

1 Senator Betzold from the Committee on Judiciary, to which
2 was referred

3 S.F. No. 478: A bill for an act relating to legislation;
4 correcting erroneous, ambiguous, and omitted text and obsolete
5 references; eliminating certain redundant, conflicting, and
6 superseded provisions; making miscellaneous technical
7 corrections to statutes and other laws; amending Minnesota
8 Statutes 2004, sections 4.077, subdivision 1; 10A.04,
9 subdivision 6; 13.32, subdivision 3; 13.321, by adding a
10 subdivision; 13.381, by adding a subdivision; 13.46, subdivision
11 2; 13.47, subdivision 1; 13.4963, subdivision 2; 15.0591,
12 subdivision 2; 15.39, subdivision 2; 16B.31, subdivision 1;
13 17.43; 18C.60, subdivision 1; 28.15; 32.645; 47.59, subdivision
14 2; 62I.13, subdivision 3; 62L.17, subdivision 2a; 64B.37,
15 subdivision 2; 82.33, subdivision 4; 84.8712, subdivisions 2, 3,
16 4, 6; 85.22, subdivision 2a; 89.01, subdivision 5a; 103F.205,
17 subdivision 1; 115B.20, subdivision 2; 116J.871, subdivision 3;
18 119B.25, subdivision 2; 124D.68, subdivision 2; 127A.10; 137.09;
19 144.6501, subdivision 1; 145B.04; 152.027, subdivision 4;
20 155A.03, subdivision 1; 155A.16; 161.1419, subdivision 8;
21 168.275; 168.33, subdivision 2a; 169.21, subdivision 2; 169.50,
22 subdivision 1; 169.59, subdivision 4; 169A.55, subdivision 3;
23 171.181, subdivision 1; 177.23, subdivision 7; 181.30; 201.014,
24 subdivision 2; 201.071, subdivision 1; 201.15, subdivision 1;
25 204B.10, subdivision 6; 216B.61; 219.57, subdivision 6; 234.23;
26 235.10; 235.13; 237.763; 238.37; 238.38; 238.42; 239.791,
27 subdivision 15; 244.05, subdivisions 4, 5; 245.466, subdivision
28 1; 245.4875, subdivision 1; 245.75; 246.01; 246B.04, subdivision
29 2; 252.24, subdivision 5; 252A.03, subdivisions 1, 4; 252A.101,
30 subdivisions 1, 5; 253B.23, subdivision 2; 256.93, subdivision
31 1; 256B.055, subdivision 12; 256B.0625, subdivision 6a;
32 256B.0627, subdivisions 1, 5; 256B.0917, subdivisions 4, 5;
33 256B.0951, subdivision 8; 256B.431, subdivision 14; 256G.01,
34 subdivision 3; 256L.07, subdivision 1; 256L.15, subdivision 2;
35 256M.10, subdivision 5; 257B.08; 259.21, subdivision 4;
36 260B.007, subdivision 16; 260C.101, subdivision 2; 276.04,
37 subdivision 2; 290.095, subdivision 1; 299D.07; 299F.051,
38 subdivision 4; 299F.093, subdivision 1; 302A.011, subdivision
39 16; 303.03; 303.25, subdivision 1; 321.1114; 322B.03,
40 subdivision 27; 325F.40; 325N.15; 329.17; 333.135; 336.4A-105;
41 343.40, subdivision 3; 345.14; 346.05; 353.01, subdivision 2;
42 353.34, subdivision 3a; 356.431, subdivision 1; 395.22; 458D.02,
43 subdivision 2; 469.104; 473.845, subdivision 1; 481.05; 501B.18;
44 501B.19; 514.996, subdivision 3; 515B.4-102; 524.2-114;
45 525.9212; 525.95, subdivision 1; 527.38; 527.39; 529.12; 540.18,
46 subdivision 1; 580.041, subdivision 2; 624.64; 624.67; 626.84,
47 subdivision 1; 629.11; 631.04; Laws 2003, First Special Session
48 chapter 11, article 2, section 21; Laws 2004, chapter 199,
49 article 12, section 108; Laws 2004, chapter 261, article 6,
50 section 5; repealing Minnesota Statutes 2004, sections 115B.49,
51 subdivision 4a; 306.13; 315.43; 317A.909, subdivision 4; 357.12;
52 367.40, subdivisions 3, 4; 367.401, subdivision 4; 367.42;
53 398.35, subdivision 2; Laws 2001, First Special Session chapter
54 10, article 10, section 1; Laws 2003, chapter 8, section 2; Laws
55 2004, chapter 219, section 1; Laws 2004, chapter 288, article 3,
56 section 5. Minnesota Rules, parts 6700.0100, subpart 14;
57 6700.1300; 9055.0125; 9055.0500; 9055.0510; 9055.0520;
58 9055.0530; 9055.0540; 9055.0550; 9055.0560; 9055.0570;
59 9055.0580; 9055.0590; 9055.0600; 9055.0610.

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

62 Page 18, delete section 23

63 Page 67, after line 27, insert:

64 "Sec. 65. Minnesota Statutes 2004, section 321.0210, is
65 amended to read:

1 321.0210 [ANNUAL REPORT FOR SECRETARY OF STATE.]

2 (a) Subject to subsection (b):

3 (1) in each calendar year following the calendar year in
4 which a limited partnership becomes subject to this chapter, the
5 limited partnership must deliver to the secretary of state for
6 filing an annual registration containing the information
7 required by subsection ~~(d)~~ (c); and

8 (2) in each calendar year following the calendar year in
9 which there is first on file with the secretary of state a
10 certificate of authority under section 321.0904 pertaining to a
11 foreign limited partnership, the foreign limited partnership
12 must deliver to the secretary of state for filing an annual
13 registration containing the information required by subsection
14 ~~(d)~~ (c).

15 (b) A limited partnership's obligation under subsection (a)
16 ends if the limited partnership delivers to the secretary of
17 state for filing a statement of termination under section
18 321.0203 and the statement becomes effective under section
19 321.0206. A foreign limited partnership's obligation under
20 subsection (a) ends if the secretary of state issues and files a
21 certificate of revocation under section 321.0906 or if the
22 foreign limited partnership delivers to the secretary of state
23 for filing a notice of cancellation under section 321.0907(a)
24 and that notice takes effect under section 321.0206. If a
25 foreign limited partnership's obligations under subsection (a)
26 end and later the secretary of state files, pursuant to section
27 321.0904, a new certificate of authority pertaining to that
28 foreign limited partnership, subsection (a)(2), again applies to
29 the foreign limited partnership and, for the purposes of
30 subsection (a)(2), the calendar year of the new filing is
31 treated as the calendar year in which a certificate of authority
32 is first on file with the secretary of state.

33 (c) The annual registration must contain:

34 (1) the name of the limited partnership or foreign limited
35 partnership;

36 (2) the address of its designated office and the name and

1 street and mailing address of its agent for service of process
2 in Minnesota;

3 (3) in the case of a limited partnership, the street and
4 address of its principal office; and

5 (4) in the case of a foreign limited partnership, the name
6 of the state or other jurisdiction under whose law the foreign
7 limited partnership is formed and any alternate name adopted
8 under section 321.0905(a).

9 (d) The secretary of state shall:

10 (1) administratively dissolve under section 321.0809 a
11 limited partnership that has failed to file a registration
12 pursuant to subsection (a); and

13 (2) revoke under section 321.0906 the certificate of
14 authority of a foreign limited partnership that has failed to
15 file a registration pursuant to subsection (a)."

16 Page 105, line 36, delete "and"

17 Page 106, line 1, delete "conservator of the estate"

18 Page 107, lines 26 and 27, delete the new language

19 Page 107, lines 30 and 31, delete the new language

20 Page 109, line 36, delete "or conservatorship of the"

21 Page 110, line 1, delete "person's estate"

22 Renumber the sections in sequence

23 Amend the memorandum of explanation as follows:

24 Page 3, delete section 23

25 Page 6, after line 17, insert:

26 "Sec. 65. Explanation. This amendment corrects an
27 erroneous cross-reference."

28 Renumber the sections of the memorandum of explanation in
29 sequence

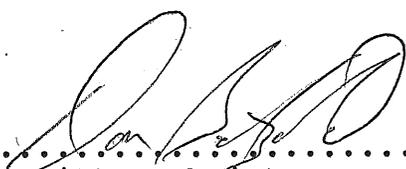
30 Amend the title as follows

31 Page 1, line 18, delete "103F.205, subdivision 1;"

32 Page 1, line 45, after "1;" insert "321.0210;"

33 And when so amended the bill do pass and be re-referred to
34 the Committee on Crime Prevention and Public Safety. Amendments
35 adopted. Report adopted.

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.....
(Committee Chair)

1 Senator Betzold from the Committee on Judiciary, to which
2 was referred

3 S.F. No. 643: A bill for an act relating to civil
4 commitment; expanding early intervention services; amending
5 Minnesota Statutes 2004, section 253B.065, subdivision 5.

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

8 Page 2, line 18, delete "engaged" and insert "been engaging"
9 and delete "habitual"

10 Page 2, line 19, delete "and"

11 Page 2, line 21, delete "likely cause" and insert "pose a
12 substantial risk of"

13 And when so amended the bill do pass and be re-referred to
14 the Committee on Health and Family Security. Amendments adopted.
15 Report adopted.

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.....
(Committee Chair)

February 15, 2005.....
(Date of Committee recommendation)

1 Senator Betzold from the Committee on Judiciary, to which
2 was referred

3 S.F. No. 657: A bill for an act relating to civil
4 commitment; providing additional time for hearings on commitment
5 of sexual psychopathic personalities and sexually dangerous
6 persons; amending Minnesota Statutes 2004, section 253B.08,
7 subdivision 1.

8 Reports the same back with the recommendation that the bill
9 do pass and be re-referred to the Committee on Crime Prevention
10 and Public Safety. Report adopted.

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.....
(committee chair)

February 15, 2005.....
(Date of Committee recommendation)

- 1 Senator moves to amend S.F. No. 478 as follows:
- 2 Page 18, delete section 23
- 3 Renumber the sections in sequence and correct the internal
- 4 references
- 5 Page 3 of the Memorandum of Explanation, delete section 23
- 6 Renumber the sections in sequence and correct the internal
- 7 references
- 8 Amend the title as follows:
- 9 Page 1, line 18, delete "103F.205, subdivision 1;"

1 Senator moves to amend S.F. No. 478 as follows:

2 Page 67, after line 27, insert:

3 "Sec. 66. Minnesota Statutes 2004, section 321.0210, is
4 amended to read:

5 321.0210 [ANNUAL REPORT FOR SECRETARY OF STATE.]

6 (a) Subject to subsection (b):

7 (1) in each calendar year following the calendar year in
8 which a limited partnership becomes subject to this chapter, the
9 limited partnership must deliver to the secretary of state for
10 filing an annual registration containing the information
11 required by subsection ~~(d)~~ (c); and

12 (2) in each calendar year following the calendar year in
13 which there is first on file with the secretary of state a
14 certificate of authority under section 321.0904 pertaining to a
15 foreign limited partnership, the foreign limited partnership
16 must deliver to the secretary of state for filing an annual
17 registration containing the information required by subsection
18 ~~(d)~~ (c).

19 (b) A limited partnership's obligation under subsection (a)
20 ends if the limited partnership delivers to the secretary of
21 state for filing a statement of termination under section
22 321.0203 and the statement becomes effective under section
23 321.0206. A foreign limited partnership's obligation under
24 subsection (a) ends if the secretary of state issues and files a
25 certificate of revocation under section 321.0906 or if the
26 foreign limited partnership delivers to the secretary of state
27 for filing a notice of cancellation under section 321.0907(a)
28 and that notice takes effect under section 321.0206. If a
29 foreign limited partnership's obligations under subsection (a)
30 end and later the secretary of state files, pursuant to section
31 321.0904, a new certificate of authority pertaining to that
32 foreign limited partnership, subsection (a)(2), again applies to
33 the foreign limited partnership and, for the purposes of
34 subsection (a)(2), the calendar year of the new filing is
35 treated as the calendar year in which a certificate of authority
36 is first on file with the secretary of state.

1 (c) The annual registration must contain:

2 (1) the name of the limited partnership or foreign limited
3 partnership;

4 (2) the address of its designated office and the name and
5 street and mailing address of its agent for service of process
6 in Minnesota;

7 (3) in the case of a limited partnership, the street and
8 mailing address of its principal office; and

9 (4) in the case of a foreign limited partnership, the name
10 of the state or other jurisdiction under whose law the foreign
11 limited partnership is formed and any alternate name adopted
12 under section 321.0905(a).

13 (d) The secretary of state shall:

14 (1) administratively dissolve under section 321.0809 a
15 limited partnership that has failed to file a registration
16 pursuant to subsection (a); and

17 (2) revoke under section 321.0906 the certificate of
18 authority of a foreign limited partnership that has failed to
19 file a registration pursuant to subsection (a)."

20 Page 105, line 36, delete "and"

21 Page 106, line 1, delete "conservator of the estate"

22 Page 107, lines 26 and 27, delete the new language

23 Page 107, lines 30 and 31, delete the new language

24 Page 109, line 36, delete "or conservatorship of the"

25 Page 110, line 1, delete "person's estate"

26 Correct the memorandum of explanation as follows:

27 Page 6, after line 17, insert:

28 "Sec. 66. Explanation. This amendment corrects an
29 erroneous cross-reference."

30 Renumber the sections in sequence and correct the internal
31 references

32 Amend the title accordingly

Senator Betzold introduced—

S. F. No. 478 Referred to the Committee on Judiciary

1 A bill for an act

2 relating to legislation; correcting erroneous,
3 ambiguous, and omitted text and obsolete references;
4 eliminating certain redundant, conflicting, and
5 superseded provisions; making miscellaneous technical
6 corrections to statutes and other laws; amending
7 Minnesota Statutes 2004, sections 4.077, subdivision
8 1; 10A.04, subdivision 6; 13.32, subdivision 3;
9 13.321, by adding a subdivision; 13.381, by adding a
10 subdivision; 13.46, subdivision 2; 13.47, subdivision
11 1; 13.4963, subdivision 2; 15.0591, subdivision 2;
12 15.39, subdivision 2; 16B.31, subdivision 1; 17.43;
13 18C.60, subdivision 1; 28.15; 32.645; 47.59,
14 subdivision 2; 62I.13, subdivision 3; 62L.17,
15 subdivision 2a; 64B.37, subdivision 2; 82.33,
16 subdivision 4; 84.8712, subdivisions 2, 3, 4, 6;
17 85.22, subdivision 2a; 89.01, subdivision 5a;
18 103F.205, subdivision 1; 115B.20, subdivision 2;
19 116J.871, subdivision 3; 119B.25, subdivision 2;
20 124D.68, subdivision 2; 127A.10; 137.09; 144.6501,
21 subdivision 1; 145B.04; 152.027, subdivision 4;
22 155A.03, subdivision 1; 155A.16; 161.1419, subdivision
23 8; 168.275; 168.33, subdivision 2a; 169.21,
24 subdivision 2; 169.50, subdivision 1; 169.59,
25 subdivision 4; 169A.55, subdivision 3; 171.181,
26 subdivision 1; 177.23, subdivision 7; 181.30; 201.014,
27 subdivision 2; 201.071, subdivision 1; 201.15,
28 subdivision 1; 204B.10, subdivision 6; 216B.61;
29 219.57, subdivision 6; 234.23; 235.10; 235.13;
30 237.763; 238.37; 238.38; 238.42; 239.791, subdivision
31 15; 244.05, subdivisions 4, 5; 245.466, subdivision 1;
32 245.4875, subdivision 1; 245.75; 246.01; 246B.04,
33 subdivision 2; 252.24, subdivision 5; 252A.03,
34 subdivisions 1, 4; 252A.101, subdivisions 1, 5;
35 253B.23, subdivision 2; 256.93, subdivision 1;
36 256B.055, subdivision 12; 256B.0625, subdivision 6a;
37 256B.0627, subdivisions 1, 5; 256B.0917, subdivisions
38 4, 5; 256B.0951, subdivision 8; 256B.431, subdivision
39 14; 256G.01, subdivision 3; 256L.07, subdivision 1;
40 256L.15, subdivision 2; 256M.10, subdivision 5;
41 257B.08; 259.21, subdivision 4; 260B.007, subdivision
42 16; 260C.101, subdivision 2; 276.04, subdivision 2;
43 290.095, subdivision 1; 299D.07; 299F.051, subdivision
44 4; 299F.093, subdivision 1; 302A.011, subdivision 16;
45 303.03; 303.25, subdivision 1; 321.1114; 322B.03,
46 subdivision 27; 325F.40; 325N.15; 329.17; 333.135;

