information under section 583.42, subdivision 3;
- (3) failure of the mortgagee to designate an agent to participate in the mediation with authority to make binding commitments;
- (4) lack of a written statement of debt restructuring alternatives and a statement of reasons why alternatives are unacceptable to one of the parties; and
- (5) other similar behavior that evidences lack of good faith by a party. A failure to agree to reduce, restructure, refinance, or forgive debt is not, in itself, evidence of lack of good faith by the mortgagee. Nothing in sections 583.40 to 583.47 requires a mortgagee to modify the debt that is the subject of the foreclosure proceeding.

Subd. 2. **Party's bad faith; mediator's affidavit.** If the mediator determines that either party is not participating in good faith as defined in subdivision 1, the mediator must file an affidavit indicating the reasons for the finding with the office and with parties to the mediation.

Subd. 3. **Mortgagee's bad faith.** If the mediator finds that the mortgagee has not participated in the mediation in good faith, and the mortgagee continues with the foreclosure proceeding, the mortgagor is allowed a six-month redemption period.

Subd. 4. **Mortgagor's lack of good faith.** If the mediator finds that the mortgagor has not participated in the mediation in good faith, and the mortgagee continues with the foreclosure proceeding, then the mortgagor shall execute a deed in lieu of foreclosure within 90 days of the filing of the mediator's affidavit containing the finding of bad faith.

Sec. 9. [583.44] DATA PRACTICES.

Data on mortgagors created, collected, and maintained by the office or bureau under sections 583.40 to 583.47 are private data on individuals as defined in section 13.02, subdivision 12.

Sec. 10. [583.45] 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 Mortgage Mediation.

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: _____

Sec. 11. [583.46] ENFORCEMENT.

A mediation agreement may be enforced by a state district court.

Sec. 12. [583.47] INCONSISTENT LAWS.

Sections 583.40 to 583.46 have precedence over any inconsistent or conflicting laws, including chapters 580 and 581.

Sec. 13. [583.48] EXPIRATION.

Sections 583.40 to 583.47 expire July 1, 2012.

Sec. 14. EFFECTIVE DATE.

Sections 1 to 13 are effective July 1, 2010, and apply to foreclosures commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to real property; providing for mediation prior to commencement of mortgage foreclosure proceedings on homestead property; amending Minnesota Statutes 2008, sections 580.021, as amended; 580.022, subdivision 1; 580.23, by adding a subdivision; 582.30, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 583."

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

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

S.F. No. 3379: A bill for an act relating to public safety; appropriating money to match federal disaster assistance made available through FEMA Public Assistance Program.

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

Page 1, line 9, after "Disaster" insert ", FEMA-1900-DR"

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

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

MINNESOTA POLLUTION CONTROL AGENCY
Dennis Jensen

Reports the same back with the recommendation that the appointment be confirmed.

Senator Betzold moved that the foregoing committee report be laid on the table. The motion prevailed.

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

CLEAN WATER COUNCIL
David J. Bennett

Reports the same back with the recommendation that the appointment be confirmed.

Senator Betzold moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 2644, 2199, 2573, 2918, 2937, 3246, 2170 and 3379 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Dahle introduced—

S.F. No. 3392: A bill for an act relating to education; establishing a special education administrative complaint review process; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

Senators Rest and Scheid introduced—

S.F. No. 3393: A bill for an act relating to insurance; requiring surcharge disclosure for homeowner's insurance; proposing coding for new law in Minnesota Statutes, chapter 65A.

Referred to the Committee on Commerce and Consumer Protection.

Senator Fischbach introduced—

S.F. No. 3394: A bill for an act relating to state government finance; appropriating money to the Department of Human Services contingent upon federal enactment of an extension of the enhanced federal medical assistance percentage; amending Minnesota Statutes 2008, sections 254B.03, by adding a subdivision; 256B.0625, subdivision 22; 256B.19, subdivision 1c; 256L.15, subdivision 1; Minnesota Statutes 2009 Supplement, sections 144.0724, subdivision 11; 256B.0911, subdivision 1a; Laws 2005, First Special Session chapter 4, article 8, section 66, as amended; Laws 2009, chapter 79, article 5, sections 17; 18; 22; Laws 2009, chapter 173, article 1, section 17.

Referred to the Committee on Finance.

Senator Fobbe introduced—

S.F. No. 3395: A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used in the construction and improvement of a wastewater treatment facility; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 3; Minnesota Statutes 2009 Supplement, section 297A.75, subdivisions 1, 2.

Referred to the Committee on Taxes.

Senator Carlson introduced—

S.F. No. 3396: A bill for an act relating to taxation; property; disabled veterans' market value exclusion; allowing spouses of deceased disabled veterans or service members who die while in active military service to qualify for the senior deferral program; amending Minnesota Statutes 2008, sections 273.13, subdivision 34; 290B.03, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Erickson Ropes introduced—

S.F. No. 3397: A bill for an act relating to health care; appropriating money.

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

Senator Rest introduced—

S.F. No. 3398: A bill for an act relating to campaign finance reporting; requiring reports; requiring disclaimer on certain campaign material; modifying provisions related to independent expenditures; appropriating money; amending Minnesota Statutes 2008, sections 10A.01, subdivision 18; 10A.02, subdivision 10; 10A.025, subdivision 4; 10A.20, subdivision 6; 211B.04; 211B.15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2008, sections 72A.12, subdivision 5; 211B.15, subdivision 12.

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

Senators Bakk, Rosen, Sheran and Murphy introduced—

S.F. No. 3399: A bill for an act relating to stadiums; providing alternative plans for a new National Football League stadium in Minnesota; establishing the Minnesota Stadium Authority; abolishing the Metropolitan Sports Facilities Commission; amending Minnesota Statutes 2008, sections 13.55, subdivision 1; 297A.71, by adding a subdivision; 352.01, subdivision 2a; 473.121, subdivision 5a; 473.164; 473.551, by adding subdivisions; 473.552; 473.553, subdivisions 2, 3; 473.556, subdivision 5; 473.561; 473.581, subdivision 2; 473.5995, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 3.971, subdivision 6; 10A.01, subdivision 35; 340A.404, subdivision 1; Laws 1986, chapter 396, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 349A; 473; proposing coding for new law as Minnesota Statutes, chapter 473J; repealing Minnesota Statutes 2008, sections 137.50, subdivision 5; 473.551; 473.552; 473.553, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13; 473.564, subdivisions 2, 3; 473.5995; 473.755; 473.76; 473.763.

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

MOTIONS AND RESOLUTIONS

Senator Metzen moved that the name of Senator Saltzman be added as a co-author to S.F. No. 1880. The motion prevailed.

Senator Dille moved that the name of Senator Sheran be added as a co-author to S.F. No. 2383. The motion prevailed.

Senator Saltzman moved that the names of Senators Skogen, Sheran and Erickson Ropes be added as co-authors to S.F. No. 2476. The motion prevailed.

Senator Scheid moved that her name be stricken as a co-author to S.F. No. 3055. The motion prevailed.

Senator Dibble moved that the name of Senator Rosen be added as a co-author to S.F. No. 3055.

The motion prevailed.

Senator Pariseau moved that her name be stricken as a co-author to S.F. No. 2900. The motion prevailed.

Senator Frederickson introduced –

Senate Resolution No. 189: A Senate resolution honoring Florence Anderson on the occasion of her 100th birthday.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Senator Betzold moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Skogen reported that the committee had considered the following:

S.F. Nos. 2998, 3079 and 3029, which the committee recommends to pass.

S.F. No. 2702, which the committee recommends to pass, subject to the following motions:

Senator Berglin moved to amend S.F. No. 2702 as follows:

Page 6, after line 15, insert:

"(c) Nursery care services provided by a birth center shall be paid the lower of billed charges or 70 percent of the statewide average for a payment rate paid to a hospital for nursery care as determined by using the most recent calendar year for which complete claims data is available."

Page 6, line 16, delete "(c)" and insert "(d)"

Page 6, line 17, delete "65" and insert "100"

Page 6, line 20, delete "or postpartum care"

Page 6, line 22, delete "(d)" and insert "(e)"

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 2702 as follows:

Page 6, after line 2, insert:

"Sec. 5. Minnesota Statutes 2008, section 145.416, is amended to read:

145.416 LICENSING AND REGULATION OF FACILITIES.

The state commissioner of health shall license and promulgate rules for facilities ~~as defined in~~

~~section 145.411, subdivision 4, which are organized for purposes of delivering abortion services that provide 100 or more abortions annually."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

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

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Dille	Hann	Langseth	Ortman	Senjem
Fischbach	Ingebrigtsen	Limmer	Pariseau	Skogen
Fobbe	Jungbauer	Lynch	Parry	Sparks
Frederickson	Koch	Michel	Robling	Stumpf
Gerlach	Koering	Olson, G.	Rosen	Vanderveer
Gimse	Kubly	Olson, M.	Saltzman	Vickerman

Those who voted in the negative were:

Anderson	Clark	Latz	Pappas	Sieben
Bakk	Cohen	Lourey	Pogemiller	Skoe
Berglin	Dibble	Marty	Prettner Solon	Tomassoni
Betzold	Erickson Ropes	Metzen	Rest	Torres Ray
Bonoff	Foley	Moua	Saxhaug	Wiger
Carlson	Higgins	Murphy	Scheid	
Chaudhary	Kelash	Olseen	Sheran	

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

S.F. No. 2702 was then recommended to pass.

S.F. No. 214, which the committee recommends to pass with the following amendment offered by Senator Dille:

Page 11, after line 3, insert:

"Sec. 18. Minnesota Statutes 2009 Supplement, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated marriage. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the marriage application to the party who is unable to appear, who must verify the accuracy of the party's information in a notarized statement. The marriage license must not be released until the verification statement has been received by the local registrar. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (c), the local registrar

shall collect from the applicant a fee of \$110 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made may authorize the license to be issued at any time before expiration of the five-day period required under paragraph (a). A waiver of the five-day waiting period must be in the following form:

STATE OF MINNESOTA, COUNTY OF (insert county name)

APPLICATION FOR WAIVER OF MARRIAGE LICENSE WAITING PERIOD:

..... (legal names of the applicants)

Represent and state as follows:

That on (date of application) the applicants applied to the local registrar of the above-named county for a license to marry.