1 336.4A-105; 343.40, subdivision 3; 345.14; 346.05;
2 353.01, subdivision 2; 353.34, subdivision 3a;
3 356.431, subdivision 1; 395.22; 458D.02, subdivision
4 2; 469.104; 473.845, subdivision 1; 481.05; 501B.18;
5 501B.19; 514.996, subdivision 3; 515B.4-102;
6 524.2-114; 525.9212; 525.95, subdivision 1; 527.38;
7 527.39; 529.12; 540.18, subdivision 1; 580.041,
8 subdivision 2; 624.64; 624.67; 626.84, subdivision 1;
9 629.11; 631.04; Laws 2003, First Special Session
10 chapter 11, article 2, section 21; Laws 2004, chapter
11 199, article 12, section 108; Laws 2004, chapter 261,
12 article 6, section 5; repealing Minnesota Statutes
13 2004, sections 115B.49, subdivision 4a; 306.13;
14 315.43; 317A.909, subdivision 4; 357.12; 367.40,
15 subdivisions 3, 4; 367.401, subdivision 4; 367.42;
16 398.35, subdivision 2; Laws 2001, First Special
17 Session chapter 10, article 10, section 1; Laws 2003,
18 chapter 8, section 2; Laws 2004, chapter 219, section
19 1; Laws 2004, chapter 288, article 3, section 5.
20 Minnesota Rules, parts 6700.0100, subpart 14;
21 6700.1300; 9055.0125; 9055.0500; 9055.0510; 9055.0520;
22 9055.0530; 9055.0540; 9055.0550; 9055.0560; 9055.0570;
23 9055.0580; 9055.0590; 9055.0600; 9055.0610.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

25 ARTICLE 1

26 GENERAL

27 Section 1. Minnesota Statutes 2004, section 4.077,
28 subdivision 1, is amended to read:

29 Subdivision 1. [PLAN TO RENOVATE COURTS BUILDING.] (a) The
30 Old Federal Courts Building in the city of St. Paul, described
31 ~~in the registry of historic sites in section 138-577~~ and called
32 in this section the "courts building," is an outstanding example
33 of federal architecture of its period and a significant symbol
34 of constitutional government which spans much of this state's
35 history. Its acquisition, preservation, and appropriate use is
36 a concern of the state and an important aspect of state policy
37 declared in the Historic Sites Act of 1965.

38 (b) The legislature is informed that feasible renovation
39 and remodeling of the structure of this historic site would make
40 it suitable to meet existing and foreseeable need of the state
41 for school, classroom, and other educational use, or for use in
42 the protection of public health, and such practical adaptation
43 of the courts building should not be incompatible, but rather in
44 keeping with, continued observance of the building as an
45 historic monument.

46 (c) National policy expressed in enactments of the Congress
47 (including, but not necessarily limited to, the Surplus Property

1 Act of 1944 and Federal Property and Administrative Services Act
2 of 1949) make this historic site, now held by and subject to the
3 control of the administrator of the General Service
4 Administration, available to this state, its political
5 subdivisions or instrumentalities upon compliance with the
6 conditions of the statutes and rules promulgated thereunder for
7 educational use or use in the protection of the public health,
8 or as an historic monument for the benefit of the public.

9 Sec. 2. Minnesota Statutes 2004, section 10A.04,
10 subdivision 6, is amended to read:

11 Subd. 6. [PRINCIPAL REPORTS.] (a) A principal must report
12 to the board as required in this subdivision by March 15 for the
13 preceding calendar year. ~~Along-with-the-report, the principal~~
14 ~~must-pay-a-fee-of-\$50, except-as-otherwise-provided-in-this~~
15 ~~subdivision. The-fee-must-be-no-more-than-necessary-to-cover~~
16 ~~the-cost-of-administering-sections-10A.03-to-10A.06. The-amount~~
17 ~~of-the-fee-is-subject-to-change-each-biennium-in-accordance-with~~
18 ~~the-budget-request-made-by-the-board. The-fee-requirement~~
19 ~~expires-June-30, 2004.~~

20 (b) The principal must report the total amount, rounded to
21 the nearest \$20,000, spent by the principal during the preceding
22 calendar year to influence legislative action, administrative
23 action, and the official action of metropolitan governmental
24 units.

25 (c) The principal must report under this subdivision a
26 total amount that includes:

27 (1) all direct payments by the principal to lobbyists in
28 this state;

29 (2) all expenditures for advertising, mailing, research,
30 analysis, compilation and dissemination of information, and
31 public relations campaigns related to legislative action,
32 administrative action, or the official action of metropolitan
33 governmental units in this state; and

34 (3) all salaries and administrative expenses attributable
35 to activities of the principal relating to efforts to influence
36 legislative action, administrative action, or the official

1 action of metropolitan governmental units in this state.

2 Sec. 3. Minnesota Statutes 2004, section 13.32,
3 subdivision 3, is amended to read:

4 Subd. 3. [PRIVATE DATA; WHEN DISCLOSURE IS PERMITTED.]

5 Except as provided in subdivision 5, educational data is private
6 data on individuals and shall not be disclosed except as follows:

7 (a) pursuant to section 13.05;

8 (b) pursuant to a valid court order;

9 (c) pursuant to a statute specifically authorizing access
10 to the private data;

11 (d) to disclose information in health and safety
12 emergencies pursuant to the provisions of United States Code,
13 title 20, section 1232g(b)(1)(I) and Code of Federal
14 Regulations, title 34, section 99.36;

15 (e) pursuant to the provisions of United States Code, title
16 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B),
17 (b)(3) and Code of Federal Regulations, title 34, sections
18 99.31, 99.32, 99.33, 99.34, and 99.35;

19 (f) to appropriate health authorities to the extent
20 necessary to administer immunization programs and for bona fide
21 epidemiologic investigations which the commissioner of health
22 determines are necessary to prevent disease or disability to
23 individuals in the public educational agency or institution in
24 which the investigation is being conducted;

25 (g) when disclosure is required for institutions that
26 participate in a program under title IV of the Higher Education
27 Act, United States Code, title 20, chapter section 1092;

28 (h) to the appropriate school district officials to the
29 extent necessary under subdivision 6, annually to indicate the
30 extent and content of remedial instruction, including the
31 results of assessment testing and academic performance at a
32 postsecondary institution during the previous academic year by a
33 student who graduated from a Minnesota school district within
34 two years before receiving the remedial instruction;

35 (i) to appropriate authorities as provided in United States
36 Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern

1 the juvenile justice system and the ability of the system to
2 effectively serve, prior to adjudication, the student whose
3 records are released; provided that the authorities to whom the
4 data are released submit a written request for the data that
5 certifies that the data will not be disclosed to any other
6 person except as authorized by law without the written consent
7 of the parent of the student and the request and a record of the
8 release are maintained in the student's file;

9 (j) to volunteers who are determined to have a legitimate
10 educational interest in the data and who are conducting
11 activities and events sponsored by or endorsed by the
12 educational agency or institution for students or former
13 students;

14 (k) to provide student recruiting information, from
15 educational data held by colleges and universities, as required
16 by and subject to Code of Federal Regulations, title 32, section
17 216;

18 (l) to the juvenile justice system if information about the
19 behavior of a student who poses a risk of harm is reasonably
20 necessary to protect the health or safety of the student or
21 other individuals;

22 (m) with respect to Social Security numbers of students in
23 the adult basic education system, to Minnesota State Colleges
24 and Universities and the Department of Employment and Economic
25 Development for the purpose and in the manner described in
26 section 124D.52, subdivision 7; or

27 (n) to the commissioner of education for purposes of an
28 assessment or investigation of a report of alleged maltreatment
29 of a student as mandated by section 626.556. Upon request by
30 the commissioner of education, data that are relevant to a
31 report of maltreatment and are from charter school and school
32 district investigations of alleged maltreatment of a student
33 must be disclosed to the commissioner, including, but not
34 limited to, the following:

35 (1) information regarding the student alleged to have been
36 maltreated;

- 1 (2) information regarding student and employee witnesses;
- 2 (3) information regarding the alleged perpetrator; and
- 3 (4) what corrective or protective action was taken, if any,
- 4 by the school facility in response to a report of maltreatment
- 5 by an employee or agent of the school or school district.

6 Sec. 4. Minnesota Statutes 2004, section 13.321, is
7 amended by adding a subdivision to read:

8 Subd. 2a. [SCHOOL ACCOUNTABILITY.] Certain school
9 accountability data are governed by section 120B.36,
10 subdivisions 1, paragraph (e), and 2.

11 Sec. 5. Minnesota Statutes 2004, section 13.381, is
12 amended by adding a subdivision to read:

13 Subd. 7a. [FACILITY REQUIREMENTS.] Data provided to, filed
14 with, or created or obtained by the commissioner of health under
15 section 144.7065 are classified as provided in section 144.7065,
16 subdivision 10.

17 Sec. 6. Minnesota Statutes 2004, section 13.46,
18 subdivision 2, is amended to read:

19 Subd. 2. [GENERAL.] (a) Unless the data is summary data or
20 a statute specifically provides a different classification, data
21 on individuals collected, maintained, used, or disseminated by
22 the welfare system is private data on individuals, and shall not
23 be disclosed except:

24 (1) according to section 13.05;

25 (2) according to court order;

26 (3) according to a statute specifically authorizing access
27 to the private data;

28 (4) to an agent of the welfare system, including a law
29 enforcement person, attorney, or investigator acting for it in
30 the investigation or prosecution of a criminal or civil
31 proceeding relating to the administration of a program;

32 (5) to personnel of the welfare system who require the data
33 to verify an individual's identity; determine eligibility,
34 amount of assistance, and the need to provide services to an
35 individual or family across programs; evaluate the effectiveness
36 of programs; and investigate suspected fraud;

1 (6) to administer federal funds or programs;

2 (7) between personnel of the welfare system working in the
3 same program;

4 (8) to the Department of Revenue to administer and evaluate
5 tax refund or tax credit programs and to identify individuals
6 who may benefit from these programs. The following information
7 may be disclosed under this paragraph: an individual's and
8 their dependent's names, dates of birth, Social Security
9 numbers, income, addresses, and other data as required, upon
10 request by the Department of Revenue. Disclosures by the
11 commissioner of revenue to the commissioner of human services
12 for the purposes described in this clause are governed by
13 section 270B.14, subdivision 1. Tax refund or tax credit
14 programs include, but are not limited to, the dependent care
15 credit under section 290.067, the Minnesota working family
16 credit under section 290.0671, the property tax refund and
17 rental credit under section 290A.04, and the Minnesota education
18 credit under section 290.0674;

19 (9) between the Department of Human Services, the
20 Department of Education, and the Department of Employment and
21 Economic Development for the purpose of monitoring the
22 eligibility of the data subject for unemployment benefits, for
23 any employment or training program administered, supervised, or
24 certified by that agency, for the purpose of administering any
25 rehabilitation program or child care assistance program, whether
26 alone or in conjunction with the welfare system, or to monitor
27 and evaluate the Minnesota family investment program by
28 exchanging data on recipients and former recipients of food
29 support, cash assistance under chapter 256, 256D, 256J, or 256K,
30 child care assistance under chapter 119B, or medical programs
31 under chapter 256B, 256D, or 256L;

32 (10) to appropriate parties in connection with an emergency
33 if knowledge of the information is necessary to protect the
34 health or safety of the individual or other individuals or
35 persons;

36 (11) data maintained by residential programs as defined in

1 section 245A.02 may be disclosed to the protection and advocacy
2 system established in this state according to Part C of Public
3 Law 98-527 to protect the legal and human rights of persons with
4 mental retardation or other related conditions who live in
5 residential facilities for these persons if the protection and
6 advocacy system receives a complaint by or on behalf of that
7 person and the person does not have a legal guardian or the
8 state or a designee of the state is the legal guardian of the
9 person;

10 (12) to the county medical examiner or the county coroner
11 for identifying or locating relatives or friends of a deceased
12 person;

13 (13) data on a child support obligor who makes payments to
14 the public agency may be disclosed to the Higher Education
15 Services Office to the extent necessary to determine eligibility
16 under section 136A.121, subdivision 2, clause (5);

17 (14) participant Social Security numbers and names
18 collected by the telephone assistance program may be disclosed
19 to the Department of Revenue to conduct an electronic data match
20 with the property tax refund database to determine eligibility
21 under section 237.70, subdivision 4a;

22 (15) the current address of a Minnesota family investment
23 program participant may be disclosed to law enforcement officers
24 who provide the name of the participant and notify the agency
25 that:

26 (i) the participant:

27 (A) is a fugitive felon fleeing to avoid prosecution, or
28 custody or confinement after conviction, for a crime or attempt
29 to commit a crime that is a felony under the laws of the
30 jurisdiction from which the individual is fleeing; or

31 (B) is violating a condition of probation or parole imposed
32 under state or federal law;

33 (ii) the location or apprehension of the felon is within
34 the law enforcement officer's official duties; and

35 (iii) the request is made in writing and in the proper
36 exercise of those duties;

1 (16) the current address of a recipient of general
2 assistance or general assistance medical care may be disclosed
3 to probation officers and corrections agents who are supervising
4 the recipient and to law enforcement officers who are
5 investigating the recipient in connection with a felony level
6 offense;

7 (17) information obtained from food support applicant or
8 recipient households may be disclosed to local, state, or
9 federal law enforcement officials, upon their written request,
10 for the purpose of investigating an alleged violation of the
11 Food Stamp Act, according to Code of Federal Regulations, title
12 7, section 272.1(c);

13 (18) the address, Social Security number, and, if
14 available, photograph of any member of a household receiving
15 food support shall be made available, on request, to a local,
16 state, or federal law enforcement officer if the officer
17 furnishes the agency with the name of the member and notifies
18 the agency that:

19 (i) the member:

20 (A) is fleeing to avoid prosecution, or custody or
21 confinement after conviction, for a crime or attempt to commit a
22 crime that is a felony in the jurisdiction the member is
23 fleeing;

24 (B) is violating a condition of probation or parole imposed
25 under state or federal law; or

26 (C) has information that is necessary for the officer to
27 conduct an official duty related to conduct described in subitem
28 (A) or (B);

29 (ii) locating or apprehending the member is within the
30 officer's official duties; and

31 (iii) the request is made in writing and in the proper
32 exercise of the officer's official duty;

33 (19) the current address of a recipient of Minnesota family
34 investment program, general assistance, general assistance
35 medical care, or food support may be disclosed to law
36 enforcement officers who, in writing, provide the name of the

1 recipient and notify the agency that the recipient is a person
2 required to register under section 243.166, but is not residing
3 at the address at which the recipient is registered under
4 section 243.166;

5 (20) certain information regarding child support obligors
6 who are in arrears may be made public according to section
7 518.575;

8 (21) data on child support payments made by a child support
9 obligor and data on the distribution of those payments excluding
10 identifying information on obligees may be disclosed to all
11 obligees to whom the obligor owes support, and data on the
12 enforcement actions undertaken by the public authority, the
13 status of those actions, and data on the income of the obligor
14 or obligee may be disclosed to the other party;

15 (22) data in the work reporting system may be disclosed
16 under section 256.998, subdivision 7;

17 (23) to the Department of Education for the purpose of
18 matching Department of Education student data with public
19 assistance data to determine students eligible for free and
20 reduced price meals, meal supplements, and free milk according
21 to United States Code, title 42, sections 1758, 1761, 1766,
22 1766a, 1772, and 1773; to allocate federal and state funds that
23 are distributed based on income of the student's family; and to
24 verify receipt of energy assistance for the telephone assistance
25 plan;

26 (24) the current address and telephone number of program
27 recipients and emergency contacts may be released to the
28 commissioner of health or a local board of health as defined in
29 section 145A.02, subdivision 2, when the commissioner or local
30 board of health has reason to believe that a program recipient
31 is a disease case, carrier, suspect case, or at risk of illness,
32 and the data are necessary to locate the person;

33 (25) to other state agencies, statewide systems, and
34 political subdivisions of this state, including the attorney
35 general, and agencies of other states, interstate information
36 networks, federal agencies, and other entities as required by

1 federal regulation or law for the administration of the child
2 support enforcement program;

3 (26) to personnel of public assistance programs as defined
4 in section 256.741, for access to the child support system
5 database for the purpose of administration, including monitoring
6 and evaluation of those public assistance programs;

7 (27) to monitor and evaluate the Minnesota family
8 investment program by exchanging data between the Departments of
9 Human Services and Education, on recipients and former
10 recipients of food support, cash assistance under chapter 256,
11 256D, 256J, or 256K, child care assistance under chapter 119B,
12 or medical programs under chapter 256B, 256D, or 256L;

13 (28) to evaluate child support program performance and to
14 identify and prevent fraud in the child support program by
15 exchanging data between the Department of Human Services,
16 Department of Revenue under section 270B.14, subdivision 1,
17 paragraphs (a) and (b), without regard to the limitation of use
18 in paragraph (c), Department of Health, Department of Employment
19 and Economic Development, and other state agencies as is
20 reasonably necessary to perform these functions; or

21 (29) counties operating child care assistance programs
22 under chapter 119B may disseminate data on program participants,
23 applicants, and providers to the commissioner of education.

24 (b) Information on persons who have been treated for drug
25 or alcohol abuse may only be disclosed according to the
26 requirements of Code of Federal Regulations, title 42, sections
27 2.1 to 2.67.

28 (c) Data provided to law enforcement agencies under
29 paragraph (a), clause (15), (16), (17), or (18), or paragraph
30 (b), are investigative data and are confidential or protected
31 nonpublic while the investigation is active. The data are
32 private after the investigation becomes inactive under section
33 13.82, subdivision 5, paragraph (a) or (b).

34 (d) Mental health data shall be treated as provided in
35 subdivisions 7, 8, and 9, but is not subject to the access
36 provisions of subdivision 10, paragraph (b).

1 For the purposes of this subdivision, a request will be
2 deemed to be made in writing if made through a computer
3 interface system.

4 Sec. 7. Minnesota Statutes 2004, section 13.47,
5 subdivision 1, is amended to read:

6 Subdivision 1. [DEFINITION.] (a) "Employment and training
7 data" means data on individuals collected, maintained, used, or
8 disseminated because an individual applies for, is currently
9 enrolled in, or has been enrolled in employment and training
10 programs funded with federal, state, or local resources,
11 including those provided under the Workforce Investment Act of
12 1998, United States Code, title 29, section 2801.

13 (b) "Employment and training service provider" means an
14 entity certified, or seeking to be certified, by the
15 commissioner of employment and economic development to deliver
16 employment and training services under section ~~268.0122~~
17 116J.401, subdivision 3 2, or an organization that contracts
18 with a certified entity or the Department of Employment and
19 Economic Development to deliver employment and training services.

20 (c) "Provider of training services" means an organization
21 or entity that provides training under the Workforce Investment
22 Act of 1998, United States Code, title 29, section 2801.

23 Sec. 8. Minnesota Statutes 2004, section 13.4963,
24 subdivision 2, is amended to read:

25 Subd. 2. [GENERALLY.] Classification and disclosure of tax
26 data created, collected, or maintained by the Department of
27 Revenue under section 273.1315, chapter 115B, 289A (except for
28 taxes imposed under sections 298.01, 298.015, and 298.24), 290,
29 290A, 291, 295, 297A, or 297H, or any similar Indian tribal tax
30 administered by the commissioner according to a tax agreement
31 between the state and an Indian tribal government are governed
32 by chapter 270B.

33 Sec. 9. Minnesota Statutes 2004, section 15.0591,
34 subdivision 2, is amended to read:

35 Subd. 2. [BODIES AFFECTED.] A member meeting the
36 qualifications in subdivision 1 must be appointed to the

1 following boards, commissions, advisory councils, task forces,
2 or committees:

3 (1) Advisory Council on Battered Women and Domestic Abuse;

4 (2) Advisory Task Force on the Use of State Facilities;

5 (3) Alcohol and Other Drug Abuse Advisory Council;

6 (4) Board of Examiners for Nursing Home Administrators;

7 (5) Board on Aging;

8 (6) Chiropractic Examiners Board;

9 (7) Council on Disability;

10 (8) Council on Affairs of Chicano/Latino People;

11 (9) Council on Black Minnesotans;

12 (10) Dentistry Board;

13 (11) Higher Education Services Office;

14 (12) Housing Finance Agency;

15 (13) Indian Advisory Council on Chemical Dependency;

16 (14) Medical Practice Board;

17 ~~(15) Medical-Policy-Directional-Task-Force-on-Mental~~

18 ~~Health;~~

19 ~~{16}~~ Minnesota State Arts Board;

20 ~~{17}~~ (16) Nursing Board;

21 ~~{18}~~ (17) Optometry Board;

22 ~~{19}~~ (18) Pharmacy Board;

23 ~~{20}~~ (19) Board of Physical Therapy;

24 ~~{21}~~ (20) Podiatry Board;

25 ~~{22}~~ (21) Psychology Board.

26 Sec. 10. Minnesota Statutes 2004, section 15.39,

27 subdivision 2, is amended to read:

28 Subd. 2. [REQUISITION AUTHORITY.] The commissioner is

29 authorized to requisition from the ~~economic-security~~

30 administration fund any amount necessary to pay premiums for the

31 insurance specified in subdivision 1 and money in the amount

32 necessary is appropriated for that purpose.

33 Sec. 11. Minnesota Statutes 2004, section 16B.31,

34 subdivision 1, is amended to read:

35 Subdivision 1. [CONSTRUCTION PLANS AND SPECIFICATIONS.]

36 ~~{a}~~ The commissioner shall (1) have plans and specifications

1 prepared for the construction, alteration, or enlargement of all
 2 state buildings, structures, and other improvements except
 3 highways and bridges, and except for buildings and structures
 4 under the control of the Board of Regents of the University of
 5 Minnesota or of the Board of Trustees of the Minnesota State
 6 Colleges and Universities; (2) approve those plans and
 7 specifications; (3) advertise for bids and award all contracts
 8 in connection with the improvements; (4) supervise and inspect
 9 all work relating to the improvements; (5) approve all lawful
 10 changes in plans and specifications after the contract for an
 11 improvement is let; and (6) approve estimates for payment. This
 12 subdivision does not apply to the construction of the Zoological
 13 Gardens.

14 (b) MS 2002 (Expired)

15 (c) MS 2002 (Expired)

16 ~~(d) The commissioner, the board, the Board of Regents of~~
 17 ~~the University of Minnesota, and the Board of Trustees of the~~
 18 ~~Minnesota State Colleges and Universities shall create a panel~~
 19 ~~of representatives, including representatives of the~~
 20 ~~construction industry and the architecture and engineering~~
 21 ~~professions, to evaluate the use of design-build and the~~
 22 ~~procedures for design-builder selection under section 16C.31,~~
 23 ~~and shall report to the legislature on or before January 1,~~
 24 ~~2004, as to the success of design-build as a method of~~
 25 ~~construction and the need and desirability for any changes in~~
 26 ~~the selection procedure.~~

27 Sec. 12. Minnesota Statutes 2004, section 18C.60,
 28 subdivision 1, is amended to read:

29 Subdivision 1. [DEFINITIONS DEFINITION.] ~~(a) The~~
 30 ~~definitions in this subdivision apply to this section.~~

31 ~~(b) "Metropolitan county" means any one of the following~~
 32 ~~counties:--Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or~~
 33 ~~Washington.~~

34 ~~(c) For the purpose of this section, "turf" means noncrop~~
 35 ~~land planted in closely mowed, managed grasses including, but~~
 36 ~~not limited to, residential and commercial residential property,~~

1 private golf courses, and property owned by federal, state, or
2 local units of government, including parks, recreation areas,
3 and public golf courses. Turf does not mean pasture, hayland,
4 hay, turf grown on turf farms, or any other form of agricultural
5 production.

6 Sec. 13. Minnesota Statutes 2004, section 47.59,
7 subdivision 2, is amended to read:

8 Subd. 2. [APPLICATION.] Extensions of credit or purchases
9 of extensions of credit by financial institutions under sections
10 47.20, 47.21, 47.201, 47.204, 47.58, 47.60, 48.153, 48.185,
11 48.195, 59A.01 to 59A.15, 334.01, 334.011, 334.012, 334.022,
12 334.06, and 334.061 to 334.19 may, but need not, be made
13 according to those sections in lieu of the authority set forth
14 in this section to the extent those sections authorize the
15 financial institution to make extensions of credit or purchase
16 extensions of credit under those sections. If a financial
17 institution elects to make an extension of credit or to purchase
18 an extension of credit under those other sections, the extension
19 of credit or the purchase of an extension of credit is subject
20 to those sections and not this section, except this subdivision,
21 and except as expressly provided in those sections. A financial
22 institution may also charge an organization a rate of interest
23 and any charges agreed to by the organization and may calculate
24 and collect finance and other charges in any manner agreed to by
25 that organization. Except for extensions of credit a financial
26 institution elects to make under section 334.01, 334.011,
27 334.012, ~~334.021~~ 334.022, 334.06, or 334.061 to 334.19, chapter
28 334 does not apply to extensions of credit made according to
29 this section or the sections listed in this subdivision. This
30 subdivision does not authorize a financial institution to extend
31 credit or purchase an extension of credit under any of the
32 sections listed in this subdivision if the financial institution
33 is not authorized to do so under those sections. A financial
34 institution extending credit under any of the sections listed in
35 this subdivision shall specify in the promissory note, contract,
36 or other loan document the section under which the extension of

1 credit is made.

2 Sec. 14. Minnesota Statutes 2004, section 62I.13,
3 subdivision 3, is amended to read:

4 Subd. 3. [DISQUALIFYING FACTORS.] For good cause, coverage
5 may be denied or terminated by the association. Good cause may
6 exist if the applicant or insured: (1) has an outstanding debt
7 due or owing to the association at the time of application or
8 renewal arising from a prior policy; (2) refuses to permit
9 completion of an audit requested by the commissioner or
10 administrator; (3) submits misleading or erroneous information
11 to the commissioner or administrator; (4) disregards safety
12 standards, laws, rules or ordinance pertaining to the risk being
13 insured; (5) fails to supply information requested by the
14 commissioner or administrator; and (6) fails to comply with the
15 terms of the policies or contracts for coverage issued by the
16 association, ~~and (7) has not satisfied the requirements of the~~
17 ~~market assistance program as set forth in section 62I.09.~~

18 Sec. 15. Minnesota Statutes 2004, section 62L.17,
19 subdivision 2a, is amended to read:

20 Subd. 2a. [PARTICIPATION OF NEW SMALL EMPLOYER HEALTH
21 CARRIERS.] A health carrier that enters the small employer
22 market subsequent to February 1993, may elect to not participate
23 in the reinsurance association by filing an application within
24 60 days of entry into the small employer market or May 26, 1995,
25 whichever is later. The commissioner shall make a determination
26 and notify the health carrier no later than 60 days after
27 receipt of the application. In determining whether to approve
28 the application, the commissioner shall consider the standards
29 defined in subdivision 2, except that the commissioner may also
30 consider whether the health carrier has a guaranteeing
31 organization ~~as defined in section 62D.0437 subdivision 17 or as~~
32 permitted under chapter 62N.

33 Sec. 16. Minnesota Statutes 2004, section 82.33,
34 subdivision 4, is amended to read:

35 Subd. 4. [RENEWAL; EXAMINATION.] Except as provided in
36 ~~sections 82.227 subdivision 77 and~~ section 82.29, subdivision 7,

1 no examination shall be required for the renewal of any license,
2 provided, however, any licensee having been licensed as a broker
3 or salesperson in the state of Minnesota and who shall fail to
4 renew the license for a period of two years shall be required by
5 the commissioner to again take an examination.

6 Sec. 17. Minnesota Statutes 2004, section 84.8712,
7 subdivision 2, is amended to read:

8 Subd. 2. [CIVIL CITATION; AUTHORITY TO ISSUE.]
9 Conservation officers and other licensed peace officers may
10 issue civil citations to a person who operates a snowmobile in
11 violation of this section ~~or-section-84-8713~~. The citation must
12 impose a penalty of \$50 for the first offense, \$200 for the
13 second offense, and \$500 for third and subsequent offenses.

14 Sec. 18. Minnesota Statutes 2004, section 84.8712,
15 subdivision 3, is amended to read:

16 Subd. 3. [APPEALS.] Civil citations for offenses under
17 this section ~~or-section-84-8713~~ may be appealed under the
18 procedures in section 116.072, subdivision 6, if the recipient
19 of the citation requests a hearing by notifying the commissioner
20 in writing within 15 days after receipt of the citation. For
21 the purposes of the enforcement of this section, the terms
22 "commissioner" and "agency" as used in section 116.072 mean the
23 commissioner of natural resources. If a hearing is not
24 requested within the 15-day period, the citation becomes a final
25 order not subject to further review.

26 Sec. 19. Minnesota Statutes 2004, section 84.8712,
27 subdivision 4, is amended to read:

28 Subd. 4. [ENFORCEMENT.] Civil citations for offenses under
29 this section ~~or-section-84-8713~~ may be enforced under section
30 116.072, subdivision 9. If a person fails to pay a penalty owed
31 under this section, the person may not operate a snowmobile
32 until the penalty is paid. Penalty amounts must be remitted
33 within 30 days of issuance of the penalty citation.

34 Sec. 20. Minnesota Statutes 2004, section 84.8712,
35 subdivision 6, is amended to read:

36 Subd. 6. [SELECTION OF REMEDY.] A person operating a

1 snowmobile in violation of this section ~~or section 84.8713~~ is
2 guilty of a petty misdemeanor punishable by a fine of no more
3 than \$50 for the first offense, no more than \$300 for the second
4 offense, and no more than \$600 for the third and subsequent
5 offenses. A peace officer may not seek both civil and petty
6 misdemeanor penalties for a violation of this section ~~or section~~
7 ~~84.8713~~.

8 Sec. 21. Minnesota Statutes 2004, section 85.22,
9 subdivision 2a, is amended to read:

10 Subd. 2a. [RECEIPTS, APPROPRIATION.] All receipts derived
11 from the rental or sale of state park items, tours at
12 Forestville Mystery Cave State Park, and operation of Douglas
13 Lodge shall be deposited in the state treasury and be credited
14 to the state parks working capital account. Receipts and
15 expenses from Douglas Lodge shall be tracked separately within
16 the account. Money in the account is annually appropriated for
17 the purchase and payment of expenses attributable to items for
18 resale or rental and operation of Douglas Lodge. Any excess
19 receipts in this account are annually appropriated for state
20 park management and interpretive programs.

21 Sec. 22. Minnesota Statutes 2004, section 89.01,
22 subdivision 5a, is amended to read:

23 Subd. 5a. [SALE OF STATE FOREST LAND.] Any state lands
24 included in areas set apart as state forests are eliminated from
25 the state forest upon sale under the provisions of sections
26 92.06 to ~~92.09~~ 92.08 or 94.09 to 94.16.

27 Sec. 23. Minnesota Statutes 2004, section 103F.205,
28 subdivision 1, is amended to read:

29 Subdivision 1. [APPLICABILITY.] The definitions in this
30 section apply to sections 103F.201 to ~~103F.225~~ 103F.221.