That it is necessary that the license be issued before the expiration of five days from the date of the application by reason of the following: (insert reason for requesting waiver of waiting period)

.....
.....
.....

WHEREAS, the applicants request that the judge waive the required five-day waiting period and the local registrar be authorized and directed to issue the marriage license immediately.

Date:

.....
.....

(Signatures of applicants)

Acknowledged before me on this day of

.....

NOTARY PUBLIC

COURT ORDER AND AUTHORIZATION:

STATE OF MINNESOTA, COUNTY OF (insert county name)

After reviewing the above application, I am satisfied that an emergency or extraordinary circumstance exists that justifies the issuance of the marriage license before the expiration of five days from the date of the application. IT IS HEREBY ORDERED that the local registrar is authorized and directed to issue the license forthwith.

.....
..... (judge of district court)
..... (date).

(c) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the marriage license a statement that is signed, dated, and notarized or marked with a church seal, statement from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(d) The statement from the person who provided the premarital education under paragraph (b) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(e) If section 259.13 applies to the request for a marriage license, the local registrar shall grant the marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request."

Renumber the sections in sequence and correct the internal references
Amend the title accordingly
The motion prevailed. So the amendment was adopted.

H.F. No. 3106, which the committee recommends to pass with the following amendments offered by Senators Murphy, Latz and Ortman:

Senator Murphy moved to amend H.F. No. 3106, as amended pursuant to Rule 45, adopted by the Senate April 28, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2741.)

Page 13, after line 31, insert:

"Subd. 7. **Venue.** In addition to the provisions of Rule 24 of the rules of Criminal Procedure and section 627.01, a violation of subdivision 6 or section 171.09, subdivision 1, paragraph (e), may be prosecuted in:

- (1) the county in which the vehicle involved in the offense is found;
- (2) the county in which the accused resides;
- (3) any county through which the vehicle traveled in the course of the trip during or after which the offense was committed; or
- (4) the county in which the impaired driving incident occurred, which resulted in the accused being issued a driver's license with an ignition interlock restriction."

Page 13, line 32, delete "7" and insert "8"

Page 14, line 1, delete "6" and insert "7" and delete "Subdivision 7" and insert "Subdivision 8"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 3106, as amended pursuant to Rule 45, adopted by the Senate April 28, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2741.)

Page 7, line 5, before the period, insert "within 30 days following service of the Notice of Seizure and Intent to Forfeit under this section"

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 3106, as amended pursuant to Rule 45, adopted by the Senate April 28, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2741.)

Page 13, line 28, delete the period and insert "except when the action was taken for"

Page 13, delete line 29

The motion prevailed. So the amendment was adopted.

Senator Latz moved to amend the second Murphy amendment to H.F. No. 3106, adopted by the Senate May 3, 2010, as follows:

Page 1, line 4, delete "30" and insert "60"

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend H.F. No. 3106, as amended pursuant to Rule 45, adopted by the Senate April 28, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2741.)

Page 10, line 30, after "certification" insert "; manufacturer requirements"

Page 11, line 2, delete everything after "to" and insert a colon

Page 11, delete lines 3 and 4 and insert:

"(1) provide device installation, servicing, and monitoring to indigent program participants at a discounted rate, according to the standards established by the commissioner; and

(2) include in an ignition interlock device contract a provision that if a program participant does not pay for servicing and monitoring costs incurred during the time the device is installed on the motor vehicle, the manufacturer may require that the device be removed from the motor vehicle but may not recover from the program participant, through a civil judgment or otherwise, any servicing or monitoring costs."

The motion prevailed. So the amendment was adopted.

S.F. No. 3019, which the committee recommends to pass with the following amendments offered by Senators Kubly, Tomassoni and Sheran:

Senator Kubly moved to amend S.F. No. 3019 as follows:

Page 2, line 3, delete "for a payment rate" and insert "to select an operating payment rate, with a weight of 1.00,"

Page 2, line 4, after the period, insert "The rates for the other RUG's levels shall be computed as provided under subdivision 54."

Page 2, line 18, after "54" insert ", paragraph (a)," and delete "rate" and insert "rates" and after "paid" insert "without application of this subdivision"

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 3019 as follows:

Page 1, line 10, after "own" insert "the physical plant or are the license holder of"

Page 1, line 24, delete "owned" and insert "whose physical plant is owned or whose license is held"

Page 2, line 2, delete "Publicly"

Page 2, line 3, delete "owned"

Page 2, line 15, after "owns" insert "the physical plant or is the license holder of"

The motion prevailed. So the amendment was adopted.

Senator Sheran moved to amend S.F. No. 3019 as follows:

Page 2, after line 27, insert:

"Sec. 3. Minnesota Statutes 2009 Supplement, section 256B.69, subdivision 23, is amended to read:

Subd. 23. **Alternative services; elderly and disabled persons.** (a) The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly persons and persons with disabilities as defined in section 256B.77, subdivision 7a, that provide increased coordination, improve access to quality services, and mitigate future cost increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations and may contract with Medicare-approved special needs plans to provide Medicaid services. Medicare funds and services shall be administered according to the terms and conditions of the federal contract and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are subject to subdivisions 1 to 22. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to persons enrolling in demonstrations under this section. An initial open enrollment period may be provided. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under these demonstrations and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under this section who fail to make a choice of health plan shall not be randomly assigned to health plans under these demonstrations. Notwithstanding section 256L.12, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1, item A, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations, including counties, to serve only elderly persons eligible for medical assistance, elderly and disabled persons, or disabled persons only. For persons with a primary diagnosis of developmental disability, serious and persistent mental illness, or serious emotional disturbance, the commissioner must ensure that the county authority has approved the demonstration and contracting design. Enrollment in these projects for persons with disabilities shall be voluntary. The commissioner shall not implement any demonstration project under this subdivision for persons with a primary diagnosis of developmental disabilities, serious and persistent mental illness, or serious emotional disturbance, without approval of the county board of the county in which the demonstration is being implemented.

(b) Notwithstanding chapter 245B, sections 252.40 to 252.46, 256B.092, 256B.501 to 256B.5015, and Minnesota Rules, parts 9525.0004 to 9525.0036, 9525.1200 to 9525.1330, 9525.1580, and 9525.1800 to 9525.1930, the commissioner may implement under this section projects for persons with developmental disabilities. The commissioner may capitate payments for ICF/MR services, waived services for developmental disabilities, including case management services, day training and habilitation and alternative active treatment services, and other services as approved by the state and by the federal government. Case management and active treatment must be individualized and developed in accordance with a person-centered plan. Costs under these projects may not exceed costs that would have been incurred under fee-for-service. Beginning July

1, 2003, and until four years after the pilot project implementation date, subcontractor participation in the long-term care developmental disability pilot is limited to a nonprofit long-term care system providing ICF/MR services, home and community-based waiver services, and in-home services to no more than 120 consumers with developmental disabilities in Carver, Hennepin, and Scott Counties. The commissioner shall report to the legislature prior to expansion of the developmental disability pilot project. This paragraph expires four years after the implementation date of the pilot project.

(c) Before implementation of a demonstration project for disabled persons, the commissioner must provide information to appropriate committees of the house of representatives and senate and must involve representatives of affected disability groups in the design of the demonstration projects.

(d) A nursing facility reimbursed under the alternative reimbursement methodology in section 256B.434 may, in collaboration with a hospital, clinic, or other health care entity provide services under paragraph (a). The commissioner shall amend the state plan and seek any federal waivers necessary to implement this paragraph.

(e) The commissioner, in consultation with the commissioners of commerce and health, may approve and implement programs for all-inclusive care for the elderly (PACE) according to federal laws and regulations governing that program and state laws or rules applicable to participating providers. ~~The process for approval of these programs shall begin only after the commissioner receives grant money in an amount sufficient to cover the state share of the administrative and actuarial costs to implement the programs during state fiscal years 2006 and 2007. Grant amounts for this purpose shall be deposited in an account in the special revenue fund and are appropriated to the commissioner to be used solely for the purpose of PACE administrative and actuarial costs.~~ A PACE provider is not required to be licensed or certified as a health plan company as defined in section 62Q.01, subdivision 4. Persons age 55 and older who have been screened by the county and found to be eligible for services under the elderly waiver or community alternatives for disabled individuals or who are already eligible for Medicaid but meet level of care criteria for receipt of waiver services may choose to enroll in the PACE program. Medicare and Medicaid services will be provided according to this subdivision and federal Medicare and Medicaid requirements governing PACE providers and programs. PACE enrollees will receive Medicaid home and community-based services through the PACE provider as an alternative to services for which they would otherwise be eligible through home and community-based waiver programs and Medicaid State Plan Services. The commissioner shall establish Medicaid rates for PACE providers that do not exceed costs that would have been incurred under fee-for-service or other relevant managed care programs operated by the state.

(f) The commissioner shall seek federal approval to expand the Minnesota disability health options (MnDHO) program established under this subdivision in stages, first to regional population centers outside the seven-county metro area and then to all areas of the state. Until July 1, 2009, expansion for MnDHO projects that include home and community-based services is limited to the two projects and service areas in effect on March 1, 2006. Enrollment in integrated MnDHO programs that include home and community-based services shall remain voluntary. Costs for home and community-based services included under MnDHO must not exceed costs that would have been incurred under the fee-for-service program. Notwithstanding whether expansion occurs under this paragraph, in determining MnDHO payment rates and risk adjustment methods for contract years starting in 2012, the commissioner must consider the methods used to determine county

allocations for home and community-based program participants. If necessary to reduce MnDHO rates to comply with the provision regarding MnDHO costs for home and community-based services, the commissioner shall achieve the reduction by maintaining the base rate for contract years 2010 and 2011 for services provided under the community alternatives for disabled individuals waiver at the same level as for contract year 2009. The commissioner may apply other reductions to MnDHO rates to implement decreases in provider payment rates required by state law. In developing program specifications for expansion of integrated programs, the commissioner shall involve and consult the state-level stakeholder group established in subdivision 28, paragraph (d), including consultation on whether and how to include home and community-based waiver programs. Plans for further expansion of MnDHO projects shall be presented to the chairs of the house of representatives and senate committees with jurisdiction over health and human services policy and finance by February 1, 2007.