31 Sec. 24. Minnesota Statutes 2004, section 115B.20,
32 subdivision 2, is amended to read:

33 Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.] Money
34 appropriated from the remediation fund under section 116.155,
35 subdivision 2, paragraph (a), clause (1), may be spent only for
36 the following purposes:

1 (1) preparation by the agency and the commissioner of
2 agriculture for taking removal or remedial action under section
3 115B.17, or under chapter 18D, including investigation,
4 monitoring and testing activities, enforcement and compliance
5 efforts relating to the release of hazardous substances,
6 pollutants or contaminants under section 115B.17 or 115B.18, or
7 chapter 18D;

8 (2) removal and remedial actions taken or authorized by the
9 agency or the commissioner of the Pollution Control Agency under
10 section 115B.17, or taken or authorized by the commissioner of
11 agriculture under chapter 18D including related enforcement and
12 compliance efforts under section 115B.17 or 115B.18, or chapter
13 18D, and payment of the state share of the cost of remedial
14 action which may be carried out under a cooperative agreement
15 with the federal government pursuant to the federal Superfund
16 Act, under United States Code, title 42, section 9604(c)(3) for
17 actions related to facilities other than commercial hazardous
18 waste facilities located under the siting authority of chapter
19 115A;

20 (3) reimbursement to any private person for expenditures
21 made before July 1, 1983, to provide alternative water supplies
22 deemed necessary by the agency or the commissioner of
23 agriculture and the Department of Health to protect the public
24 health from contamination resulting from the release of a
25 hazardous substance;

26 (4) assessment and recovery of natural resource damages by
27 the agency and the ~~commissioners~~ commissioner of natural
28 resources ~~and for~~ administration, and planning, and
29 implementation by the commissioner of natural resources of the
30 rehabilitation, restoration, or acquisition of natural resources
31 to remedy injuries or losses to natural resources resulting from
32 the release of a hazardous substance; before implementing a
33 project to rehabilitate, restore, or acquire natural resources
34 under this clause, the commissioner of natural resources shall
35 provide written notice of the proposed project to the chairs of
36 the senate and house of representatives committees with

1 jurisdiction over environment and natural resources finance;

2 (5) acquisition of a property interest under section
3 115B.17, subdivision 15;

4 (6) reimbursement, in an amount to be determined by the
5 agency in each case, to a political subdivision that is not a
6 responsible person under section 115B.03, for reasonable and
7 necessary expenditures resulting from an emergency caused by a
8 release or threatened release of a hazardous substance,
9 pollutant, or contaminant; and

10 (7) reimbursement to a political subdivision for
11 expenditures in excess of the liability limit under section
12 115B.04, subdivision 4.

13 Sec. 25. Minnesota Statutes 2004, section 119B.25,
14 subdivision 2, is amended to read:

15 Subd. 2. [GRANTS.] The commissioner shall distribute money
16 provided by this section through a grant to a nonprofit
17 corporation organized to plan, develop, and finance early
18 childhood education and child care sites. The nonprofit
19 corporation must have demonstrated the ability to analyze
20 financing projects, have knowledge of other sources of public
21 and private financing for child care and early childhood
22 education sites, and have a relationship with the regional
23 resource and referral programs ~~under section 119B.211~~. The
24 board of directors of the nonprofit corporation must include
25 members who are knowledgeable about early childhood education,
26 child care, development and improvement, and financing. The
27 commissioners of the Departments of Human Services and
28 Employment and Economic Development, and the commissioner of the
29 Housing Finance Agency shall advise the board on the loan
30 program. The grant must be used to make loans to improve child
31 care or early childhood education sites, or loans to plan,
32 design, and construct or expand licensed and legal unlicensed
33 sites to increase the availability of child care or early
34 childhood education. All loans made by the nonprofit
35 corporation must comply with section 363A.16.

36 Sec. 26. Minnesota Statutes 2004, section 124D.68,

1 subdivision 2, is amended to read:

2 Subd. 2. [ELIGIBLE PUPILS.] The following pupils are
3 eligible to participate in the graduation incentives program:

4 (a) any pupil under the age of 21 who:

5 (1) performs substantially below the performance level for
6 pupils of the same age in a locally determined achievement test;

7 (2) is at least one year behind in satisfactorily
8 completing coursework or obtaining credits for graduation;

9 (3) is pregnant or is a parent;

10 (4) has been assessed as chemically dependent;

11 (5) has been excluded or expelled according to sections
12 121A.40 to 121A.56;

13 (6) has been referred by a school district for enrollment
14 in an eligible program or a program pursuant to section 124D.69;

15 (7) is a victim of physical or sexual abuse;

16 (8) has experienced mental health problems;

17 (9) has experienced homelessness sometime within six months
18 before requesting a transfer to an eligible program;

19 (10) speaks English as a second language or has limited
20 English proficiency; or

21 (11) has withdrawn from school or has been chronically
22 truant; or

23 (b) any person who is at least 21 years of age and who:

24 (1) has received fewer than 14 years of public or nonpublic
25 education, beginning at age 5;

26 (2) has not completed the requirements for a high school
27 diploma; and

28 (3) at the time of application, (i) is eligible for
29 unemployment benefits or has exhausted the benefits, (ii) is
30 eligible for, or is receiving income maintenance and support
31 services, as defined in section 116L.19, subdivision 5, or (iii)
32 is eligible for services under the displaced homemaker program,
33 ~~state-wage-subsidy-program~~ or any programs under the federal
34 Jobs Training Partnership Act or its successor.

35 Sec. 27. Minnesota Statutes 2004, section 155A.03,

36 subdivision 1, is amended to read:

1 Subdivision 1. [TERMS.] For purposes of sections 155A.03
2 to ~~155A.26~~ 155A.16, and unless the context clearly requires
3 otherwise, the words defined in this section have the meanings
4 given them.

5 Sec. 28. Minnesota Statutes 2004, section 161.1419,
6 subdivision 8, is amended to read:

7 Subd. 8. [EXPIRATION.] The commission ~~shall-expire~~ expires
8 on June 30, ~~2003~~ 2007.

9 Sec. 29. Minnesota Statutes 2004, section 168.33,
10 subdivision 2a, is amended to read:

11 Subd. 2a. [DEPUTY REGISTRARS, CONTINUATION IN OFFICE.]
12 Persons serving as deputy registrars on ~~the-effective-date-of~~
13 ~~this-act~~ July 1, 1970, shall continue to hold such office until
14 a successor is duly appointed and qualifies.

15 Sec. 30. Minnesota Statutes 2004, section 169.50,
16 subdivision 1, is amended to read:

17 Subdivision 1. [REQUIREMENTS; EXCEPTION.] (a) Every motor
18 vehicle and every vehicle that is being drawn at the end of a
19 train of vehicles must be equipped with at least one taillamp,
20 exhibiting a red light plainly visible from a distance of 500
21 feet to the rear.

22 (b) Every motor vehicle, other than a truck-tractor, and
23 every vehicle that is being drawn at the end of a train of
24 vehicles, registered in this state and manufactured or assembled
25 after January 1, 1960, must be equipped with at least two
26 taillamps mounted on the rear and on the same level and as
27 widely spaced laterally as practicable. When lighted, the
28 taillamps must comply with the provisions of this section.

29 (c) An implement of husbandry being towed by a motor
30 vehicle at a speed of not more than 30 miles per hour,
31 displaying a slow-moving vehicle emblem, and complying with
32 section 169.55, subdivision 2, paragraph (a), clause (4), is not
33 subject to the requirements of this section.

34 Sec. 31. Minnesota Statutes 2004, section 169.59,
35 subdivision 4, is amended to read:

36 Subd. 4. [FLASHING WARNING LIGHT.] Any vehicle may be

1 equipped with lamps which may be used for the purpose of warning
2 the operators of other vehicles of the presence of a vehicular
3 traffic hazard requiring the exercise of unusual care in
4 approaching, overtaking, or passing, and when so equipped may
5 display such warning in addition to any other warning signals
6 required by this ~~act~~ section or section 169.50, subdivision 1 or
7 3; 169.56, subdivision 1, 2, 3, or 4; 169.57, subdivision 1; or
8 169.64, subdivision 3. The lamps used to display such warnings
9 to the front shall be mounted at the same level and as widely
10 spaced laterally as practicable, and shall display simultaneous
11 flashing white or amber lights, or any shade of color between
12 white and amber. The lamps used to display such warnings to the
13 rear shall be mounted at the same level and as widely spaced
14 laterally as practicable, and shall show simultaneously flashing
15 amber or red lights, or any shade of color between amber and
16 red. Instead of a pair of lamps that flash simultaneously,
17 either one or two strobe lights or rotating beacon lights with
18 an amber or yellow lens may be used both to the front and rear
19 of the vehicle. These warning lights shall be visible from a
20 distance of not less than 500 feet under normal atmospheric
21 conditions at night.

22 Sec. 32. Minnesota Statutes 2004, section 169A.55,
23 subdivision 3, is amended to read:

24 Subd. 3. [REINSTATEMENT OR ISSUANCE OF PROVISIONAL
25 LICENSE.] The commissioner shall not issue a provisional or
26 regular driver's license to a person whose provisional driver's
27 license was revoked for conviction as a juvenile of violating a
28 violation of section 169A.20, 169A.33, or 169A.35; a violation
29 of a provision of sections 169A.50 to 169A.53; or ~~revoked-for~~
30 conviction-of a crash-related moving violation; until the
31 person, following the violation, reaches the age of 18 and
32 satisfactorily:

33 (1) completes a formal course in driving instruction
34 approved by the commissioner of public safety;

35 (2) completes an additional three months' experience
36 operating a motor vehicle, as documented to the satisfaction of

1 the commissioner;

2 (3) completes the written examination for a driver's
3 license with a passing score; and

4 (4) complies with all other laws for reinstatement of a
5 provisional or regular driver's license, as applicable.

6 Sec. 33. Minnesota Statutes 2004, section 171.181,
7 subdivision 1, is amended to read:

8 Subdivision 1. [FOREIGN STATE CONVICTION.] (a) On revoking
9 or suspending the driver's license of a Minnesota resident as a
10 result of a foreign state conviction, the commissioner shall
11 notify that foreign state when the driver's license is
12 reinstated or a new license issued.

13 (b) For the purposes of this section, "foreign state" means
14 a state as defined in section 171.01, subdivision 46 47,
15 excluding the state of Minnesota.

16 Sec. 34. Minnesota Statutes 2004, section 177.23,
17 subdivision 7, is amended to read:

18 Subd. 7. [EMPLOYEE.] "Employee" means any individual
19 employed by an employer but does not include:

20 (1) two or fewer specified individuals employed at any
21 given time in agriculture on a farming unit or operation who are
22 paid a salary;

23 (2) any individual employed in agriculture on a farming
24 unit or operation who is paid a salary greater than the
25 individual would be paid if the individual worked 48 hours at
26 the state minimum wage plus 17 hours at 1-1/2 times the state
27 minimum wage per week;

28 (3) an individual under 18 who is employed in agriculture
29 on a farm to perform services other than corn detasseling or
30 hand field work when one or both of that minor hand field
31 worker's parents or physical custodians are also hand field
32 workers;

33 (4) for purposes of section 177.24, an individual under 18
34 who is employed as a corn detasseler;

35 (5) any staff member employed on a seasonal basis by an
36 organization for work in an organized resident or day camp

1 operating under a permit issued under section 144.72;

2 (6) any individual employed in a bona fide executive,
3 administrative, or professional capacity, or a salesperson who
4 conducts no more than 20 percent of sales on the premises of the
5 employer;

6 (7) any individual who renders service gratuitously for a
7 nonprofit organization;

8 (8) any individual who serves as an elected official for a
9 political subdivision or who serves on any governmental board,
10 commission, committee or other similar body, or who renders
11 service gratuitously for a political subdivision;

12 (9) any individual employed by a political subdivision to
13 provide police or fire protection services or employed by an
14 entity whose principal purpose is to provide police or fire
15 protection services to a political subdivision;

16 (10) any individual employed by a political subdivision who
17 is ineligible for membership in the Public Employees Retirement
18 Association under section 353.01, subdivision 2b, clause (1),
19 (2), (4), or (9);

20 (11) any driver employed by an employer engaged in the
21 business of operating taxicabs;

22 (12) any individual engaged in babysitting as a sole
23 practitioner;

24 (13) for the purpose of section 177.25, any individual
25 employed on a seasonal basis in a carnival, circus, fair, or ski
26 facility;

27 (14) any individual under 18 working less than 20 hours per
28 workweek for a municipality as part of a recreational program;

29 (15) any individual employed by the state as a natural
30 resource manager 1, 2, or 3 (conservation officer);

31 (16) any individual in a position for which the United
32 States Department of Transportation has power to establish
33 qualifications and maximum hours of service under United States
34 Code, title 49, section ~~304~~ 31502;

35 (17) any individual employed as a seafarer. The term
36 "seafarer" means a master of a vessel or any person subject to

1 the authority, direction, and control of the master who is
2 exempt from federal overtime standards under United States Code,
3 title 29, section 213(b)(6), including but not limited to
4 pilots, sailors, engineers, radio operators, firefighters,
5 security guards, pursers, surgeons, cooks, and stewards;

6 (18) any individual employed by a county in a single-family
7 residence owned by a county home school as authorized under
8 section 260B.060 if the residence is an extension facility of
9 that county home school, and if the individual as part of the
10 employment duties resides at the residence for the purpose of
11 supervising children as defined by section 260C.007, subdivision
12 4; or

13 (19) nuns, monks, priests, lay brothers, lay sisters,
14 ministers, deacons, and other members of religious orders who
15 serve pursuant to their religious obligations in schools,
16 hospitals, and other nonprofit institutions operated by the
17 church or religious order.

18 Sec. 35. Minnesota Statutes 2004, section 216B.61, is
19 amended to read:

20 216B.61 [ACTIONS TO RECOVER PENALTIES.]

21 Actions to recover penalties under ~~laws-1974~~ this chapter
22 429 shall be brought in the name of the state of Minnesota in
23 the district court of Ramsey County.

24 Sec. 36. Minnesota Statutes 2004, section 237.763, is
25 amended to read:

26 237.763 [EXEMPTION FROM EARNINGS REGULATION AND
27 INVESTIGATION.]

28 Except as provided in the plan and any subsequent plans, a
29 company that has an alternative regulation plan approved under
30 section 237.764, is not subject to the rate-of-return regulation
31 or earnings investigations provisions of section 237.075 or
32 237.081 during the term of the plan. A company with an approved
33 plan is not subject to the provisions of section 237.57; 237.59;
34 237.60, subdivisions 1, 2, 4, and 5; ~~237-63~~; or 237.65, during
35 the term of the plan. Except as specifically provided in this
36 section or in the approved plan, the commission retains all of

1 its authority under section 237.081 to investigate other matters
2 and to issue appropriate orders, and the department retains its
3 authority under sections 216A.07 and 237.15 to investigate
4 matters other than the earnings of the company.

5 Sec. 37. Minnesota Statutes 2004, section 238.37, is
6 amended to read:

7 238.37 [SCOPE; POLE, DUCT, AND CONDUIT AGREEMENTS.]

8 Sections 238.02, subdivisions 3a, 20a, and 31b, and ~~238-36~~
9 238.37 to 238.42 only apply to pole, duct, and conduit
10 agreements entered into or renewed between public utilities and
11 cable communications systems on or after January 1, 1976, and
12 have no application to those agreements executed before January
13 1, 1976, until those agreements are either renewed or
14 substantially renegotiated. If a public utility company and a
15 cable communications system enter into an agreement regarding
16 only pole attachments, sections 238.02, subdivisions 3a, 20a,
17 and 31b, and ~~238-36~~ 238.37 to 238.42 relating to conduit systems
18 are applicable to that agreement and if a public utility company
19 and a cable communications system enter into an agreement
20 regarding only use of a conduit system, sections 238.02,
21 subdivisions 3a, 20a, and 31b, and ~~238-36~~ 238.37 to 238.42
22 relating to pole attachments are not applicable to that
23 agreement.

24 Sec. 38. Minnesota Statutes 2004, section 238.38, is
25 amended to read:

26 238.38 [PERMIT TO ATTACH TO POLE OR CONDUIT SYSTEM.]

27 Every pole, duct, and conduit agreement must contain a
28 provision that before attaching to the public utility company's
29 poles or occupying any part of the public utility's conduit
30 system, the cable communications system shall apply and receive
31 a permit for that purpose on a form provided by the public
32 utility company. If the cable communications system accepts the
33 permit, it may attach its equipment to the poles covered by the
34 permit or occupy the conduit system of the public utility to the
35 extent authorized by the permit, subject to sections 238.02,
36 subdivisions 3a, 20a, and 31b, and ~~238-36~~ 238.37 to 238.42 and

1 the terms of the agreement between the contracting parties. In
2 granting or denying a permit, the public utility has the right
3 to determine whether a grant of a permit would adversely affect
4 its public services, duties, and obligations or have an adverse
5 effect on the economy, safety, and future needs of the public
6 utility.

7 Sec. 39. Minnesota Statutes 2004, section 238.42, is
8 amended to read:

9 238.42 [ADDITIONAL CONTRACT TERMS.]

10 Nothing contained in sections 238.02, subdivisions 3a, 20a,
11 and 31b, and ~~238.36~~ 238.37 to 238.42 in any way prohibits a
12 public utility company from including in its pole, duct, and
13 conduit agreements with cable communications systems additional
14 terms which do not conflict with sections 238.02, subdivisions
15 3a, 20a, and 31b, and ~~238.36~~ 238.37 to 238.42.

16 Sec. 40. Minnesota Statutes 2004, section 239.791,
17 subdivision 15, is amended to read:

18 Subd. 15. [EXEMPTION FOR CERTAIN BLEND PUMPS.] A person
19 responsible for the product, who offers for sale, sells, or
20 dispenses nonoxygenated premium gasoline under one or more of
21 the exemptions in subdivisions 10 to 14, may sell, offer for
22 sale, or dispense oxygenated gasoline that contains less than
23 the minimum amount of ethanol required under subdivision 1 if
24 all of the following conditions are met:

25 (1) the blended gasoline has an octane rating of 88 or
26 greater;

27 (2) the gasoline is a blend of oxygenated gasoline meeting
28 the requirements of subdivision 1 with nonoxygenated premium
29 gasoline;

30 (3) the blended gasoline contains not more than ten percent
31 nonoxygenated premium gasoline;

32 (4) the blending of oxygenated gasoline with nonoxygenated
33 gasoline occurs within the gasoline dispenser; and

34 (5) the gasoline station at which the gasoline is sold,
35 offered for sale, or delivered is equipped to store gasoline in
36 not more than two storage tanks.

1 This subdivision applies only to those persons who meet met
2 the conditions in clauses (1) through (5) on ~~the effective date~~
3 ~~of this act~~ August 1, 2004, and have registered with the
4 director ~~within three months of the effective date of this~~
5 ~~act~~ by November 1, 2004.

6 Sec. 41. Minnesota Statutes 2004, section 244.05,
7 subdivision 4, is amended to read:

8 Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate
9 serving a mandatory life sentence under section 609.106 must not
10 be given supervised release under this section. An inmate
11 serving a mandatory life sentence under section 609.185, clause
12 (1), (3), (5), or (6); or 609.109, subdivision 2a 3, must not be
13 given supervised release under this section without having
14 served a minimum term of 30 years. An inmate serving a
15 mandatory life sentence under section 609.385 must not be given
16 supervised release under this section without having served a
17 minimum term of imprisonment of 17 years.

18 Sec. 42. Minnesota Statutes 2004, section 244.05,
19 subdivision 5, is amended to read:

20 Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] (a) The
21 commissioner of corrections may, under rules promulgated by the
22 commissioner, give supervised release to an inmate serving a
23 mandatory life sentence under section 609.185, clause (1), (3),
24 (5), or (6); 609.109, subdivision 2a 3; or 609.385 after the
25 inmate has served the minimum term of imprisonment specified in
26 subdivision 4.

27 (b) The commissioner shall require the preparation of a
28 community investigation report and shall consider the findings
29 of the report when making a supervised release decision under
30 this subdivision. The report shall reflect the sentiment of the
31 various elements of the community toward the inmate, both at the
32 time of the offense and at the present time. The report shall
33 include the views of the sentencing judge, the prosecutor, any
34 law enforcement personnel who may have been involved in the
35 case, and any successors to these individuals who may have
36 information relevant to the supervised release decision. The

1 report shall also include the views of the victim and the
2 victim's family unless the victim or the victim's family chooses
3 not to participate.

4 (c) The commissioner shall make reasonable efforts to
5 notify the victim, in advance, of the time and place of the
6 inmate's supervised release review hearing. The victim has a
7 right to submit an oral or written statement at the review
8 hearing. The statement may summarize the harm suffered by the
9 victim as a result of the crime and give the victim's
10 recommendation on whether the inmate should be given supervised
11 release at this time. The commissioner must consider the
12 victim's statement when making the supervised release decision.

13 (d) As used in this subdivision, "victim" means the
14 individual who suffered harm as a result of the inmate's crime
15 or, if the individual is deceased, the deceased's surviving
16 spouse or next of kin.

17 Sec. 43. Minnesota Statutes 2004, section 245.466,
18 subdivision 1, is amended to read:

19 Subdivision 1. [DEVELOPMENT OF SERVICES.] The county board
20 in each county is responsible for using all available resources
21 to develop and coordinate a system of locally available and
22 affordable adult mental health services. The county board may
23 provide some or all of the mental health services and activities
24 specified in subdivision 2 directly through a county agency or
25 under contracts with other individuals or agencies. A county or
26 counties may enter into an agreement with a regional treatment
27 center under section 246.57 or with any state facility or
28 program as defined in section 246.50, subdivision 3, to enable
29 the county or counties to provide the treatment services in
30 subdivision 2. Services provided through an agreement between a
31 county and a regional treatment center must meet the same
32 requirements as services from other service providers. County
33 ~~boards shall demonstrate their continuous progress toward full~~
34 ~~implementation of sections 245.461 to 245.486 during the period~~
35 ~~July 17, 1987, to January 17, 1990. County boards must develop~~
36 ~~fully each of the treatment services and management activities~~

~~1 prescribed-by-sections-245-461-to-245-486-by-January-17-19907
2 according-to-the-priorities-established-in-section-245-464-and
3 the-adult-mental-health-component-of-the-community-social
4 services-plan-approved-by-the-commissioner.~~

5 Sec. 44. Minnesota Statutes 2004, section 245.4875,
6 subdivision 1, is amended to read:

7 Subdivision 1. [DEVELOPMENT OF CHILDREN'S SERVICES.] The
8 county board in each county is responsible for using all
9 available resources to develop and coordinate a system of
10 locally available and affordable children's mental health
11 services. The county board may provide some or all of the
12 children's mental health services and activities specified in
13 subdivision 2 directly through a county agency or under
14 contracts with other individuals or agencies. A county or
15 counties may enter into an agreement with a regional treatment
16 center under section 246.57 to enable the county or counties to
17 provide the treatment services in subdivision 2. Services
18 provided through an agreement between a county and a regional
19 treatment center must meet the same requirements as services
20 from other service providers. ~~County-boards-shall-demonstrate
21 their-continuous-progress-toward-fully-implementing-sections
22 245-487-to-245-4887-during-the-period-July-17-19897-to-January
23 17-19927---County-boards-must-develop-fully-each-of-the-treatment
24 services-prescribed-by-sections-245-487-to-245-4887-by-January
25 17-19927-according-to-the-priorities-established-in-section
26 245-4873-and-the-children's-mental-health-component-of-the
27 community-social-services-plan-approved-by-the-commissioner
28 under-section-245-4887.~~

29 Sec. 45. Minnesota Statutes 2004, section 245.75, is
30 amended to read:

31 245.75 [FEDERAL GRANTS FOR THE WELFARE AND RELIEF OF
32 MINNESOTA INDIANS.]

33 The commissioner of human services is authorized to enter
34 into contracts with the Department of Health, Education, Welfare
35 and the Department of Interior, Bureau of Indian Affairs, for
36 the purpose of receiving federal grants for the welfare and

1 relief of Minnesota Indians. ~~Such contract and the plan of~~
2 ~~distribution of such funds shall be subject to approval of the~~
3 ~~Minnesota Public Relief Advisory Committee.~~

4 Sec. 46. Minnesota Statutes 2004, section 246B.04,
5 subdivision 2, is amended to read:

6 Subd. 2. [BAN ON OBSCENE MATERIAL OR PORNOGRAPHIC WORK.]
7 The commissioner shall prohibit persons civilly committed as
8 sexual psychopathic personalities or sexually dangerous persons
9 under ~~sections 246.43 and~~ section 253B.185 from having or
10 receiving material that is obscene as defined under section
11 617.241, subdivision 1, material that depicts sexual conduct as
12 defined under section 617.241, subdivision 1, or pornographic
13 work as defined under section 617.246, subdivision 1, while
14 receiving services in any secure treatment facilities operated
15 by the Minnesota sex offender program or any other facilities
16 operated by the commissioner.

17 Sec. 47. Minnesota Statutes 2004, section 252.24,
18 subdivision 5, is amended to read:

19 Subd. 5. [DEVELOPMENTAL ACHIEVEMENT CENTERS: SALARY
20 ADJUSTMENT PER DIEM.] The commissioner shall approve a two
21 percent increase in the payment rates for day training and
22 habilitation services vendors effective July 1, 1991. All
23 revenue generated shall be used by vendors to increase salaries,
24 fringe benefits, and payroll taxes by at least three percent for
25 personnel below top management. County boards shall amend
26 contracts with vendors to require that all revenue generated by
27 this provision is expended on salary increases to staff below
28 top management. County boards shall verify in writing to the
29 commissioner that each vendor has complied with this
30 requirement. If a county board determines that a vendor has not
31 complied with this requirement for a specific contract period,
32 the county board shall reduce the vendor's payment rates for the
33 next contract period to reflect the amount of money not spent
34 appropriately. The commissioner shall modify reporting
35 requirements for vendors and counties as necessary to monitor
36 compliance with this provision.

~~1 Each-county-agency-shall-report-to-the-commissioner-by-July
2 30, 1991, its actual social service day training and
3 habilitation expenditures for calendar year 1990. The
4 commissioner shall allocate the day habilitation service ESSA
5 appropriation made available for this purpose to county agencies
6 in proportion to these expenditures.~~

7 Sec. 48. Minnesota Statutes 2004, section 256B.055,
8 subdivision 12, is amended to read:

9 Subd. 12. [DISABLED CHILDREN.] (a) A person is eligible
10 for medical assistance if the person is under age 19 and
11 qualifies as a disabled individual under United States Code,
12 title 42, section 1382c(a), and would be eligible for medical
13 assistance under the state plan if residing in a medical
14 institution, and the child requires a level of care provided in
15 a hospital, nursing facility, or intermediate care facility for
16 persons with mental retardation or related conditions, for whom
17 home care is appropriate, provided that the cost to medical
18 assistance under this section is not more than the amount that
19 medical assistance would pay for if the child resides in an
20 institution. After the child is determined to be eligible under
21 this section, the commissioner shall review the child's
22 disability under United States Code, title 42, section 1382c(a)
23 and level of care defined under this section no more often than
24 annually and may elect, based on the recommendation of health
25 care professionals under contract with the state medical review
26 team, to extend the review of disability and level of care up to
27 a maximum of four years. The commissioner's decision on the
28 frequency of continuing review of disability and level of care
29 is not subject to administrative appeal under section 256.045.
30 Nothing in this subdivision shall be construed as affecting
31 other redeterminations of medical assistance eligibility under
32 this chapter and annual cost-effective reviews under this
33 section.

34 (b) For purposes of this subdivision, "hospital" means an
35 institution as defined in section 144.696, subdivision 3,
36 144.55, subdivision 3, or Minnesota Rules, part 4640.3600, and

1 licensed pursuant to sections 144.50 to 144.58. For purposes of
2 this subdivision, a child requires a level of care provided in a
3 hospital if the child is determined by the commissioner to need
4 an extensive array of health services, including mental health
5 services, for an undetermined period of time, whose health
6 condition requires frequent monitoring and treatment by a health
7 care professional or by a person supervised by a health care
8 professional, who would reside in a hospital or require frequent
9 hospitalization if these services were not provided, and the
10 daily care needs are more complex than a nursing facility level
11 of care.

12 A child with serious emotional disturbance requires a level
13 of care provided in a hospital if the commissioner determines
14 that the individual requires 24-hour supervision because the
15 person exhibits recurrent or frequent suicidal or homicidal
16 ideation or behavior, recurrent or frequent psychosomatic
17 disorders or somatopsychic disorders that may become life
18 threatening, recurrent or frequent severe socially unacceptable
19 behavior associated with psychiatric disorder, ongoing and
20 chronic psychosis or severe, ongoing and chronic developmental
21 problems requiring continuous skilled observation, or severe
22 disabling symptoms for which office-centered outpatient
23 treatment is not adequate, and which overall severely impact the
24 individual's ability to function.

25 (c) For purposes of this subdivision, "nursing facility"
26 means a facility which provides nursing care as defined in
27 section 144A.01, subdivision 5, licensed pursuant to sections
28 144A.02 to 144A.10, which is appropriate if a person is in
29 active restorative treatment; is in need of special treatments
30 provided or supervised by a licensed nurse; or has unpredictable
31 episodes of active disease processes requiring immediate
32 judgment by a licensed nurse. For purposes of this subdivision,
33 a child requires the level of care provided in a nursing
34 facility if the child is determined by the commissioner to meet
35 the requirements of the preadmission screening assessment
36 document under section 256B.0911 and the home care independent

1 rating document under section 256B.0627, subdivision 5,
2 paragraph ~~(f)~~ (e), clause (2), item (iii), adjusted to address
3 age-appropriate standards for children age 18 and under,
4 pursuant to section 256B.0627, subdivision 5, paragraph (d),
5 clause (2).

6 (d) For purposes of this subdivision, "intermediate care
7 facility for persons with mental retardation or related
8 conditions" or "ICF/MR" means a program licensed to provide
9 services to persons with mental retardation under section
10 252.28, and chapter 245A, and a physical plant licensed as a
11 supervised living facility under chapter 144, which together are
12 certified by the Minnesota Department of Health as meeting the
13 standards in Code of Federal Regulations, title 42, part 483,
14 for an intermediate care facility which provides services for
15 persons with mental retardation or persons with related
16 conditions who require 24-hour supervision and active treatment
17 for medical, behavioral, or habilitation needs. For purposes of
18 this subdivision, a child requires a level of care provided in
19 an ICF/MR if the commissioner finds that the child has mental
20 retardation or a related condition in accordance with section
21 256B.092, is in need of a 24-hour plan of care and active
22 treatment similar to persons with mental retardation, and there
23 is a reasonable indication that the child will need ICF/MR
24 services.

25 (e) For purposes of this subdivision, a person requires the
26 level of care provided in a nursing facility if the person
27 requires 24-hour monitoring or supervision and a plan of mental
28 health treatment because of specific symptoms or functional
29 impairments associated with a serious mental illness or disorder
30 diagnosis, which meet severity criteria for mental health
31 established by the commissioner and published in March 1997 as
32 the Minnesota Mental Health Level of Care for Children and
33 Adolescents with Severe Emotional Disorders.

34 (f) The determination of the level of care needed by the
35 child shall be made by the commissioner based on information
36 supplied to the commissioner by the parent or guardian, the

1 child's physician or physicians, and other professionals as
2 requested by the commissioner. The commissioner shall establish
3 a screening team to conduct the level of care determinations
4 according to this subdivision.

5 (g) If a child meets the conditions in paragraph (b), (c),
6 (d), or (e), the commissioner must assess the case to determine
7 whether:

8 (1) the child qualifies as a disabled individual under
9 United States Code, title 42, section 1382c(a), and would be
10 eligible for medical assistance if residing in a medical
11 institution; and

12 (2) the cost of medical assistance services for the child,
13 if eligible under this subdivision, would not be more than the
14 cost to medical assistance if the child resides in a medical
15 institution to be determined as follows:

16 (i) for a child who requires a level of care provided in an
17 ICF/MR, the cost of care for the child in an institution shall
18 be determined using the average payment rate established for the
19 regional treatment centers that are certified as ICFs/MR;

20 (ii) for a child who requires a level of care provided in
21 an inpatient hospital setting according to paragraph (b),
22 cost-effectiveness shall be determined according to Minnesota
23 Rules, part 9505.3520, items F and G; and

24 (iii) for a child who requires a level of care provided in
25 a nursing facility according to paragraph (c) or (e),
26 cost-effectiveness shall be determined according to Minnesota
27 Rules, part 9505.3040, except that the nursing facility average
28 rate shall be adjusted to reflect rates which would be paid for
29 children under age 16. The commissioner may authorize an amount
30 up to the amount medical assistance would pay for a child
31 referred to the commissioner by the preadmission screening team
32 under section 256B.0911.

33 (h) Children eligible for medical assistance services under
34 section 256B.055, subdivision 12, as of June 30, 1995, must be
35 screened according to the criteria in this subdivision prior to
36 January 1, 1996. Children found to be ineligible may not be

1 removed from the program until January 1, 1996.

2 Sec. 49. Minnesota Statutes 2004, section 256B.0625,
3 subdivision 6a, is amended to read:

4 Subd. 6a. [HOME HEALTH SERVICES.] Home health services are
5 those services specified in Minnesota Rules, part
6 ~~9505-0290~~ 9505.0295. Medical assistance covers home health
7 services at a recipient's home residence. Medical assistance
8 does not cover home health services for residents of a hospital,
9 nursing facility, or intermediate care facility, unless the
10 commissioner of human services has prior authorized skilled
11 nurse visits for less than 90 days for a resident at an
12 intermediate care facility for persons with mental retardation,
13 to prevent an admission to a hospital or nursing facility or
14 unless a resident who is otherwise eligible is on leave from the
15 facility and the facility either pays for the home health
16 services or forgoes the facility per diem for the leave days
17 that home health services are used. Home health services must
18 be provided by a Medicare certified home health agency. All
19 nursing and home health aide services must be provided according
20 to section 256B.0627.