(g) Notwithstanding section 256B.0261, health plans providing services under this section are responsible for home care targeted case management and relocation targeted case management. Services must be provided according to the terms of the waivers and contracts approved by the federal government.

Sec. 4. APPROPRIATIONS.

Subdivision 1. **Community service development reduction.** The appropriation in Laws 2009, chapter 79, article 13, section 3, subdivision 8, paragraph (a), for community service development grants, as amended by Laws 2009, chapter 173, article 2, section 1, subdivision 8, paragraph (a), is reduced by \$154,000 in fiscal year 2011. The appropriation base is reduced by \$139,000 for fiscal year 2012 and \$0 for fiscal year 2013. Notwithstanding any law or rule to the contrary, this provision expires June 30, 2012.

Subd. 2. **Health care administration; PACE implementation funding.** For fiscal year 2011, \$145,000 is appropriated from the general fund to the commissioner of human services to complete the actuarial and administrative work necessary to begin the operation of PACE under Minnesota Statutes, section 256B.69, subdivision 23, paragraph (e). Base level funding for this activity shall be \$130,000 in fiscal year 2012 and \$0 in fiscal year 2013.

Subd. 3. **Continuing care management; PACE implementation funding.** For fiscal year 2011, \$111,000 is appropriated from the general fund to the commissioner of human services to complete the actuarial and administrative work necessary to begin the operation of PACE under Minnesota Statutes, section 256B.69, subdivision 23, paragraph (e). Base level funding for this activity shall be \$101,000 in fiscal year 2012 and \$0 in fiscal year 2013. For fiscal year 2013 and beyond, the commissioner must work with stakeholders to develop financing mechanisms to complete the actuarial and administrative costs of PACE. The commissioner shall inform the chairs and ranking minority members of the legislative committees with jurisdiction over health care funding by January 15, 2011, on progress to develop financing mechanisms."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2900, which the committee recommends to pass with the following amendments offered

by Senators Frederickson, Dille, Chaudhary, Limmer, Saxhaug, Robling and Parry:

Senator Frederickson moved to amend S.F. No. 2900 as follows:

Page 38, line 22, delete "and" and after "subdivision 3" insert "; and 97C.346"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 2900 as follows:

Page 27, delete section 51 and insert:

"Sec. 51. Minnesota Statutes 2008, section 97B.031, subdivision 5, is amended to read:

Subd. 5. **Scopes; visually impaired hunters on muzzleloaders.** ~~(a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to~~ A person may use a muzzleloader with a scope with up to four times magnification capability to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

~~(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.~~

~~(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.~~

~~(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.~~

~~(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.~~

~~(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor."~~

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Betzold	Erickson Ropes	Koch	Olseen	Saltzman
Bonoff	Fischbach	Koering	Olson, M.	Saxhaug
Carlson	Fobbe	Latz	Ortman	Scheid
Chaudhary	Gerlach	Limmer	Pappas	Sheran
Clark	Gimse	Michel	Parry	Skogen
Dahle	Hann	Moua	Pogemiller	Stumpf
Dille	Ingebrigtsen	Murphy	Rest	Torres Ray

Vandeveer

Vickerman

Wiger

Those who voted in the negative were:

Anderson
Bakk
Berglin
Cohen
Dibble

Foley
Frederickson
Higgins
Jungbauer
Kelash

Kubly
Langseth
Marty
Olson, G.
Pariseau

Prettner Solon
Robling
Rosen
Rummel
Senjem

Sieben
Skoe
Sparks
Tomassoni

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 2900 as follows:

Page 37, delete lines 8 to 11

Page 37, line 12, delete "(4)" and insert "(2)"

Page 37, line 15, delete "(5)" and insert "(3)"

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 2900 as follows:

Page 36, after line 22, insert:

"Sec. 71. Minnesota Statutes 2009 Supplement, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 15 to March 31;

(4) for the winter season for lake trout on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 to March 31;

(5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2;

(6) for the winter season for brown trout, brook trout, rainbow trout, and splake on all lakes, from January 15 to March 31; and

(7) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

(c) The commissioner shall close the season for taking smallmouth bass until the Monday following the third Sunday in June each year in the following areas:

(1) that part of the Rum River from the city of Anoka dam to the confluence with the Mississippi River;

(2) that part of Elm Creek below the Mill Pond Falls to the confluence with the Mississippi River;

(3) that part of the Mississippi River within 100 yards both upstream and downstream of the shoreline of Elm Creek at its confluence with the Mississippi River; and

(4) that part of the Mississippi River from the Coon Rapids Dam to State Highway No. 610."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saxhaug moved to amend S.F. No. 2900 as follows:

Page 37, delete section 72 and insert:

"Sec. 72. **RULEMAKING; SPEARING ON CASS LAKE.**

The commissioner of natural resources shall amend Minnesota Rules, part 6264.0400, subpart 69, to allow a person to take fish by spearing on Cass Lake. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, to adopt rules under this section, and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 2900 as follows:

Page 18, after line 3, insert:

"(b) A person age ten or 11 may take big game if the person is under the direct supervision of a parent or guardian and the parent or guardian is within immediate reach. A person under age ten is not eligible to obtain a big game license and may not take big game."

Page 18, line 4, strike "(b)" and insert "(c)"

The motion prevailed. So the amendment was adopted.

Senator Parry moved to amend S.F. No. 2900 as follows:

Page 20, delete sections 38 and 39

Page 21, delete section 40

Page 22, delete section 43

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Koering	Pariseau	Sparks
Bakk	Foley	Langseth	Parry	Stumpf
Berglin	Frederickson	Limmer	Rest	Tomassoni
Betzold	Gerlach	Lynch	Rosen	Vandever
Bonoff	Gimse	Metzen	Rummel	Vickerman
Carlson	Hann	Michel	Saltzman	Wiger
Clark	Higgins	Olseen	Senjem	
Dahle	Jungbauer	Olson, G.	Sheran	
Erickson Ropes	Kelash	Ortman	Sieben	
Fischbach	Koch	Pappas	Skoe	

Those who voted in the negative were:

Chaudhary	Ingebrigtsen	Marty	Pogemiller	Scheid
Cohen	Kubly	Moua	Prettner Solon	Skogen
Dibble	Latz	Murphy	Robling	Torres Ray
Dille	Lourey	Olson, M.	Saxhaug	

The motion prevailed. So the amendment was adopted.

S.F. No. 2900 was then recommended to pass.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2855 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2855

A bill for an act relating to human services; making changes to children and family services technical and policy provisions; Minnesota family investment program and adult supports; early childhood development; child welfare; amending Minnesota Statutes 2008, sections 119B.189, by adding subdivisions; 119B.19, subdivision 7; 119B.21, as amended; 245A.04, subdivision 11; 256.01, by adding a subdivision; 256.046, subdivision 1; 256.82, subdivision 3; 256.98, subdivision 8; 256J.24, subdivisions 3, 5a, 10; 256J.37, subdivision 3a; 256J.425, subdivision 5; 260C.007, subdivision 4; 260C.193, subdivision 6; 260C.201, subdivision 10; 260C.451; 626.556, subdivision 10; Minnesota Statutes 2009 Supplement, sections 256D.44, subdivision 3; 256J.24, subdivision 5; 256J.425, subdivision 2; 256J.521, subdivision 2; 256J.561, subdivision 3; 256J.66, subdivision 1; 256J.95, subdivisions 3, 11; 260.012; 260C.212, subdivision 7; repealing Minnesota Statutes 2008, section 256.82, subdivision 5; Minnesota Rules, part 9560.0660.

April 19, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2855 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2855 be further amended as follows:

Page 10, line 34, reinstate the stricken "meet" and delete "be referred to" and insert "with an"

Page 11, line 1, after "services" insert "job counselor"

Page 13, line 6, strike "within ten working days after" and insert "in the month after the month"

Page 13, line 10, reinstate the stricken "must be tailored to recognize"

Page 13, line 11, reinstate the stricken "the caregiving needs of the parent"

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

Senate Conferees: Patricia Torres Ray, Julie Rosen, Sharon Erickson Ropes

House Conferees: Jeff Hayden, Paul Rosenthal, Tim Kelly

Senator Torres Ray moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2855 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2855 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandev eer

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2713 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2713

A bill for an act relating to human services; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, section 253B.07, subdivision 2b.

April 20, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2713 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2713 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1a, is amended to read:

Subd. 1a. ~~Client~~ **Civilly committed sex offender.** "~~Client~~" "Civilly committed sex offender" means a person who is admitted to the Minnesota sex offender program ~~or subject to a court hold order~~ under section 253B.185 for the purpose of assessment, diagnosis, care, treatment, supervision, or other services provided by the Minnesota sex offender program.

Sec. 2. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1b, is amended to read:

Subd. 1b. ~~Client's~~ **Civilly committed sex offender's county.** "~~Client's~~" "Civilly committed sex offender's county" means the county of the ~~client's~~ civilly committed sex offender's legal settlement for poor relief purposes at the time of commitment. If the ~~client~~ civilly committed sex offender has no legal settlement for poor relief in this state, it means the county of commitment, except that when a ~~client~~ civilly committed sex offender with no legal settlement for poor relief is committed while serving a sentence at a penal institution, it means the county from which the ~~client~~ civilly committed sex offender was sentenced.

Sec. 3. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2a, is amended to read:

Subd. 2a. **Community preparation services.** Community preparation services are specialized

residential services or programs operated or administered by the Minnesota sex offender program outside of a secure treatment facility. Community preparation services are designed to assist clients civilly committed sex offenders in developing the appropriate skills and resources necessary for an eventual successful reintegration into a community. A client civilly committed sex offender may be placed in community preparation services only upon an order of the judicial appeal panel under section 253B.19.

Sec. 4. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2d, is amended to read:

Subd. 2d. **Local social services agency.** "Local social services agency" means the local social services agency of the client's civilly committed sex offender's county as defined in subdivision 1b and of the county of commitment, and any other local social services agency possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a client civilly committed sex offender.

Sec. 5. Minnesota Statutes 2009 Supplement, section 246B.02, is amended to read:

246B.02 ESTABLISHMENT OF MINNESOTA SEX OFFENDER PROGRAM.