21 Sec. 50. Minnesota Statutes 2004, section 256B.0627,
22 subdivision 1, is amended to read:

23 Subdivision 1. [DEFINITION.] (a) "Activities of daily
24 living" includes eating, toileting, grooming, dressing, bathing,
25 transferring, mobility, and positioning.

26 (b) "Assessment" means a review and evaluation of a
27 recipient's need for home care services conducted in person.
28 Assessments for private duty nursing shall be conducted by a
29 registered private duty nurse. Assessments for home health
30 agency services shall be conducted by a home health agency
31 nurse. Assessments for personal care assistant services shall
32 be conducted by the county public health nurse or a certified
33 public health nurse under contract with the county. A
34 face-to-face assessment must include: documentation of health
35 status, determination of need, evaluation of service
36 effectiveness, identification of appropriate services, service

1 plan development or modification, coordination of services,
2 referrals and follow-up to appropriate payers and community
3 resources, completion of required reports, recommendation of
4 service authorization, and consumer education. Once the need
5 for personal care assistant services is determined under this
6 section, the county public health nurse or certified public
7 health nurse under contract with the county is responsible for
8 communicating this recommendation to the commissioner and the
9 recipient. A face-to-face assessment for personal care
10 assistant services is conducted on those recipients who have
11 never had a county public health nurse assessment. A
12 face-to-face assessment must occur at least annually or when
13 there is a significant change in the recipient's condition or
14 when there is a change in the need for personal care assistant
15 services. A service update may substitute for the annual
16 face-to-face assessment when there is not a significant change
17 in recipient condition or a change in the need for personal care
18 assistant service. A service update or review for temporary
19 increase includes a review of initial baseline data, evaluation
20 of service effectiveness, redetermination of service need,
21 modification of service plan and appropriate referrals, update
22 of initial forms, obtaining service authorization, and on going
23 consumer education. Assessments for medical assistance home
24 care services for mental retardation or related conditions and
25 alternative care services for developmentally disabled home and
26 community-based waived recipients may be conducted by the
27 county public health nurse to ensure coordination and avoid
28 duplication. Assessments must be completed on forms provided by
29 the commissioner within 30 days of a request for home care
30 services by a recipient or responsible party.

31 (c) "Care plan" means a written description of personal
32 care assistant services developed by the qualified professional
33 or the recipient's physician with the recipient or responsible
34 party to be used by the personal care assistant with a copy
35 provided to the recipient or responsible party.

36 (d) "Complex and regular private duty nursing care" means:

1 (1) complex care is private duty nursing provided to
2 recipients who are ventilator dependent or for whom a physician
3 has certified that were it not for private duty nursing the
4 recipient would meet the criteria for inpatient hospital
5 intensive care unit (ICU) level of care; and

6 (2) regular care is private duty nursing provided to all
7 other recipients.

8 (e) "Health-related functions" means functions that can be
9 delegated or assigned by a licensed health care professional
10 under state law to be performed by a personal care
11 attendant assistant.

12 (f) "Home care services" means a health service, determined
13 by the commissioner as medically necessary, that is ordered by a
14 physician and documented in a service plan that is reviewed by
15 the physician at least once every 60 days for the provision of
16 home health services, or private duty nursing, or at least once
17 every 365 days for personal care. Home care services are
18 provided to the recipient at the recipient's residence that is a
19 place other than a hospital or long-term care facility or as
20 specified in section 256B.0625.

21 (g) "Instrumental activities of daily living" includes meal
22 planning and preparation, managing finances, shopping for food,
23 clothing, and other essential items, performing essential
24 household chores, communication by telephone and other media,
25 and getting around and participating in the community.

26 (h) "Medically necessary" has the meaning given in
27 Minnesota Rules, parts 9505.0170 to 9505.0475.

28 (i) "Personal care assistant" means a person who:

29 (1) is at least 18 years old, except for persons 16 to 18
30 years of age who participated in a related school-based job
31 training program or have completed a certified home health aide
32 competency evaluation;

33 (2) is able to effectively communicate with the recipient
34 and personal care provider organization;

35 (3) effective July 1, 1996, has completed one of the
36 training requirements as specified in Minnesota Rules, part

1 9505.0335, subpart 3, items A to D;

2 (4) has the ability to, and provides covered personal care
3 assistant services according to the recipient's care plan,
4 responds appropriately to recipient needs, and reports changes
5 in the recipient's condition to the supervising qualified
6 professional or physician;

7 (5) is not a consumer of personal care assistant services;
8 and

9 (6) is subject to criminal background checks and procedures
10 specified in chapter 245C.

11 (j) "Personal care provider organization" means an
12 organization enrolled to provide personal care assistant
13 services under the medical assistance program that complies with
14 the following: (1) owners who have a five percent interest or
15 more, and managerial officials are subject to a background study
16 as provided in chapter 245C. This applies to currently enrolled
17 personal care provider organizations and those agencies seeking
18 enrollment as a personal care provider organization. An
19 organization will be barred from enrollment if an owner or
20 managerial official of the organization has been convicted of a
21 crime specified in chapter 245C, or a comparable crime in
22 another jurisdiction, unless the owner or managerial official
23 meets the reconsideration criteria specified in chapter 245C;
24 (2) the organization must maintain a surety bond and liability
25 insurance throughout the duration of enrollment and provides
26 proof thereof. The insurer must notify the Department of Human
27 Services of the cancellation or lapse of policy; and (3) the
28 organization must maintain documentation of services as
29 specified in Minnesota Rules, part 9505.2175, subpart 7, as well
30 as evidence of compliance with personal care assistant training
31 requirements.

32 (k) "Responsible party" means an individual who is capable
33 of providing the support necessary to assist the recipient to
34 live in the community, is at least 18 years old, actively
35 participates in planning and directing of personal care
36 assistant services, and is not the personal care assistant. The

1 responsible party must be accessible to the recipient and the
2 personal care assistant when personal care services are being
3 provided and monitor the services at least weekly according to
4 the plan of care. The responsible party must be identified at
5 the time of assessment and listed on the recipient's service
6 agreement and care plan. Responsible parties may delegate the
7 responsibility to another adult who is not the personal care
8 assistant. The responsible party must assure that the delegate
9 performs the functions of the responsible party, is identified
10 at the time of the assessment, and is listed on the service
11 agreement and the care plan. Foster care license holders may be
12 designated the responsible party for residents of the foster
13 care home if case management is provided as required in section
14 256B.0625, subdivision 19a. For persons who, as of April 1,
15 1992, are sharing personal care assistant services in order to
16 obtain the availability of 24-hour coverage, an employee of the
17 personal care provider organization may be designated as the
18 responsible party if case management is provided as required in
19 section 256B.0625, subdivision 19a.

20 (1) "Service plan" means a written description of the
21 services needed based on the assessment developed by the nurse
22 who conducts the assessment together with the recipient or
23 responsible party. The service plan shall include a description
24 of the covered home care services, frequency and duration of
25 services, and expected outcomes and goals. The recipient and
26 the provider chosen by the recipient or responsible party must
27 be given a copy of the completed service plan within 30 calendar
28 days of the request for home care services by the recipient or
29 responsible party.

30 (m) "Skilled nurse visits" are provided in a recipient's
31 residence under a plan of care or service plan that specifies a
32 level of care which the nurse is qualified to provide. These
33 services are:

34 (1) nursing services according to the written plan of care
35 or service plan and accepted standards of medical and nursing
36 practice in accordance with chapter 148;

1 (2) services which due to the recipient's medical condition
2 may only be safely and effectively provided by a registered
3 nurse or a licensed practical nurse;

4 (3) assessments performed only by a registered nurse; and

5 (4) teaching and training the recipient, the recipient's
6 family, or other caregivers requiring the skills of a registered
7 nurse or licensed practical nurse.

8 (n) "Telehomecare" means the use of telecommunications
9 technology by a home health care professional to deliver home
10 health care services, within the professional's scope of
11 practice, to a patient located at a site other than the site
12 where the practitioner is located.

13 Sec. 51. Minnesota Statutes 2004, section 256B.0627,
14 subdivision 5, is amended to read:

15 Subd. 5. [LIMITATION ON PAYMENTS.] Medical assistance
16 payments for home care services shall be limited according to
17 this subdivision.

18 (a) [LIMITS ON SERVICES WITHOUT PRIOR AUTHORIZATION.] A
19 recipient may receive the following home care services during a
20 calendar year:

21 (1) up to two face-to-face assessments to determine a
22 recipient's need for personal care assistant services;

23 (2) one service update done to determine a recipient's need
24 for personal care assistant services; and

25 (3) up to nine skilled nurse visits.

26 (b) [PRIOR AUTHORIZATION; EXCEPTIONS.] All home care
27 services above the limits in paragraph (a) must receive the
28 commissioner's prior authorization, except when:

29 (1) the home care services were required to treat an
30 emergency medical condition that if not immediately treated
31 could cause a recipient serious physical or mental disability,
32 continuation of severe pain, or death. The provider must
33 request retroactive authorization no later than five working
34 days after giving the initial service. The provider must be
35 able to substantiate the emergency by documentation such as
36 reports, notes, and admission or discharge histories;

1 (2) the home care services were provided on or after the
2 date on which the recipient's eligibility began, but before the
3 date on which the recipient was notified that the case was
4 opened. Authorization will be considered if the request is
5 submitted by the provider within 20 working days of the date the
6 recipient was notified that the case was opened;

7 (3) a third-party payor for home care services has denied
8 or adjusted a payment. Authorization requests must be submitted
9 by the provider within 20 working days of the notice of denial
10 or adjustment. A copy of the notice must be included with the
11 request;

12 (4) the commissioner has determined that a county or state
13 human services agency has made an error; or

14 (5) the professional nurse determines an immediate need for
15 up to 40 skilled nursing or home health aide visits per calendar
16 year and submits a request for authorization within 20 working
17 days of the initial service date, and medical assistance is
18 determined to be the appropriate payer.

19 (c) [RETROACTIVE AUTHORIZATION.] A request for retroactive
20 authorization will be evaluated according to the same criteria
21 applied to prior authorization requests.

22 (d) [ASSESSMENT AND SERVICE PLAN.] Assessments under
23 section 256B.0627, subdivision 1, paragraph ~~(a)~~ (b), shall be
24 conducted initially, and at least annually thereafter, in person
25 with the recipient and result in a completed service plan using
26 forms specified by the commissioner. Within 30 days of
27 recipient or responsible party request for home care services,
28 the assessment, the service plan, and other information
29 necessary to determine medical necessity such as diagnostic or
30 testing information, social or medical histories, and hospital
31 or facility discharge summaries shall be submitted to the
32 commissioner. Notwithstanding the provisions of section
33 256B.0627, subdivision 12, the commissioner shall maximize
34 federal financial participation to pay for public health nurse
35 assessments for personal care services. For personal care
36 assistant services:

1 (1) The amount and type of service authorized based upon
2 the assessment and service plan will follow the recipient if the
3 recipient chooses to change providers.

4 (2) If the recipient's medical need changes, the
5 recipient's provider may assess the need for a change in service
6 authorization and request the change from the county public
7 health nurse. Within 30 days of the request, the public health
8 nurse will determine whether to request the change in services
9 based upon the provider assessment, or conduct a home visit to
10 assess the need and determine whether the change is appropriate.

11 (3) To continue to receive personal care assistant services
12 after the first year, the recipient or the responsible party, in
13 conjunction with the public health nurse, may complete a service
14 update on forms developed by the commissioner according to
15 criteria and procedures in subdivision 1.

16 (e) [PRIOR AUTHORIZATION.] The commissioner, or the
17 commissioner's designee, shall review the assessment, service
18 update, request for temporary services, service plan, and any
19 additional information that is submitted. The commissioner
20 shall, within 30 days after receiving a complete request,
21 assessment, and service plan, authorize home care services as
22 follows:

23 (1) [HOME HEALTH SERVICES.] All home health services
24 provided by a home health aide must be prior authorized by the
25 commissioner or the commissioner's designee. Prior
26 authorization must be based on medical necessity and
27 cost-effectiveness when compared with other care options. When
28 home health services are used in combination with personal care
29 and private duty nursing, the cost of all home care services
30 shall be considered for cost-effectiveness. The commissioner
31 shall limit home health aide visits to no more than one visit
32 each per day. The commissioner, or the commissioner's designee,
33 may authorize up to two skilled nurse visits per day.

34 (2) [PERSONAL CARE ASSISTANT SERVICES.] (i) All personal
35 care assistant services and supervision by a qualified
36 professional, if requested by the recipient, must be prior

1 authorized by the commissioner or the commissioner's designee
2 except for the assessments established in paragraph (a). The
3 amount of personal care assistant services authorized must be
4 based on the recipient's home care rating. A child may not be
5 found to be dependent in an activity of daily living if because
6 of the child's age an adult would either perform the activity
7 for the child or assist the child with the activity and the
8 amount of assistance needed is similar to the assistance
9 appropriate for a typical child of the same age. Based on
10 medical necessity, the commissioner may authorize:

11 (A) up to two times the average number of direct care hours
12 provided in nursing facilities for the recipient's comparable
13 case mix level; or

14 (B) up to three times the average number of direct care
15 hours provided in nursing facilities for recipients who have
16 complex medical needs or are dependent in at least seven
17 activities of daily living and need physical assistance with
18 eating or have a neurological diagnosis; or

19 (C) up to 60 percent of the average reimbursement rate, as
20 of July 1, 1991, for care provided in a regional treatment
21 center for recipients who have Level I behavior, plus any
22 inflation adjustment as provided by the legislature for personal
23 care service; or

24 (D) up to the amount the commissioner would pay, as of July
25 1, 1991, plus any inflation adjustment provided for home care
26 services, for care provided in a regional treatment center for
27 recipients referred to the commissioner by a regional treatment
28 center preadmission evaluation team. For purposes of this
29 clause, home care services means all services provided in the
30 home or community that would be included in the payment to a
31 regional treatment center; or

32 (E) up to the amount medical assistance would reimburse for
33 facility care for recipients referred to the commissioner by a
34 preadmission screening team established under section 256B.0911
35 or 256B.092; and

36 (F) a reasonable amount of time for the provision of

1 supervision by a qualified professional of personal care
2 assistant services, if a qualified professional is requested by
3 the recipient or responsible party.

4 (ii) The number of direct care hours shall be determined
5 according to the annual cost report submitted to the department
6 by nursing facilities. The average number of direct care hours,
7 as established by May 1, 1992, shall be calculated and
8 incorporated into the home care limits on July 1, 1992. These
9 limits shall be calculated to the nearest quarter hour.

10 (iii) The home care rating shall be determined by the
11 commissioner or the commissioner's designee based on information
12 submitted to the commissioner by the county public health nurse
13 on forms specified by the commissioner. The home care rating
14 shall be a combination of current assessment tools developed
15 under sections 256B.0911 and 256B.501 with an addition for
16 seizure activity that will assess the frequency and severity of
17 seizure activity and with adjustments, additions, and
18 clarifications that are necessary to reflect the needs and
19 conditions of recipients who need home care including children
20 and adults under 65 years of age. The commissioner shall
21 establish these forms and protocols under this section and shall
22 use an advisory group, including representatives of recipients,
23 providers, and counties, for consultation in establishing and
24 revising the forms and protocols.

25 (iv) A recipient shall qualify as having complex medical
26 needs if the care required is difficult to perform and because
27 of recipient's medical condition requires more time than
28 community-based standards allow or requires more skill than
29 would ordinarily be required and the recipient needs or has one
30 or more of the following:

- 31 (A) daily tube feedings;
32 (B) daily parenteral therapy;
33 (C) wound or decubiti care;
34 (D) postural drainage, percussion, nebulizer treatments,
35 suctioning, tracheotomy care, oxygen, mechanical ventilation;
36 (E) catheterization;

1 (F) ostomy care;
2 (G) quadriplegia; or
3 (H) other comparable medical conditions or treatments the
4 commissioner determines would otherwise require institutional
5 care.

6 (v) A recipient shall qualify as having Level I behavior if
7 there is reasonable supporting evidence that the recipient
8 exhibits, or that without supervision, observation, or
9 redirection would exhibit, one or more of the following
10 behaviors that cause, or have the potential to cause:

- 11 (A) injury to the recipient's own body;
- 12 (B) physical injury to other people; or
- 13 (C) destruction of property.

14 (vi) Time authorized for personal care relating to Level I
15 behavior in subclause (v), items (A) to (C), shall be based on
16 the predictability, frequency, and amount of intervention
17 required.

18 (vii) A recipient shall qualify as having Level II behavior
19 if the recipient exhibits on a daily basis one or more of the
20 following behaviors that interfere with the completion of
21 personal care assistant services under subdivision 4, paragraph
22 (a):

- 23 (A) unusual or repetitive habits;
- 24 (B) withdrawn behavior; or
- 25 (C) offensive behavior.

26 (viii) A recipient with a home care rating of Level II
27 behavior in subclause (vii), items (A) to (C), shall be rated as
28 comparable to a recipient with complex medical needs under
29 subclause (iv). If a recipient has both complex medical needs
30 and Level II behavior, the home care rating shall be the next
31 complex category up to the maximum rating under subclause (i),
32 item (B).

33 (3) [PRIVATE DUTY NURSING SERVICES.] All private duty
34 nursing services shall be prior authorized by the commissioner
35 or the commissioner's designee. Prior authorization for private
36 duty nursing services shall be based on medical necessity and

1 cost-effectiveness when compared with alternative care options.
2 The commissioner may authorize medically necessary private duty
3 nursing services in quarter-hour units when:

4 (i) the recipient requires more individual and continuous
5 care than can be provided during a nurse visit; or

6 (ii) the cares are outside of the scope of services that
7 can be provided by a home health aide or personal care assistant.

8 The commissioner may authorize:

9 (A) up to two times the average amount of direct care hours
10 provided in nursing facilities statewide for case mix
11 classification "K" as established by the annual cost report
12 submitted to the department by nursing facilities in May 1992;

13 (B) private duty nursing in combination with other home
14 care services up to the total cost allowed under clause (2);

15 (C) up to 16 hours per day if the recipient requires more
16 nursing than the maximum number of direct care hours as
17 established in item (A) and the recipient meets the hospital
18 admission criteria established under Minnesota Rules, parts
19 9505.0501 to 9505.0540.

20 The commissioner may authorize up to 16 hours per day of
21 medically necessary private duty nursing services or up to 24
22 hours per day of medically necessary private duty nursing
23 services until such time as the commissioner is able to make a
24 determination of eligibility for recipients who are
25 cooperatively applying for home care services under the
26 community alternative care program developed under section
27 256B.49, or until it is determined by the appropriate regulatory
28 agency that a health benefit plan is or is not required to pay
29 for appropriate medically necessary health care services.
30 Recipients or their representatives must cooperatively assist
31 the commissioner in obtaining this determination. Recipients
32 who are eligible for the community alternative care program may
33 not receive more hours of nursing under this section than would
34 otherwise be authorized under section 256B.49.

35 (4) [VENTILATOR-DEPENDENT RECIPIENTS.] If the recipient is
36 ventilator-dependent, the monthly medical assistance

1 authorization for home care services shall not exceed what the
2 commissioner would pay for care at the highest cost hospital
3 designated as a long-term hospital under the Medicare program.
4 For purposes of this clause, home care services means all
5 services provided in the home that would be included in the
6 payment for care at the long-term hospital.

7 "Ventilator-dependent" means an individual who receives
8 mechanical ventilation for life support at least six hours per
9 day and is expected to be or has been dependent for at least 30
10 consecutive days.

11 (f) [PRIOR AUTHORIZATION; TIME LIMITS.] The commissioner
12 or the commissioner's designee shall determine the time period
13 for which a prior authorization shall be effective. If the
14 recipient continues to require home care services beyond the
15 duration of the prior authorization, the home care provider must
16 request a new prior authorization. Under no circumstances,
17 other than the exceptions in paragraph (b), shall a prior
18 authorization be valid prior to the date the commissioner
19 receives the request or for more than 12 months. A recipient
20 who appeals a reduction in previously authorized home care
21 services may continue previously authorized services, other than
22 temporary services under paragraph (h), pending an appeal under
23 section 256.045. The commissioner must provide a detailed
24 explanation of why the authorized services are reduced in amount
25 from those requested by the home care provider.

26 (g) [APPROVAL OF HOME CARE SERVICES.] The commissioner or
27 the commissioner's designee shall determine the medical
28 necessity of home care services, the level of caregiver
29 according to subdivision 2, and the institutional comparison
30 according to this subdivision, the cost-effectiveness of
31 services, and the amount, scope, and duration of home care
32 services reimbursable by medical assistance, based on the
33 assessment, primary payer coverage determination information as
34 required, the service plan, the recipient's age, the cost of
35 services, the recipient's medical condition, and diagnosis or
36 disability. The commissioner may publish additional criteria

1 for determining medical necessity according to section 256B.04.

2 (h) [PRIOR AUTHORIZATION REQUESTS; TEMPORARY SERVICES.]

3 The agency nurse, the independently enrolled private duty nurse,
4 or county public health nurse may request a temporary
5 authorization for home care services by telephone. The
6 commissioner may approve a temporary level of home care services
7 based on the assessment, and service or care plan information,
8 and primary payer coverage determination information as required.
9 Authorization for a temporary level of home care services
10 including nurse supervision is limited to the time specified by
11 the commissioner, but shall not exceed 45 days, unless extended
12 because the county public health nurse has not completed the
13 required assessment and service plan, or the commissioner's
14 determination has not been made. The level of services
15 authorized under this provision shall have no bearing on a
16 future prior authorization.

17 (i) [PRIOR AUTHORIZATION REQUIRED IN FOSTER CARE SETTING.]

18 Home care services provided in an adult or child foster care
19 setting must receive prior authorization by the department
20 according to the limits established in paragraph (a).

21 The commissioner may not authorize:

22 (1) home care services that are the responsibility of the
23 foster care provider under the terms of the foster care
24 placement agreement and administrative rules;

25 (2) personal care assistant services when the foster care
26 license holder is also the personal care provider or personal
27 care assistant unless the recipient can direct the recipient's
28 own care, or case management is provided as required in section
29 256B.0625, subdivision 19a;

30 (3) personal care assistant services when the responsible
31 party is an employee of, or under contract with, or has any
32 direct or indirect financial relationship with the personal care
33 provider or personal care assistant, unless case management is
34 provided as required in section 256B.0625, subdivision 19a; or

35 (4) personal care assistant and private duty nursing
36 services when the number of foster care residents is greater

1 than four unless the county responsible for the recipient's
2 foster placement made the placement prior to April 1, 1992,
3 requests that personal care assistant and private duty nursing
4 services be provided, and case management is provided as
5 required in section 256B.0625, subdivision 19a.

6 Sec. 52. Minnesota Statutes 2004, section 256B.0917,
7 subdivision 4, is amended to read:

8 Subd. 4. [ACCESSIBLE INFORMATION, SCREENING, AND
9 ASSESSMENT FUNCTION.] (a) The projects selected by and under
10 contract with the commissioner shall establish an accessible
11 information, screening, and assessment function for persons who
12 need assistance and information regarding long-term care. This
13 accessible information, screening, and assessment activity shall
14 include information and referral, early intervention, follow-up
15 contacts, telephone screening, home visits, assessments,
16 preadmission screening, and relocation case management for the
17 frail elderly and their caregivers in the area served by the
18 county or counties. The purpose is to ensure that information
19 and help is provided to elderly persons and their families in a
20 timely fashion, when they are making decisions about long-term
21 care. These functions may be split among various agencies, but
22 must be coordinated by the local long-term care coordinating
23 team.

24 (b) Accessible information, screening, and assessment
25 functions shall be reimbursed as follows:

26 (1) The screenings of all persons entering nursing homes
27 shall be reimbursed as defined in section 256B.0911, subdivision
28 6; and

29 (2) Additional state administrative funds shall be
30 available for the access, screening, and assessment activities
31 that are not reimbursed under clause (1). This amount shall not
32 exceed the amount authorized in the guidelines and in
33 instructions for the application and must be within the amount
34 appropriated for this activity.

35 (c) Any information and referral functions funded by other
36 sources, such as Title III of the Older Americans Act and Title

1 XX of the Social Security Act ~~and the Community Social Services~~
 2 Act, shall be considered by the local long-term care
 3 coordinating team in establishing this function to avoid
 4 duplication and to ensure access to information for persons
 5 needing help and information regarding long-term care.

6 (d) The lead agency or the agencies under contract with the
 7 lead agency which are responsible for the accessible
 8 information, screening, and assessment function must complete
 9 the forms and reports required by the commissioner as specified
 10 in the contract.

11 Sec. 53. Minnesota Statutes 2004, section 256B.0917,
 12 subdivision 5, is amended to read:

13 Subd. 5. [SERVICE DEVELOPMENT AND SERVICE DELIVERY.] (a)
 14 In addition to the access, screening, and assessment activity,
 15 each local strategy may include provisions for the following:

16 (1) the addition of a full-time staff person who is
 17 responsible to develop the following services and recruit
 18 providers as established in the contract:

19 (i) additional adult family foster care homes;

20 (ii) family adult day care providers as defined in section
 21 256B.0919, subdivision 2;

22 (iii) an assisted living program in an apartment;

23 (iv) a congregate housing service project in a subsidized
 24 housing project; and

25 (v) the expansion of evening and weekend coverage of home
 26 care services as deemed necessary by the local strategic plan;

27 (2) small incentive grants to new adult family care
 28 providers for renovations needed to meet licensure requirements;

29 ~~(3) a plan to apply for a congregate housing service~~
 30 ~~project as identified in section 256.9731, authorized by the~~
 31 ~~Minnesota Board on Aging, to the extent that funds are~~
 32 ~~available;~~

33 ~~(4)~~ (3) a plan to divert new applicants to nursing homes
 34 and to relocate a targeted population from nursing homes, using
 35 the individual's own resources or the funding available for
 36 services;

1 ~~(5)~~ (4) one or more caregiver support and respite care
2 projects, as described in subdivision 6; and

3 ~~(6)~~ (5) one or more living-at-home/block nurse projects, as
4 described in subdivisions 7 to 10.

5 (b) The expansion of alternative care clients under
6 paragraph (a) shall be accomplished with the funds provided
7 under section 256B.0913, and includes the allocation of targeted
8 funds. The funding for all participating counties must be
9 coordinated by the local long-term care coordinating team and
10 must be part of the local long-term care strategy. Alternative
11 care funds may be transferred from one SAIL county to another
12 within a designated SAIL project area during a fiscal year as
13 authorized by the local long-term care coordinating team and
14 approved by the commissioner. The base allocation used for a
15 future year shall reflect the final transfer. Each county
16 retains responsibility for reimbursement as defined in section
17 256B.0913, subdivision 12. All other requirements for the
18 alternative care program must be met unless an exception is
19 provided in this section. The commissioner may establish by
20 contract a reimbursement mechanism for alternative care that
21 does not require invoice processing through the Medical
22 Assistance Management Information System (MMIS). The
23 commissioner and local agencies must assure that the same client
24 and reimbursement data is obtained as is available under MMIS.

25 (c) The administration of these components is the
26 responsibility of the agencies selected by the local
27 coordinating team and under contract with the local lead
28 agency. However, administrative funds for paragraph (a),
29 clauses (2) to ~~(5)~~ (4), and grant funds for paragraph
30 (a), ~~clauses-(6)-and-(7)~~ clause (5), shall be granted to the
31 local lead agency. The funding available for each component is
32 based on the plan submitted and the amount negotiated in the
33 contract.

34 Sec. 54. Minnesota Statutes 2004, section 256B.0951,
35 subdivision 8, is amended to read:

36 Subd. 8. [FEDERAL WAIVER.] The commissioner of human

1 services shall seek a federal waiver to allow intermediate care
2 facilities for persons with mental retardation (ICFs/MR) in
3 region 10 of Minnesota to participate in the alternative
4 licensing system. If it is necessary for purposes of
5 participation in this alternative licensing system for a
6 facility to be decertified as an ICF/MR facility according to
7 the terms of the federal waiver, when the facility seeks
8 recertification under the provisions of ICF/MR regulations at
9 the end of the demonstration project, it will not be considered
10 a new ICF/MR as defined under section 252.291 provided the
11 licensed capacity of the facility did not increase during its
12 participation in the alternative licensing system. The
13 provisions of sections ~~252.82~~ 252.28, 252.292, and 256B.5011 to
14 256B.5015 will remain applicable for counties in region 10 of
15 Minnesota and the ICFs/MR located within those counties
16 notwithstanding a county's participation in the alternative
17 licensing system.

18 Sec. 55. Minnesota Statutes 2004, section 256B.431,
19 subdivision 14, is amended to read:

20 Subd. 14. [LIMITATIONS ON SALES OF NURSING FACILITIES.]

21 (a) For rate periods beginning on October 1, 1992, and for rate
22 years beginning after June 30, 1993, a nursing facility's
23 property-related payment rate as established under subdivision
24 13 shall be adjusted by either paragraph (b) or (c) for the sale
25 of the nursing facility, including sales occurring after June
26 30, 1992, as provided in this subdivision.

27 (b) If the nursing facility's property-related payment rate
28 under subdivision 13 prior to sale is greater than the nursing
29 facility's rental rate under Minnesota Rules, parts 9549.0010 to
30 9549.0080, and this section prior to sale, the nursing
31 facility's property-related payment rate after sale shall be the
32 greater of its property-related payment rate under subdivision
33 13 prior to sale or its rental rate under Minnesota Rules, parts
34 9549.0010 to 9549.0080, and this section calculated after sale.

35 (c) If the nursing facility's property-related payment rate
36 under subdivision 13 prior to sale is equal to or less than the

1 nursing facility's rental rate under Minnesota Rules, parts
2 9549.0010 to 9549.0080, and this section prior to sale, the
3 nursing facility's property-related payment rate after sale
4 shall be the nursing facility's property-related payment rate
5 under subdivision 13 plus the difference between its rental rate
6 calculated under Minnesota Rules, parts 9549.0010 to 9549.0080,
7 and this section prior to sale and its rental rate calculated
8 under Minnesota Rules, parts 9549.0010 to 9549.0080, and this
9 section calculated after sale.

10 (d) For purposes of this subdivision, "sale" means the
11 purchase of a nursing facility's capital assets with cash or
12 debt. The term sale does not include a stock purchase of a
13 nursing facility or any of the following transactions:

14 (1) a sale and leaseback to the same licensee that does not
15 constitute a change in facility license;

16 (2) a transfer of an interest to a trust;

17 (3) gifts or other transfers for no consideration;

18 (4) a merger of two or more related organizations;

19 (5) a change in the legal form of doing business, other
20 than a publicly held organization that becomes privately held or
21 vice versa;

22 (6) the addition of a new partner, owner, or shareholder
23 who owns less than 20 percent of the nursing facility or the
24 issuance of stock; and

25 (7) a sale, merger, reorganization, or any other transfer
26 of interest between related organizations other than those
27 permitted in this section.

28 (e) For purposes of this subdivision, "sale" includes the
29 sale or transfer of a nursing facility to a close relative as
30 defined in Minnesota Rules, part 9549.0020, subpart 38, item C,
31 upon the death of an owner, due to serious illness or
32 disability, as defined under the Social Security Act, under
33 United States Code, title 42, section 423(d)(1)(A), or upon
34 retirement of an owner from the business of owning or operating
35 a nursing home at 62 years of age or older. For sales to a
36 close relative allowed under this paragraph, otherwise

1 nonallowable debt resulting from seller financing of all or a
2 portion of the debt resulting from the sale shall be allowed and
3 shall not be subject to Minnesota Rules, part 9549.0060, subpart
4 5, item E, provided that in addition to existing requirements
5 for allowance of debt and interest, the debt is subject to
6 repayment through annual principal payments and the interest
7 rate on the related organization debt does not exceed three
8 percentage points above the posted yield for standard
9 conventional fixed rate mortgages of the Federal Home Loan
10 Mortgage Corporation for delivery in 60 days in effect on the
11 day of sale. If at any time, the seller forgives the related
12 organization debt allowed under this paragraph for other than
13 equal amount of payment on that debt, then the buyer shall pay
14 to the state the total revenue received by the nursing facility
15 after the sale attributable to the amount of allowable debt
16 which has been forgiven. Any assignment, sale, or transfer of
17 the debt instrument entered into by the close relatives, either
18 directly or indirectly, which grants to the close relative buyer
19 the right to receive all or a portion of the payments under the
20 debt instrument shall, effective on the date of the transfer,
21 result in the prospective reduction in the corresponding portion
22 of the allowable debt and interest expense. Upon the death of
23 the close relative seller, any remaining balance of the close
24 relative debt must be refinanced and such refinancing shall be
25 subject to the provisions of Minnesota Rules, part 9549.0060,
26 subpart 7, item G. This paragraph shall not apply to sales
27 occurring on or after June 30, 1997.