The commissioner of human services shall establish and maintain the Minnesota sex offender program. The program shall provide specialized sex offender assessment, diagnosis, care, treatment, supervision, and other services to clients civilly committed sex offenders as defined in section 246B.01, subdivision 1a. Services may include specialized programs at secure treatment facilities as defined in section 253B.02, subdivision 18a, consultative services, aftercare services, community-based services and programs, transition services, or other services consistent with the mission of the Department of Human Services.

Sec. 6. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 2, is amended to read:

Subd. 2. **Minnesota sex offender program evaluation.** (a) The commissioner shall contract with national sex offender experts to evaluate the sex offender treatment program. The consultant group shall consist of four national experts, including:

(1) three experts who are licensed psychologists, psychiatrists, clinical therapists, or other mental health treatment providers with established and recognized training and experience in the assessment and treatment of sexual offenders; and

(2) one nontreatment professional with relevant training and experience regarding the oversight or licensing of sex offender treatment programs or other relevant mental health treatment programs.

(b) These experts shall, in consultation with the executive clinical director of the sex offender treatment program:

(1) review and identify relevant information and evidence-based best practices and methodologies for effectively assessing, diagnosing, and treating clients civilly committed sex offenders;

(2) on at least an annual basis, complete a site visit and comprehensive program evaluation that may include a review of program policies and procedures to determine the program's level

of compliance, address specific areas of concern brought to the panel's attention by the executive clinical director or executive director, offer recommendations, and complete a written report of its findings to the executive director and clinical director; and

(3) in addition to the annual site visit and review, provide advice, input, and assistance as requested by the executive clinical director or executive director.

(c) The commissioner or commissioner's designee shall enter into contracts as necessary to fulfill the responsibilities under this subdivision.

Sec. 7. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 3, is amended to read:

Subd. 3. **Client Civilly committed sex offender grievance resolution process.** (a) The executive director shall establish a grievance policy and related procedures that address and attempt to resolve ~~client~~ client civilly committed sex offender concerns and complaints. The grievance resolution process must include procedures for assessing or investigating a ~~client's~~ client's civilly committed sex offender's concerns or complaints, for attempting to resolve issues informally, and for appealing for a review and determination by the executive director or designee.

(b) Any ~~client~~ client civilly committed sex offender who believes a right that is applicable to a ~~client~~ an individual under section 144.651 has been violated may file a grievance under paragraph (a) and attempt to resolve the issue internally, or by a complaint with the Minnesota Department of Health, Office of Health Facility Complaints, or both. Complaints filed with the Office of Health Facility Complaints under this paragraph must be processed according to section 144.652.

Sec. 8. Minnesota Statutes 2009 Supplement, section 246B.04, subdivision 3, is amended to read:

Subd. 3. **Access to data.** The Minnesota sex offender program shall have access to private data contained in the statewide supervision system under section 241.065, as necessary for the administration and management of current ~~Minnesota sex offender clients~~ client civilly committed sex offenders for the purposes of admissions, treatment, security, and supervision. The program shall develop a policy to allow individuals who conduct assessment, develop treatment plans, oversee security, or develop reintegration plans to have access to the data. The commissioner of corrections shall conduct periodic audits to determine whether the policy is being followed.

Sec. 9. Minnesota Statutes 2009 Supplement, section 246B.05, subdivision 1, is amended to read:

Subdivision 1. **Vocational work program option.** The commissioner of human services shall develop a vocational work program for persons admitted to the Minnesota sex offender program. The ~~vocation~~ vocational work program is an extension of therapeutic treatment in order for ~~clients~~ client civilly committed sex offenders to learn valuable work skills and work habits while contributing to their cost of care. The vocational work program may include work maintaining the center or work that is brought to the center by an outside source. The earnings generated from the vocational work program must be deposited into the account created in subdivision 2.

Sec. 10. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** (a) The commissioner of human services may establish, equip, maintain, and operate a vocational work program at any Minnesota sex offender program facility under this chapter. The commissioner may establish vocational activities for sex offender treatment ~~clients~~ for civilly committed sex offenders as the commissioner deems necessary and suitable to the meaningful work skills training, educational training, and development of proper work habits and extended treatment services for ~~clients~~ civilly committed sex offenders consistent with the requirements in section 246B.05. The industrial and commercial activities authorized by this section are designated Minnesota State Industries and must be for the primary purpose of sustaining and ensuring Minnesota State Industries' self-sufficiency, providing educational training, meaningful employment, and the teaching of proper work habits to the ~~patients of individuals~~ in the Minnesota sex offender program under this chapter, and not solely as competitive business ventures.

(b) The net profits from the vocational work program must be used for the benefit of the ~~clients~~ civilly committed sex offenders as it relates to building education and self-sufficiency skills. Prior to the establishment of any vocational activity, the commissioner of human services shall consult with stakeholders including representatives of business, industry, organized labor, the commissioner of education, the state Apprenticeship Council, the commissioner of labor and industry, the commissioner of employment and economic development, the commissioner of administration, and other stakeholders the commissioner deems qualified. The purpose of the stakeholder consultation is to determine the quantity and nature of the goods, wares, merchandise, and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and educational training of the ~~clients~~ civilly committed sex offenders, and with the best interests of the state, business, industry, and labor.

(c) The commissioner of human services shall, at all times in the conduct of any vocational activity authorized by this section, utilize ~~client~~ civilly committed sex offender labor to the greatest extent feasible, provided that the commissioner may employ all administrative, supervisory, and other skilled workers necessary to the proper instruction of the ~~clients~~ civilly committed sex offenders and the efficient operation of the vocational activities authorized by this section.

(d) The commissioner of human services may authorize the director of any Minnesota sex offender treatment facility under the commissioner's control to accept work projects from outside sources for processing, fabrication, or repair, provided that preference is given to the performance of work projects for state departments and agencies.

Sec. 11. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 6, is amended to read:

Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the contrary, the commissioner of human services has the discretion to set the pay rate for ~~clients~~ individuals participating in the vocational work program. The commissioner has the authority to retain up to 50 percent of any payments made to ~~a client~~ an individual participating in the vocational work program for the purpose of reducing state costs associated with operating the Minnesota sex offender program.

Sec. 12. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 7, is amended to read:

Subd. 7. **Status of ~~clients~~ civily committed sex offenders.** ~~Clients~~ Civily committed sex offenders participating in the vocational work program are not employees of the Minnesota sex offender program, the Department of Human Services, or the state, and are not subject to fair labor standards under sections 177.21 to 177.35; workers compensation under sections 176.011 to 176.862; the Minnesota Human Rights Act under sections 363A.001 to 363A.41; laws governing state employees under chapter 43A; labor relations under chapter 179A; or the successors to any of these sections and any other laws pertaining to employees and employment.

Sec. 13. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 8, is amended to read:

Subd. 8. **Claims.** Claims and demands arising out of injury to or death of a ~~client~~ civily committed sex offender while that ~~client~~ individual is participating in the vocational work program or performing a work assignment maintaining the facility must be presented to, heard, and determined exclusively by the legislature as provided in section 3.738.

Sec. 14. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** The commissioner shall determine or redetermine, if necessary, what amount of the cost of care, if any, the ~~client~~ civily committed sex offender is able to pay. The ~~client~~ civily committed sex offender shall provide to the commissioner documents and proof necessary to determine the ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the ~~client~~ civily committed sex offender liable for the full cost of care until the time when sufficient information is provided.

Sec. 15. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 2, is amended to read:

Subd. 2. **Rules.** The commissioner shall use the standards in section 246.51, subdivision 2, to determine the ~~client's~~ civily committed sex offender's liability for the care provided by the Minnesota sex offender program.

Sec. 16. Minnesota Statutes 2009 Supplement, section 246B.08, is amended to read:

246B.08 PAYMENT FOR CARE; ORDER; ACTION.

The commissioner shall issue an order to the ~~client~~ civily committed sex offender or the guardian of the estate, if there is one, requiring the ~~client~~ civily committed sex offender or guardian to pay to the state the amounts determined, the total of which must not exceed the full cost of care. The order must specifically state the commissioner's determination and must be conclusive, unless appealed. If a ~~client~~ civily committed sex offender fails to pay the amount due, the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, a civil action to recover the amount.

Sec. 17. Minnesota Statutes 2009 Supplement, section 246B.09, is amended to read:

246B.09 CLAIM AGAINST ESTATE OF DECEASED-CLIENT-CIVILY COMMITTED SEX OFFENDER.

Subdivision 1. **Client's Estate of a civily committed sex offender.** Upon the death of a ~~client~~

civily committed sex offender, or a former client civily committed sex offender, the total cost of care provided to the client individual, less the amount actually paid toward the cost of care by the client civily committed sex offender, must be filed by the commissioner as a claim against the estate of the client civily committed sex offender with the court having jurisdiction to probate the estate, and all proceeds collected by the state in the case must be divided between the state and county in proportion to the cost of care each has borne.

Subd. 2. **Preferred status.** An estate claim in subdivision 1 must be considered an expense of the last illness for purposes of section 524.3-805.

If the commissioner determines that the property or estate of a client civily committed sex offender is not more than needed to care for and maintain the spouse and minor or dependent children of a deceased client civily committed sex offender, the commissioner has the power to compromise the claim of the state in a manner deemed just and proper.

Subd. 3. **Exception from statute of limitations.** Any statute of limitations that limits the commissioner in recovering the cost of care obligation incurred by a client civily committed sex offender or former client civily committed sex offender must not apply to any claim against an estate made under this section to recover cost of care.

Sec. 18. Minnesota Statutes 2009 Supplement, section 246B.10, is amended to read:

246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.

The client's civily committed sex offender's county shall pay to the state a portion of the cost of care provided in the Minnesota sex offender program to a client civily committed sex offender who has legally settled in that county. A county's payment must be made from the county's own sources of revenue and payments must equal ten percent of the cost of care, as determined by the commissioner, for each day or portion of a day, that the client civily committed sex offender spends at the facility. If payments received by the state under this chapter exceed 90 percent of the cost of care, the county is responsible for paying the state the remaining amount. The county is not entitled to reimbursement from the client civily committed sex offender, the client's civily committed sex offender's estate, or from the client's civily committed sex offender's relatives, except as provided in section 246B.07.

Sec. 19. Minnesota Statutes 2008, section 253B.05, subdivision 1, is amended to read:

Subdivision 1. **Emergency hold.** (a) Any person may be admitted or held for emergency care and treatment in a treatment facility, except to a facility operated by the Minnesota sex offender program, with the consent of the head of the treatment facility upon a written statement by an examiner that:

(1) the examiner has examined the person not more than 15 days prior to admission;

(2) the examiner is of the opinion, for stated reasons, that the person is mentally ill, developmentally disabled, or chemically dependent, and is in danger of causing injury to self or others if not immediately detained; and

(3) an order of the court cannot be obtained in time to prevent the anticipated injury.

(b) If the proposed patient has been brought to the treatment facility by another person, the examiner shall make a good faith effort to obtain a statement of information that is available from

that person, which must be taken into consideration in deciding whether to place the proposed patient on an emergency hold. The statement of information must include, to the extent available, direct observations of the proposed patient's behaviors, reliable knowledge of recent and past behavior, and information regarding psychiatric history, past treatment, and current mental health providers. The examiner shall also inquire into the existence of health care directives under chapter 145, and advance psychiatric directives under section 253B.03, subdivision 6d.

(c) The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If danger to specific individuals is a basis for the emergency hold, the statement must identify those individuals, to the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

Sec. 20. Minnesota Statutes 2008, section 253B.07, subdivision 2b, is amended to read:

Subd. 2b. **Apprehend and hold orders.** The court may order the treatment facility to hold the person in a treatment facility or direct a health officer, peace officer, or other person to take the proposed patient into custody and transport the proposed patient to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

(1) there has been a particularized showing by the petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.05 and a request for a petition for commitment has been filed.

The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Where possible, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle. Except as provided in section 253B.045, subdivision 1a, in the case of an individual on a judicial hold due to a petition for civil commitment under section 253B.185, assignment of custody during the hold is to the commissioner of human services. The commissioner is responsible for determining the appropriate placement within a secure treatment facility under the authority of the commissioner.

Sec. 21. Minnesota Statutes 2008, section 253B.10, subdivision 5, is amended to read:

Subd. 5. **Transfer to voluntary status.** At any time prior to the expiration of the initial commitment period, a patient who has not been committed as mentally ill and dangerous to the public or as a sexually dangerous person or as a sexual psychopathic personality may be transferred to voluntary status upon the patient's application in writing with the consent of the head of the facility. Upon transfer, the head of the treatment facility shall immediately notify the court in writing and the court shall terminate the proceedings.

Sec. 22. Minnesota Statutes 2009 Supplement, section 253B.14, is amended to read:

253B.14 TRANSFER OF COMMITTED PERSONS.

The commissioner may transfer any committed person, other than a person committed as mentally ill and dangerous to the public, or as a sexually dangerous person or as a sexual psychopathic personality, from one regional treatment center to any other treatment facility under the commissioner's jurisdiction which is capable of providing proper care and treatment. When a committed person is transferred from one treatment facility to another, written notice shall be given to the committing court, the county attorney, the patient's counsel, and to the person's parent, health care agent, or spouse or, if none is known, to an interested person, and the designated agency.

Sec. 23. Minnesota Statutes 2008, section 253B.15, subdivision 1, is amended to read:

Subdivision 1. **Provisional discharge.** The head of the treatment facility may provisionally discharge any patient without discharging the commitment, unless the patient was found by the committing court to be a person who is mentally ill and dangerous to the public, or a sexually dangerous person or a sexual psychopathic personality.

Each patient released on provisional discharge shall have a written aftercare plan developed which specifies the services and treatment to be provided as part of the aftercare plan, the financial resources available to pay for the services specified, the expected period of provisional discharge, the precise goals for the granting of a final discharge, and conditions or restrictions on the patient during the period of the provisional discharge. The aftercare plan shall be provided to the patient, the patient's attorney, and the designated agency.

The aftercare plan shall be reviewed on a quarterly basis by the patient, designated agency and other appropriate persons. The aftercare plan shall contain the grounds upon which a provisional discharge may be revoked. The provisional discharge shall terminate on the date specified in the plan unless specific action is taken to revoke or extend it.

Sec. 24. Minnesota Statutes 2008, section 253B.18, subdivision 4a, is amended to read:

Subd. 4a. **Release on pass; notification.** A patient who has been committed as a person who is mentally ill and dangerous and who is confined at a secure treatment facility or has been transferred out of a state-operated services facility according to section 253B.18, subdivision 6, shall not be released on a pass unless the pass is part of a pass plan that has been approved by the medical director of the secure treatment facility. The pass plan must have a specific therapeutic purpose consistent with the treatment plan, must be established for a specific period of time, and must have specific levels of liberty delineated. The county case manager must be invited to participate in the development of the pass plan. At least ten days prior to a determination on the plan, the medical director shall notify the designated agency, the committing court, the county attorney of the county of commitment, an interested person, the local law enforcement agency where the facility is located, the county attorney and the local law enforcement agency in the location where the pass is to occur, the petitioner, and the petitioner's counsel of the plan, the nature of the passes proposed, and their right to object to the plan. If any notified person objects prior to the proposed date of implementation, the person shall have an opportunity to appear, personally or in writing, before the medical director, within ten days of the objection, to present grounds for opposing the plan. The pass plan shall not be implemented until the objecting person has been furnished that opportunity. Nothing in this subdivision shall be construed to give a patient an affirmative right to a pass plan.

Sec. 25. Minnesota Statutes 2008, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a) As used

in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or section 253B.185; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.185 that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section or section 253B.185 shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section or ~~section 253B.185~~ from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification by contacting, in writing, the county attorney in the county where the conviction for the crime occurred. A county attorney who receives a request for notification under this paragraph shall promptly forward the request to the commissioner of human services.

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253B.185, subdivision 10.

Sec. 26. Minnesota Statutes 2008, section 253B.185, is amended to read:

253B.185 SEXUAL PSYCHOPATHIC PERSONALITY; SEXUALLY DANGEROUS.

Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this section, the provisions of this chapter pertaining to persons who are mentally ill and dangerous to the public apply with like force and effect to persons who are alleged or found to be sexually dangerous persons or persons with a sexual psychopathic personality. For purposes of this section, "sexual psychopathic personality" includes any individual committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

(b) Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney may request a prepetition screening report. The petition is to be executed by a person having knowledge of the facts and filed with the committing court of the county in which the patient has a settlement or is present. If the patient is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered.

(c) Upon the filing of a petition alleging that a proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall hear the petition as provided in section 253B.18.

(d) In commitments under this section, the court shall commit the patient to a secure treatment facility unless the patient establishes by clear and convincing evidence that a less restrictive treatment program is available that is consistent with the patient's treatment needs and the requirements of public safety.

(e) After a determination that a patient is a sexually dangerous person or sexual psychopathic personality, the court shall order commitment for an indeterminate period of time and the patient shall be transferred, provisionally discharged, or discharged, only as provided in this section.

Subd. 1a. **Temporary confinement.** During any hearing held under this section, or pending emergency revocation of a provisional discharge, the court may order the patient or proposed patient temporarily confined in a jail or lockup but only if:

- (1) there is no other feasible place of confinement for the patient within a reasonable distance;
- (2) the confinement is for less than 24 hours or, if during a hearing, less than 24 hours prior to commencement and after conclusion of the hearing; and
- (3) there are protections in place, including segregation of the patient, to ensure the safety of the patient.

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235, subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13 or other state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, and upon notice to the proposed patient, the county attorney or the county attorney's designee may move the court for an order granting access to any records or data, to the extent it relates to the proposed patient, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition.

The court may grant the motion if: (1) the Department of Corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or (2) upon a showing that the requested category of data or records may be relevant to the determination by the county attorney or designee. The court shall decide a motion under this subdivision within 48 hours after a hearing on the motion. Notice to the proposed patient need not be given upon a showing that such notice may result in harm or harassment of interested persons or potential witnesses.

Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this section may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, for

the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition. At the time of the request for the records, the county attorney shall provide notice of the request to the person who is the subject of the records.

Data collected pursuant to this subdivision shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

Subd. 2. Transfer to correctional facility. (a) If a person has been committed under this section and later is committed to the custody of the commissioner of corrections for any reason, including but not limited to, being sentenced for a crime or revocation of the person's supervised release or conditional release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to a facility designated by the commissioner of corrections without regard to the procedures provided in ~~section 253B.18~~ subdivision 11.

(b) If a person is committed under this section after a commitment to the commissioner of corrections, the person shall first serve the sentence in a facility designated by the commissioner of corrections. After the person has served the sentence, the person shall be transferred to a treatment program designated by the commissioner of human services.

Subd. 3. Not to constitute defense. The existence in any person of a condition of a sexual psychopathic personality or the fact that a person is a sexually dangerous person shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge.

Subd. 4. Statewide judicial panel; commitment proceedings. (a) The Supreme Court may establish a panel of district judges with statewide authority to preside over commitment proceedings of sexual psychopathic personalities and sexually dangerous persons. Only one judge of the panel is required to preside over a particular commitment proceeding. Panel members shall serve for one-year terms. One of the judges shall be designated as the chief judge of the panel, and is vested with the power to designate the presiding judge in a particular case, to set the proper venue for the proceedings, and to otherwise supervise and direct the operation of the panel. The chief judge shall designate one of the other judges to act as chief judge whenever the chief judge is unable to act.

(b) If the Supreme Court creates the judicial panel authorized by this section, all petitions for civil commitment brought under subdivision 1 shall be filed with the supreme court instead of with the district court in the county where the proposed patient is present, notwithstanding any provision of subdivision 1 to the contrary. Otherwise, all of the other applicable procedures contained in this chapter apply to commitment proceedings conducted by a judge on the panel.

Subd. 5. Financial responsibility. (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the proposed patient is confined in such a facility pursuant to section 253B.045, subdivision 1a.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the

state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

~~Subd. 6. **Aftercare and case management.** The state, in collaboration with the designated agency, is responsible for arranging and funding the aftercare and case management services for persons under commitment as sexual psychopathic personalities and sexually dangerous persons discharged after July 1, 1999.~~

Subd. 7. Rights of patients committed under this section. (a) The commissioner or the commissioner's designee may limit the statutory rights described in paragraph (b) for patients committed to the Minnesota sex offender program under this section or with the commissioner's consent under section 246B.02. The statutory rights described in paragraph (b) may be limited only as necessary to maintain a therapeutic environment or the security of the facility or to protect the safety and well-being of patients, staff, and the public.

(b) The statutory rights that may be limited in accordance with paragraph (a) are those set forth in section 144.651, subdivision 19, personal privacy; section 144.651, subdivision 21, private communications; section 144.651, subdivision 22, retain and use of personal property; section 144.651, subdivision 25, manage personal financial affairs; section 144.651, subdivision 26, meet with visitors and participate in groups; section 253B.03, subdivision 2, correspond with others; and section 253B.03, subdivision 3, receive visitors and make telephone calls. Other statutory rights enumerated by sections 144.651 and 253B.03, or any other law, may be limited as provided in those sections.

Subd. 8. Petition and report required. (a) Within 120 days of receipt of a preliminary determination from a court under section 609.1351, or a referral from the commissioner of corrections pursuant to section 244.05, subdivision 7, a county attorney shall determine whether good cause under this section exists to file a petition, and if good cause exists, the county attorney or designee shall file the petition with the court.

(b) Failure to meet the requirements of paragraph (a) does not bar filing a petition under subdivision 1 any time the county attorney determines pursuant to subdivision 1 that good cause for such a petition exists.

~~(c) By February 1 of each year, the commissioner of human services shall annually report to the respective chairs of the divisions or committees of the senate and house of representatives that oversee human services finance regarding compliance with this subdivision.~~

Subd. 9. Petition for reduction in custody. (a) This subdivision applies only to committed persons as defined in paragraph (b). The procedures in section 253B.18, subdivision 5a, subdivision 10 for victim notification and right to submit a statement ~~under section 253B.18~~ apply to petitions filed and reductions in custody recommended under this subdivision.

(b) As used in this subdivision:

(1) "committed person" means an individual committed under this section, or under this section and under section 253B.18, as mentally ill and dangerous. It does not include persons committed only as mentally ill and dangerous under section 253B.18; and

(2) "reduction in custody" means transfer out of a secure treatment facility, a provisional discharge, or a discharge from commitment. A reduction in custody is considered to be a commitment proceeding under section 8.01.

(c) A petition for a reduction in custody or an appeal of a revocation of provisional discharge may be filed by either the committed person or by the head of the treatment facility and must be filed with and considered by a panel of the special review board authorized under section 253B.18, subdivision 4c. A committed person may not petition the special review board any sooner than six months following either:

(1) the entry of judgment in the district court of the order for commitment issued under section 253B.18, subdivision 3, or upon the exhaustion of all related appeal rights in state court relating to that order, whichever is later; or

(2) any recommendation of the special review board or order of the judicial appeal panel, or upon the exhaustion of all appeal rights in state court, whichever is later. ~~The medical director~~ head of the treatment facility may petition at any time. The special review board proceedings are not contested cases as defined in chapter 14.

(d) The special review board shall hold a hearing on each petition before issuing a recommendation under paragraph (f). Fourteen days before the hearing, the committing court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner and the petitioner's counsel, and the committed person and the committed person's counsel must be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The patient may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing.

(e) A person or agency receiving notice that submits documentary evidence to the special review board before the hearing must also provide copies to the committed person, the committed person's counsel, the county attorney of the county of commitment, the case manager, and the commissioner. The special review board must consider any statements received from victims under ~~section 253B.18, subdivision 5a~~ subdivision 10.

(f) Within 30 days of the hearing, the special review board shall issue written findings of fact and shall recommend denial or approval of the petition to the judicial appeal panel established under section 253B.19. The commissioner shall forward the recommendation of the special review board to the judicial appeal panel and to every person entitled to statutory notice. No reduction in custody or reversal of a revocation of provisional discharge recommended by the special review board is effective until it has been reviewed by the judicial appeal panel and until 15 days after an order from the judicial appeal panel affirming, modifying, or denying the recommendation.

Subd. 10. Victim notification of petition and release; right to submit statement. (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this section or section 253B.18; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.18, that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the head of the treatment facility or designee, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the head of the treatment facility. A county attorney who receives a request for notification under this paragraph shall promptly forward the request to the commissioner of human services.

(e) Rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18, subdivision 4a, 4b, or 5.

Subd. 11. **Transfer.** (a) A patient who is committed as a sexually dangerous person or sexual psychopathic personality shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to other treatment programs under the commissioner's control.

(b) The following factors must be considered in determining whether a transfer is appropriate:

(1) the person's clinical progress and present treatment needs;

(2) the need for security to accomplish continuing treatment;

(3) the need for continued institutionalization;

(4) which facility can best meet the person's needs; and

(5) whether transfer can be accomplished with a reasonable degree of safety for the public.

Subd. 12. **Provisional discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be provisionally discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and a recommendation by a majority of the special review board, that the patient is capable of making an acceptable adjustment to open society.

The following factors are to be considered in determining whether a provisional discharge shall be recommended:

(1) whether the patient's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the patient's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the patient to adjust successfully to the community.

Subd. 13. **Provisional discharge plan.** A provisional discharge plan shall be developed, implemented, and monitored by the head of the treatment facility or designee in conjunction with the patient and other appropriate persons. The head of the treatment facility or designee shall, at least quarterly, review the plan with the patient and submit a written report to the designated agency concerning the patient's status and compliance with each term of the plan.

Subd. 14. **Provisional discharge; review.** A provisional discharge pursuant to this section shall not automatically terminate. A full discharge shall occur only as provided in subdivision 18. The commissioner shall notify the patient that the terms of a provisional discharge continue unless the patient requests and is granted a change in the conditions of provisional discharge or unless the patient petitions the special review board for a full discharge and the discharge is granted by the judicial appeal panel.

Subd. 15. **Provisional discharge; revocation.** (a) The head of the treatment facility may revoke a provisional discharge if either of the following grounds exist:

(1) the patient has departed from the conditions of the provisional discharge plan; or

(2) the patient is exhibiting behavior which may be dangerous to self or others.

(b) The head of the treatment facility may revoke the provisional discharge and, either orally or in writing, order that the patient be immediately returned to the treatment facility. A report documenting reasons for revocation shall be issued by the head of the treatment facility within seven days after the patient is returned to the treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this section. The revocation report shall be served upon the patient, the patient's counsel, and the designated agency. The report shall outline the specific reasons for the revocation, including but not limited to the specific facts upon which the revocation recommendation is based.

(d) An individual who is revoked from provisional discharge must successfully re-petition the special review board and judicial appeal panel prior to being placed back on provisional discharge.

Subd. 16. **Return of absent patient.** If the patient is absent without authorization, the head of the treatment facility or designee may request a peace officer to return the patient to the treatment facility. The head of the treatment facility shall inform the committing court of the revocation or absence, and the court shall direct a peace officer in the county where the patient is located to return the patient to the treatment facility or to another treatment facility. The expense of returning the patient to a treatment facility shall be paid by the commissioner unless paid by the patient or other persons on the patient's behalf.

Subd. 17. **Appeal.** Any patient aggrieved by a revocation decision or any interested person may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The special review board may also recommend a new provisional discharge at the time of the revocation hearing.

Subd. 18. **Discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the patient is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of inpatient treatment and supervision.

In determining whether a discharge shall be recommended, the special review board and judicial appeal panel shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

Subd. 19. **Aftercare services.** The Minnesota sex offender program shall provide the supervision, aftercare, and case management services for a person under commitment as sexual psychopathic personalities and sexually dangerous persons discharged after July 1, 1999. The designated agency shall assist with client eligibility for public welfare benefits and will provide those services that are currently available exclusively through county government.

Prior to the date of discharge or provisional discharge of any patient committed as a sexual psychopathic personality or sexually dangerous person, the head of the treatment facility or designee shall establish a continuing plan of aftercare services for the patient, including a plan for medical and behavioral health services, financial sustainability, housing, social supports, or other assistance the patient needs. The Minnesota sex offender program shall provide case management services and shall assist the patient in finding employment, suitable shelter, and adequate medical and behavioral health services and otherwise assist in the patient's readjustment to the community.

Sec. 27. Minnesota Statutes 2008, section 253B.19, subdivision 2, is amended to read:

Subd. 2. Petition; hearing. (a) A person committed as mentally ill and dangerous to the public under section 253B.18, or the county attorney of the county from which the person was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the commissioner from which the appeal is taken. The petition must be filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The hearing must be held within

45 days of the filing of the petition unless an extension is granted for good cause.

(b) A person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185; the county attorney of the county from which the person was committed or the county of financial responsibility; or the commissioner may petition the judicial appeal panel for a rehearing and reconsideration of a decision of the special review board under section 253B.185, subdivision 9. The petition must be filed with the Supreme Court within 30 days after the decision is mailed by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause. If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this paragraph.

(c) For an appeal under paragraph (a) or (b), the Supreme Court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

(d) Any person may oppose the petition. The patient, the patient's counsel, the county attorney of the committing county or the county of financial responsibility, and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel, except when the patient is committed solely as mentally ill and dangerous, and shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the respondent is in need of commitment discharge or provisional discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6, or 253B.185, subdivision 11, must establish by a preponderance of the evidence that the transfer is appropriate."

Delete the title and insert:

"A bill for an act relating to human services; modifying provisions relating to civilly committed sex offenders, sexually dangerous persons, and sexual psychopathic personalities; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, sections 253B.05, subdivision 1; 253B.07, subdivision 2b; 253B.10, subdivision 5; 253B.15, subdivision 1; 253B.18, subdivisions 4a, 5a; 253B.185; 253B.19, subdivision 2; Minnesota Statutes 2009 Supplement, sections 246B.01, subdivisions 1a, 1b, 2a, 2d; 246B.02; 246B.03, subdivisions 2, 3; 246B.04, subdivision 3; 246B.05, subdivision 1; 246B.06, subdivisions 1, 6, 7, 8; 246B.07,

subdivisions 1, 2; 246B.08; 246B.09; 246B.10; 253B.14."

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

Senate Conferees: Tony Lourey, Linda Berglin, Steve Dille

House Conferees: Terry Morrow, Michael Paymar, Tim Kelly

Senator Lourey moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2713 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2713 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Latz	Pariseau	Skoe
Bakk	Erickson Ropes	Lourey	Pogemiller	Skogen
Berglin	Fischbach	Lynch	Prettner Solon	Sparks
Betzold	Fobbe	Marty	Rest	Stumpf
Bonoff	Foley	Metzen	Rosen	Tomassoni
Carlson	Frederickson	Moua	Rummel	Torres Ray
Chaudhary	Gimse	Murphy	Saltzman	Vickerman
Clark	Higgins	Olseen	Saxhaug	Wiger
Cohen	Kelash	Olson, G.	Scheid	
Dahle	Kubly	Olson, M.	Sheran	
Dibble	Langseth	Pappas	Sieben	

Those who voted in the negative were:

Gerlach	Jungbauer	Limmer	Parry	Vandev eer
Hann	Koch	Michel	Robling	
Ingebrigtsen	Koering	Ortman	Senjem	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 915 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 915

A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; appropriating money; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; 297I.15, subdivision 3.

February 16, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 915 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 915 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 3a. **Health improvement programs.** The commissioner, with the approval of the school employee insurance committee, is authorized to plan, develop, purchase, administer, and evaluate disease management and other programs, strategies, and incentives to improve the health and health outcomes of members.

Sec. 2. Minnesota Statutes 2008, section 43A.316, subdivision 9, is amended to read:

Subd. 9. **Insurance trust fund.** (a) The insurance trust fund in the state treasury consists of deposits of the premiums received from employers participating in the program and transfers before July 1, 1994, from the excess contributions holding account established by section 353.65, subdivision 7. All money in the fund is appropriated to the commissioner to pay insurance premiums, approved claims, refunds, administrative costs, and other related service costs, including costs incurred under chapters 62E and 297I in connection with the school employee insurance program. Premiums paid by employers to the fund are exempt from the taxes imposed by chapter 297I, except as described in paragraph (b). The commissioner shall reserve an amount of money to cover the estimated costs of claims incurred but unpaid. The State Board of Investment shall invest the money according to section 11A.24. Investment income and losses attributable to the fund must be credited to the fund.

(b) Notwithstanding paragraph (a), premium revenues collected from the school employee insurance program, described in subdivisions 12 and 13, are not exempt from the taxes imposed under section 297I.05, subdivision 15.

Sec. 3. Minnesota Statutes 2008, section 43A.316, subdivision 10, is amended to read:

Subd. 10. **Exemption.** (a) The public employee insurance program and, where applicable, the employers participating in it are exempt from chapters 60A, 62A, 62C, 62D, 62E, and 62H, section 471.617, subdivisions 2 and 3, and the bidding requirements of section 471.6161.

(b) Notwithstanding paragraph (a), the school employee insurance program, described in subdivisions 12 and 13, is a contributing member of the Minnesota Comprehensive Health Association and must pay assessments made by the association on the premium revenue attributed to the school employee insurance program, prorated as provided in section 62E.11, subdivision 5, paragraph (b).

Sec. 4. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 11. **Definitions.** (a) For purposes of subdivisions 11 to 16, the terms defined in this subdivision have the meanings given.

(b) "Eligible employee" means an employee of a school employer, a dependent of such an employee, a retiree, or other person, who is eligible for health insurance coverage under the school employer's plan.

(c) "School Employee Insurance Committee" means the committee created in subdivision 14.

(d) "School employer" means a school district as defined in section 120A.05, service cooperative as defined in section 123A.21, intermediate district as defined in section 136D.01, Cooperative Center for Vocational Education as defined in section 123A.22, regional management information center as defined in section 123A.23, or an education unit organized under a joint powers agreement under section 471.59.

Sec. 5. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 12. **School employee insurance program.** The commissioner shall develop and administer within the public employees insurance program a separately rated and administered program for eligible employees of school employers, to be called the school employee insurance program. The initial offerings shall be the PEIP Advantage, Advantage Value, and Advantage HSA plans offered by the public employee insurance program. Health coverage offered through the school employee insurance program shall be made available beginning January 1, 2012.

Sec. 6. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 13. **Enrollment; school employee insurance program.** (a) A school employer that provides health coverage to eligible employees or contributes money to pay for all or part of the cost of health coverage for eligible employees, must purchase such coverage through the school employee insurance program under subdivision 12. School employers described in paragraph (b) may opt out as described in paragraphs (b) to (e).

(b) The school board of a school employer and each exclusive representative of employees of a school employer which, on July 1, 2010, was individually self-insured shall jointly determine whether the employees the exclusive representative represents will opt out of the school employee insurance program, in the same manner described in subdivision 5, paragraph (b). Paragraphs (c), (d), and (e) below apply only to school employees of the school employers described in this paragraph.

(c) School employees not represented by an exclusive representative may enter the school employee insurance program in the same manner described in subdivision 5, paragraph (c).

(d) School employees who do not enter the program upon first becoming eligible for participation are ineligible to participate for four years and must be pooled and rated separately from the other enrollees in the school employee insurance program for the first four years after entering the program. This paragraph does not apply to a school employee upon later becoming a member of a school employee group that has not declined participation.

(e) The decision of a school board of a school employer and an exclusive representative of school

employees or, in the case of unorganized employees, the decision of the school board of a school employer, to not opt-out of entry into the school employee insurance program is irrevocable and applies to all future years.

Sec. 7. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 14. **School Employee Insurance Committee.** (a) Notwithstanding any other provision of law, all plan design decisions, including all pilot or demonstration programs in which school employees participate, must first be developed by the School Employee Insurance Committee in consultation with the commissioner or the commissioner's designee and other consultants as the committee sees fit. This paragraph does not apply to the initial offerings specified in subdivision 12.

(b) The committee must be composed of 14 members who represent school district employees and employers in equal number. The employee representatives shall be appointed as follows: four shall be appointed by Education Minnesota, one shall be appointed by the Service Employees International Union, one shall be appointed by the American Federation of State, County, and Municipal Employees, and one shall be appointed by the Minnesota School Employees Association. The seven school employer representatives who serve on the School Employee Insurance Committee must be appointed by the Minnesota School Boards Association, and geographic representation must be taken into consideration when making the appointments. Members of the committee shall serve at the will of the appointing organization. The committee will select a chair from its membership.

(c) The School Employee Insurance Committee members are eligible for compensation and expense reimbursement under section 15.0575, subdivision 3. In addition, if actual salary is lost by a committee member, or if a cost is charged by an employer of a committee member for time missed while performing the duties of a committee member, then the commissioner shall reimburse the member for the lost salary or the cost from funds appropriated for the operations of the committee.

(d) The commissioner shall provide the necessary meeting space and staff support for the committee.

Sec. 8. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 15. **Reinsurance.** The commissioner shall, on behalf of the program, participate in an insured or self-insured reinsurance pool for the first three years of the program and may continue to participate in a reinsurance pool after the first three years.

Sec. 9. Minnesota Statutes 2008, section 43A.316, is amended by adding a subdivision to read:

Subd. 16. **Nonidentifiable aggregate claims data from past coverage.** Upon request by the commissioner, entities that are providing or have provided coverage to eligible employees of school employers within two years before the effective date of this section, shall provide to the commissioner at no charge nonidentifiable aggregate claims data for that coverage. The information must include data relating to employee group benefit sets, demographics, and claims experience. Notwithstanding section 13.203, Minnesota service cooperatives must comply with this subdivision.

Sec. 10. Minnesota Statutes 2008, section 62E.02, subdivision 23, is amended to read:

Subd. 23. **Contributing member.** "Contributing member" means those companies regulated

under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; health maintenance organizations regulated under chapter 62D; nonprofit health service plan corporations regulated under chapter 62C; community integrated service networks regulated under chapter 62N; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; ~~and~~ joint self-insurance plans regulated under chapter 62H; and the school employee insurance program created under section 43A.316. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization ~~or~~, a community integrated service network, or the school employee insurance program shall be considered to be accident and health insurance premiums.

Sec. 11. Minnesota Statutes 2008, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. **Creation and membership; tax exemption.** (a) There is established a Comprehensive Health Association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter 62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; the school employee insurance program created under section 43A.316, subdivision 12; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state.

(b) The Comprehensive Health Association is exempt from the taxes imposed under chapter 297I and any other laws of this state and all property owned by the association is exempt from taxation.

Sec. 12. Minnesota Statutes 2008, section 62E.11, subdivision 5, is amended to read:

Subd. 5. **Allocation of losses.** (a) Each contributing member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the state plan which exceed the premium payments allocated to the payment of benefits shall be the liability of the contributing members. Contributing members shall share in the claims expense of the state plan and operating and administrative expenses of the association in an amount equal to the ratio of the contributing member's total accident and health insurance premium, received from or on behalf of Minnesota residents as divided by the total accident and health insurance premium, received by all contributing members from or on behalf of Minnesota residents, as determined by the commissioner. Payments made by the state to a contributing member for medical assistance, MinnesotaCare, or general assistance medical care services according to chapters 256, 256B, and 256D shall be excluded when determining a contributing member's total premium.

(b) In making the allocation of losses provided in paragraph (a) in each future year, the association's assessment against the school employee insurance program must be based on premiums received by the school employee insurance program in that future year from the school employers that, on May 1, 2010, were receiving health care coverage from a contributing member of the association. The association shall assess the premiums paid in each future year by those employers at the same rate as premiums paid to other members of the association. For purposes of this calculation, premiums of the program used must be net of rate credits and retroactive rate

refunds on the same basis as the premiums of other association members.

Sec. 13. Minnesota Statutes 2008, section 297I.05, is amended by adding a subdivision to read:

Subd. 15. **School employee insurance program.** A tax is imposed on the school employee insurance program created under section 43A.316, subdivision 12. The tax must be assessed upon gross premiums less return premiums received by the school employee insurance program in that calendar year from a school employer that, on May 1, 2010, was purchasing health care coverage from an entity that is required to pay tax under subdivision 1, 3, 4, or 5. The commissioner shall assess the premiums paid in each year to the school employee insurance program by those employers at the same rate as premiums paid by the entities under subdivision 1, 3, 4, or 5 as applicable to the school employer.

Sec. 14. Minnesota Statutes 2008, section 297I.15, subdivision 3, is amended to read:

Subd. 3. **Public employees insurance program.** Premiums paid to the public employees insurance program under section 43A.316 are exempt from the taxes imposed under this chapter, except for premiums paid to the school employee insurance program as provided in section 297I.05, subdivision 15.

Sec. 15. **APPOINTMENTS TO SCHOOL EMPLOYEE INSURANCE COMMITTEE; FIRST MEETING.**

The appointing authorities under Minnesota Statutes, section 43A.316, subdivision 14, shall complete their initial appointments no later than August 1, 2010. The commissioner of finance, or the commissioner's designee, shall convene the first meeting of the school employee insurance committee within 30 days after determining that (1) an amendment or change to the coverage offered under Minnesota Statutes, section 43A.316, subdivision 12, is necessary; or (2) advice from the committee concerning the administration of the coverage would assist the commissioner.

Sec. 16. **START-UP FUNDING; ADMINISTRATION OF ONGOING REVENUES AND EXPENSES.**

(a) The commissioner of Minnesota Management and Budget shall use funds available in the insurance trust fund under Minnesota Statutes, section 43A.316, subdivision 9, in the form of temporary funding to pay for the administrative start-up costs necessary under this act. In addition to the amounts of temporary funding, the commissioner shall determine the amount of interest lost to the insurance trust fund as a result of the temporary funding.

(b) The commissioner of Minnesota Management and Budget shall impose an enrollment fee upon the premium charged for the first three months of coverage under the school employee insurance program created in this act sufficient to repay to the insurance trust fund the loans provided to cover the start-up costs incurred by the commissioner under paragraph (a), plus foregone interest to the insurance trust fund, as determined under paragraph (a). The commissioner shall deposit the enrollment fees in the insurance trust fund.

(c) All costs incurred and revenue received by the commissioner of Minnesota Management and Budget under this act in addition to those dealt with in paragraphs (a) and (b), shall on an ongoing basis be deposited into and paid out of the insurance trust fund as provided in Minnesota Statutes, section 43A.316, subdivision 9, as amended in this act.

Sec. 17. EFFECTIVE DATE.

Sections 1 to 6 and 8 to 12 are effective for coverage to begin January 1, 2012. Sections 7 and 15 are effective August 1, 2010."

Delete the title and insert:

"A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; imposing a gross premiums tax on the program; imposing an enrollment fee; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, by adding a subdivision; 297I.15, subdivision 3."

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

Senate Conferees: D. Scott Dibble, Mary Olson, Julie Rosen, Tony Lourey, Gary Kubly

House Conferees: Larry Hosch, Tom Anzelc, Sandra Peterson, Lyndon Carlson, Gregory Davids

Senator Dibble moved that the foregoing recommendations and Conference Committee Report on S.F. No. 915 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 915 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Langseth	Pappas	Skogen
Bakk	Dille	Lourey	Pogemiller	Sparks
Berglin	Erickson Ropes	Lynch	Prettner Solon	Stumpf
Betzold	Foley	Marty	Rest	Tomassoni
Carlson	Gimse	Metzen	Rosen	Torres Ray
Chaudhary	Higgins	Moua	Saxhaug	Vickerman
Clark	Kelash	Murphy	Scheid	
Cohen	Koering	Olseen	Sheran	
Dahle	Kubly	Olson, M.	Sieben	

Those who voted in the negative were:

Bonoff	Hann	Limmer	Parry	Skoe
Fischbach	Ingebrigtsen	Michel	Robling	Vandever
Fobbe	Jungbauer	Olson, G.	Rummel	Wiger
Frederickson	Koch	Ortman	Saltzman	
Gerlach	Latz	Pariseau	Senjem	

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2437 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2437

A bill for an act relating to public safety; recodifying and clarifying the domestic abuse no contact order law; expanding the tampering with a witness crime; increasing the maximum bail for nonfelony domestic assault and domestic abuse order for protection violations; clarifying the requirement that the data communications network include orders for protection and no contact orders; exempting certain domestic abuse or sexual attack programs from data practices requirements; extending area for protection to a reasonable area around residence or dwelling in ex parte orders for protection; modifying crime of stalking; authorizing a pilot project to allow judges to order electronic monitoring for domestic abuse offenders on pretrial release; imposing criminal penalties; amending Minnesota Statutes 2008, sections 299C.46, subdivision 6; 518B.01, subdivision 7; 609.498, subdivision 3, by adding a subdivision; 609.749; 629.471, subdivision 3, by adding a subdivision; 629.72, subdivisions 1, 2a; proposing coding for new law in Minnesota Statutes, chapters 13; 629; repealing Minnesota Statutes 2008, section 518B.01, subdivision 22.

April 26, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2437 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment and that S.F. No. 2437 be further amended as follows:

Page 1, delete section 1 and insert:

"Section 1. **[13.823] DOMESTIC ABUSE OR SEXUAL ATTACK PROGRAMS.**

Subdivision 1. **Definitions.** For purposes of this section:

- (1) "domestic abuse" has the meaning given in section 518B.01, subdivision 2; and
- (2) "sexual attack" has the meaning given in section 611A.21, subdivision 2.

Subd. 2. **Provisions not applicable.** Except as otherwise provided in this subdivision, a program that provides shelter or support services to victims of domestic abuse or a sexual attack and whose employees or volunteers are not under the direct supervision of a government entity is not subject to this chapter, except that the program shall comply with sections 13.822, 611A.32, subdivision 5, 611A.371, subdivision 3, and 611A.46."

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

Senate Conferees: Mee Moua, Warren Limmer, Mary Olson

House Conferees: Debra Hilstrom, Michael Paymar, Mary Liz Holberg

Senator Moua moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2437 be now adopted, and that the bill be repassed as amended by the Conference

Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2437 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 364 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 364

A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2008, sections 103B.101, by adding a subdivision; 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

April 27, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 364 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment

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

Senate Conferees: Dan Sparks, Satveer Chaudhary, Dennis Frederickson

House Conferees: Rick Hansen, Kent Eken, Bob Gunther

Senator Sparks moved that the foregoing recommendations and Conference Committee Report on S.F. No. 364 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 364 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vanderveer

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2370 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2370

A bill for an act relating to motor vehicles; prohibiting vehicle dealers from selling vehicles that do not comply with vehicle equipment and material requirements; prohibiting sale of illegally tinted motor vehicle windows; amending Minnesota Statutes 2008, sections 168.27, by adding a subdivision; 169.71, by adding a subdivision; repealing Minnesota Statutes 2008, section 168.27, subdivision 30.

April 27, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2370 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: Sandra Pappas, Steve Murphy

House Conferees: Carlos Mariani, Frank Hornstein, Tony Cornish

Senator Pappas moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2370 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2370 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2912 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2912

A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

April 26, 2010

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2912 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: Linda Berglin, Ann Lynch

House Conferees: Larry Hosch, Paul Gardner, Tara Mack

Senator Berglin moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2912 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2912 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koering Vandever

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3318, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3318 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2010

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3318

A bill for an act relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; providing for penalties; amending Minnesota Statutes 2008, section 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358.

April 20, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3318 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment

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

House Conferees: Melissa Hortman, Gail Kulick Jackson, Dean Urdahl

Senate Conferees: Mee Moua, Mary Olson, David Hann

Senator Moua moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3318 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3318 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Kubly	Olson, M.	Saxhaug
Bakk	Fischbach	Langseth	Ortman	Scheid
Berglin	Fobbe	Latz	Pappas	Sheran
Betzold	Foley	Lourey	Pariseau	Sieben
Bonoff	Frederickson	Lynch	Parry	Skoe
Carlson	Gerlach	Marty	Pogemiller	Skogen
Chaudhary	Gimse	Metzen	Prettner Solon	Sparks
Clark	Hann	Michel	Rest	Stumpf
Cohen	Higgins	Moua	Robling	Tomassoni
Dahle	Ingebriksen	Murphy	Rosen	Torres Ray
Dibble	Kelash	Olseen	Rummel	Vickerman
Dille	Koering	Olson, G.	Saltzman	Wiger

Those who voted in the negative were:

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3327, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3327 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 3, 2010

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3327

A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

April 27, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3327 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: Lyle Koenen, Al Juhnke, Gregory Davids

Senate Conferees: Gary Kubly, Ann Lynch, Joe Gimse

Senator Kubly moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3327 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3327 as read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Marty	Saxhaug
Bakk	Dahle	Kelash	Metzen	Sparks
Berglin	Fischbach	Kubly	Murphy	Tomassoni
Betzold	Fobbe	Langseth	Olseen	Torres Ray
Carlson	Foley	Latz	Pogemiller	Vickerman
Chaudhary	Frederickson	Lourey	Rummel	
Clark	Gimse	Lynch	Saltzman	

Those who voted in the negative were:

Bonoff	Jungbauer	Olson, M.	Robling	Stumpf
Dibble	Koch	Ortman	Rosen	Vandever
Dille	Koering	Pappas	Scheid	Wiger
Erickson Ropes	Limmer	Pariseau	Sheran	
Gerlach	Michel	Parry	Sieben	
Hann	Moua	Prettner Solon	Skoe	
Ingebrigtsen	Olson, G.	Rest	Skogen	

So the bill, as amended by the Conference Committee, failed to pass.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3591, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3591 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 3, 2010

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3591

A bill for an act relating to local government; authorizing the city of Minneapolis to adopt an ordinance to define the annual duration of operation of mobile food units; amending Minnesota Statutes 2008, section 157.15, subdivision 9.

April 21, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3591 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3591 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 157.15, subdivision 9, is amended to read:

Subd. 9. **Mobile food unit.** "Mobile food unit" means a food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or is

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

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

Delete the title and insert:

"A bill for an act relating to local government; permitting a mobile food unit to operate for more than 21 days in one place; amending Minnesota Statutes 2008, section 157.15, subdivision 9."

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

House Conferees: Frank Hornstein, Jim Davnie, Mary Kiffmeyer

Senate Conferees: D. Scott Dibble, Linda Higgins, David Senjem

Senator Dibble moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3591 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3591 was read the third time, as amended by the Conference Committee, and placed

on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2624: Senators Anderson, Frederickson and Vickerman.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Tomassoni moved that S.F. No. 3273 be withdrawn from the Committee on Health, Housing and Family Security and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Senators Doll and Johnson were excused from the Session of today. Senator Dahle was excused from the Session of today from 2:00 to 4:50 p.m. Senator Senjem was excused from the Session of today at 6:40 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 8:45 a.m., Tuesday, May 4, 2010. The motion prevailed.

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