28 (f) For purposes of this subdivision, "effective date of
29 sale" means the later of either the date on which legal title to
30 the capital assets is transferred or the date on which closing
31 for the sale occurred.

32 (g) The effective day for the property-related payment rate
33 determined under this subdivision shall be the first day of the
34 month following the month in which the effective date of sale
35 occurs or October 1, 1992, whichever is later, provided that the
36 notice requirements under section 256B.47, subdivision 2, have

1 been met.

2 (h) Notwithstanding Minnesota Rules, part 9549.0060,
3 subparts 5, item A, subitems (3) and (4), and 7, items E and F,
4 the commissioner shall limit the total allowable debt and
5 related interest for sales occurring after June 30, 1992, to the
6 sum of clauses (1) to (3):

7 (1) the historical cost of capital assets, as of the
8 nursing facility's most recent previous effective date of sale
9 or, if there has been no previous sale, the nursing facility's
10 initial historical cost of constructing capital assets;

11 (2) the average annual capital asset additions after
12 deduction for capital asset deletions, not including
13 depreciations; and

14 (3) one-half of the allowed inflation on the nursing
15 facility's capital assets. The commissioner shall compute the
16 allowed inflation as described in paragraph (i).

17 (i) For purposes of computing the amount of allowed
18 inflation, the commissioner must apply the following principles:

19 (1) the lesser of the Consumer Price Index for all urban
20 consumers or the Dodge Construction Systems Costs for Nursing
21 Homes for any time periods during which both are available must
22 be used. If the Dodge Construction Systems Costs for Nursing
23 Homes becomes unavailable, the commissioner shall substitute the
24 index in subdivision 3f, or such other index as the secretary of
25 the Centers for Medicare and Medicaid Services may designate;

26 (2) the amount of allowed inflation to be applied to the
27 capital assets in paragraph ~~(g)~~ (h), clauses (1) and (2), must
28 be computed separately;

29 (3) the amount of allowed inflation must be determined on
30 an annual basis, prorated on a monthly basis for partial years
31 and if the initial month of use is not determinable for a
32 capital asset, then one-half of that calendar year shall be used
33 for purposes of prorating;

34 (4) the amount of allowed inflation to be applied to the
35 capital assets in paragraph ~~(g)~~ (h), clauses (1) and (2), must
36 not exceed 300 percent of the total capital assets in any one of

1 those clauses; and

2 (5) the allowed inflation must be computed starting with
3 the month following the nursing facility's most recent previous
4 effective date of sale or, if there has been no previous sale,
5 the month following the date of the nursing facility's initial
6 occupancy, and ending with the month preceding the effective
7 date of sale.

8 (j) If the historical cost of a capital asset is not
9 readily available for the date of the nursing facility's most
10 recent previous sale or if there has been no previous sale for
11 the date of the nursing facility's initial occupancy, then the
12 commissioner shall limit the total allowable debt and related
13 interest after sale to the extent recognized by the Medicare
14 intermediary after the sale. For a nursing facility that has no
15 historical capital asset cost data available and does not have
16 allowable debt and interest calculated by the Medicare
17 intermediary, the commissioner shall use the historical cost of
18 capital asset data from the point in time for which capital
19 asset data is recorded in the nursing facility's audited
20 financial statements.

21 (k) The limitations in this subdivision apply only to debt
22 resulting from a sale of a nursing facility occurring after June
23 30, 1992, including debt assumed by the purchaser of the nursing
24 facility.

25 Sec. 56. Minnesota Statutes 2004, section 256G.01,
26 subdivision 3, is amended to read:

27 Subd. 3. [PROGRAM COVERAGE.] This chapter applies to all
28 social service programs administered by the commissioner in
29 which residence is the determining factor in establishing
30 financial responsibility. These include, but are not limited to:
31 commitment proceedings, including voluntary admissions;
32 emergency holds; poor relief funded wholly through local
33 agencies; social services, including title XX, IV-E and other
34 components of ~~the Community-Social-Services-Act~~, section
35 256E.12; social services programs funded wholly through the
36 resources of county agencies; social services provided under the

1 Minnesota Indian Family Preservation Act, sections 260.751 to
2 260.781; costs for delinquency confinement under section 393.07,
3 subdivision 2; service responsibility for these programs; and
4 group residential housing.

5 Sec. 57. Minnesota Statutes 2004, section 256L.07,
6 subdivision 1, is amended to read:

7 Subdivision 1. [GENERAL REQUIREMENTS.] (a) Children
8 enrolled in the original children's health plan as of September
9 30, 1992, children who enrolled in the MinnesotaCare program
10 after September 30, 1992, pursuant to Laws 1992, chapter 549,
11 article 4, section 17, and children who have family gross
12 incomes that are equal to or less than 150 percent of the
13 federal poverty guidelines are eligible without meeting the
14 requirements of subdivision 2 and the four-month requirement in
15 subdivision 3, as long as they maintain continuous coverage in
16 the MinnesotaCare program or medical assistance. Children who
17 apply for MinnesotaCare on or after the implementation date of
18 the employer-subsidized health coverage program as described in
19 Laws 1998, chapter 407, article 5, section 45, who have family
20 gross incomes that are equal to or less than 150 percent of the
21 federal poverty guidelines, must meet the requirements of
22 subdivision 2 to be eligible for MinnesotaCare.

23 (b) Families enrolled in MinnesotaCare under section
24 256L.04, subdivision 1, whose income increases above 275 percent
25 of the federal poverty guidelines, are no longer eligible for
26 the program and shall be disenrolled by the commissioner.
27 Individuals enrolled in MinnesotaCare under section 256L.04,
28 subdivision 7, whose income increases above 175 percent of the
29 federal poverty guidelines are no longer eligible for the
30 program and shall be disenrolled by the commissioner. For
31 persons disenrolled under this subdivision, MinnesotaCare
32 coverage terminates the last day of the calendar month following
33 the month in which the commissioner determines that the income
34 of a family or individual exceeds program income limits.

35 ~~(c) (1) - Notwithstanding paragraph (b), families enrolled in~~
36 ~~MinnesotaCare under section 256L.04, subdivision 1, may remain~~

1 ~~enrolled in MinnesotaCare if ten percent of their annual income~~
 2 ~~is less than the annual premium for a policy with a \$500~~
 3 ~~deductible available through the Minnesota Comprehensive Health~~
 4 ~~Association. Families who are no longer eligible for~~
 5 ~~MinnesotaCare under this subdivision shall be given an 18-month~~
 6 ~~notice period from the date that ineligibility is determined~~
 7 ~~before disenrollment. This clause expires February 17, 2004.~~

8 ~~(2)~~ Effective February 17, 2004, Notwithstanding paragraph
 9 (b), children may remain enrolled in MinnesotaCare if ten
 10 percent of their annual family income is less than the annual
 11 premium for a policy with a \$500 deductible available through
 12 the Minnesota Comprehensive Health Association. Children who
 13 are no longer eligible for MinnesotaCare under this clause shall
 14 be given a 12-month notice period from the date that
 15 ineligibility is determined before disenrollment. The premium
 16 for children remaining eligible under this clause shall be the
 17 maximum premium determined under section 256L.15, subdivision 2,
 18 paragraph (b).

19 ~~(d) Effective July 17, 2003,~~ Notwithstanding paragraphs (b)
 20 and (c), parents are ~~no longer~~ not eligible for MinnesotaCare if
 21 gross household income exceeds \$50,000.

22 Sec. 58. Minnesota Statutes 2004, section 256L.15,
 23 subdivision 2, is amended to read:

24 Subd. 2. [SLIDING FEE SCALE TO DETERMINE PERCENTAGE OF
 25 GROSS INDIVIDUAL OR FAMILY INCOME.] (a) The commissioner shall
 26 establish a sliding fee scale to determine the percentage of
 27 gross individual or family income that households at different
 28 income levels must pay to obtain coverage through the
 29 MinnesotaCare program. The sliding fee scale must be based on
 30 the enrollee's gross individual or family income. The sliding
 31 fee scale must contain separate tables based on enrollment of
 32 one, two, or three or more persons. The sliding fee scale
 33 begins with a premium of 1.5 percent of gross individual or
 34 family income for individuals or families with incomes below the
 35 limits for the medical assistance program for families and
 36 children in effect on January 1, 1999, and proceeds through the

1 following evenly spaced steps: 1.8, 2.3, 3.1, 3.8, 4.8, 5.9,
2 7.4, and 8.8 percent. These percentages are matched to evenly
3 spaced income steps ranging from the medical assistance income
4 limit for families and children in effect on January 1, 1999, to
5 275 percent of the federal poverty guidelines for the applicable
6 family size, up to a family size of five. The sliding fee scale
7 for a family of five must be used for families of more than
8 five. Effective October 1, 2003, the commissioner shall
9 increase each percentage by 0.5 percentage points for enrollees
10 with income greater than 100 percent but not exceeding 200
11 percent of the federal poverty guidelines and shall increase
12 each percentage by 1.0 percentage points for families and
13 children with incomes greater than 200 percent of the federal
14 poverty guidelines. The sliding fee scale and percentages are
15 not subject to the provisions of chapter 14. If a family or
16 individual reports increased income after enrollment, premiums
17 shall not be adjusted until eligibility renewal.

18 ~~(b)(1)-Enrolled-families-whose-gross-annual-income~~
19 ~~increases-above-275-percent-of-the-federal-poverty-guideline~~
20 ~~shall-pay-the-maximum-premium.---This-clause-expires-effective~~
21 ~~February-17-2004-~~

22 ~~(2)-Effective-February-17-2004,~~ Children in families whose
23 gross income is above 275 percent of the federal poverty
24 guidelines shall pay the maximum premium.

25 ~~(3)~~ The maximum premium is defined as a base charge for
26 one, two, or three or more enrollees so that if all
27 MinnesotaCare cases paid the maximum premium, the total revenue
28 would equal the total cost of MinnesotaCare medical coverage and
29 administration. In this calculation, administrative costs shall
30 be assumed to equal ten percent of the total. The costs of
31 medical coverage for pregnant women and children under age two
32 and the enrollees in these groups shall be excluded from the
33 total. The maximum premium for two enrollees shall be twice the
34 maximum premium for one, and the maximum premium for three or
35 more enrollees shall be three times the maximum premium for one.

36 Sec. 59. Minnesota Statutes 2004, section 256M.10,

1 subdivision 5, is amended to read:

2 Subd. 5. [FORMER CHILDREN'S SERVICES AND COMMUNITY SERVICE
3 GRANTS.] "Former children's services and community service
4 grants" means allocations for the following grants:

5 (1) community social service grants under section 252.24
6 and Minnesota Statutes 2002, sections 256E.06 and 256E.14;

7 (2) family preservation grants under section 256F.05,
8 subdivision 3;

9 (3) concurrent permanency planning grants under section
10 260C.213, subdivision 5;

11 (4) social service block grants (Title XX) under Minnesota
12 Statutes 2002, section 256E.07; and

13 (5) children's mental health grants under Minnesota
14 Statutes 2002, section sections 245.4886 and section 260.152.

15 Sec. 60. Minnesota Statutes 2004, section 260B.007,
16 subdivision 16, is amended to read:

17 Subd. 16. [JUVENILE PETTY OFFENDER; JUVENILE PETTY
18 OFFENSE.] (a) "Juvenile petty offense" includes a juvenile
19 alcohol offense, a juvenile controlled substance offense, a
20 violation of section 609.685, or a violation of a local
21 ordinance, which by its terms prohibits conduct by a child under
22 the age of 18 years which would be lawful conduct if committed
23 by an adult.

24 (b) Except as otherwise provided in paragraph (c),
25 "juvenile petty offense" also includes an offense that would be
26 a misdemeanor if committed by an adult.

27 (c) "Juvenile petty offense" does not include any of the
28 following:

29 (1) a misdemeanor-level violation of section 518B.01,
30 588.20, 609.224, 609.2242, 609.324, ~~609-563~~ 609.5632, 609.576,
31 609.66, 609.746, 609.748, 609.79, or 617.23;

32 (2) a major traffic offense or an adult court traffic
33 offense, as described in section 260B.225;

34 (3) a misdemeanor-level offense committed by a child whom
35 the juvenile court previously has found to have committed a
36 misdemeanor, gross misdemeanor, or felony offense; or

1 (4) a misdemeanor-level offense committed by a child whom
2 the juvenile court has found to have committed a
3 misdemeanor-level juvenile petty offense on two or more prior
4 occasions, unless the county attorney designates the child on
5 the petition as a juvenile petty offender notwithstanding this
6 prior record. As used in this clause, "misdemeanor-level
7 juvenile petty offense" includes a misdemeanor-level offense
8 that would have been a juvenile petty offense if it had been
9 committed on or after July 1, 1995.

10 (d) A child who commits a juvenile petty offense is a
11 "juvenile petty offender."

12 Sec. 61. Minnesota Statutes 2004, section 276.04,
13 subdivision 2, is amended to read:

14 Subd. 2. [CONTENTS OF TAX STATEMENTS.] (a) The treasurer
15 shall provide for the printing of the tax statements. The
16 commissioner of revenue shall prescribe the form of the property
17 tax statement and its contents. The statement must contain a
18 tabulated statement of the dollar amount due to each taxing
19 authority and the amount of the state tax from the parcel of
20 real property for which a particular tax statement is prepared.
21 The dollar amounts attributable to the county, the state tax,
22 the voter approved school tax, the other local school tax, the
23 township or municipality, and the total of the metropolitan
24 special taxing districts as defined in section 275.065,
25 subdivision 3, paragraph (i), must be separately stated. The
26 amounts due all other special taxing districts, if any, may be
27 aggregated. If the county levy under this paragraph includes an
28 amount for a lake improvement district as defined under sections
29 103B.501 to 103B.581, the amount attributable for that purpose
30 must be separately stated from the remaining county levy
31 amount. The amount of the tax on homesteads qualifying under
32 the senior citizens' property tax deferral program under chapter
33 290B is the total amount of property tax before subtraction of
34 the deferred property tax amount. The amount of the tax on
35 contamination value imposed under sections 270.91 to 270.98, if
36 any, must also be separately stated. The dollar amounts,

1 including the dollar amount of any special assessments, may be
2 rounded to the nearest even whole dollar. For purposes of this
3 section whole odd-numbered dollars may be adjusted to the next
4 higher even-numbered dollar. The amount of market value
5 excluded under section 273.11, subdivision 16, if any, must also
6 be listed on the tax statement.

7 (b) The property tax statements for manufactured homes and
8 sectional structures taxed as personal property shall contain
9 the same information that is required on the tax statements for
10 real property.

11 (c) Real and personal property tax statements must contain
12 the following information in the order given in this paragraph.
13 The information must contain the current year tax information in
14 the right column with the corresponding information for the
15 previous year in a column on the left:

16 (1) the property's estimated market value under section
17 273.11, subdivision 1;

18 (2) the property's taxable market value after reductions
19 under section 273.11, subdivisions 1a and 16;

20 (3) the property's gross tax, calculated by adding the
21 property's total property tax to the sum of the aids enumerated
22 in clause (4);

23 (4) a total of the following aids:

24 (i) education aids payable under chapters 122A, 123A, 123B,
25 124D, 125A, 126C, and 127A;

26 (ii) local government aids for cities, towns, and counties
27 under chapter 477A; and

28 (iii) disparity reduction aid under section 273.1398;

29 (5) for homestead residential and agricultural properties,
30 the credits under section 273.1384;

31 (6) any credits received under sections 273.119; 273.123;
32 273.135; 273.1391; 273.1398, subdivision 4; 469.171; and
33 473H.10, except that the amount of credit received under section
34 273.135 must be separately stated and identified as "taconite
35 tax relief"; and

36 (7) the net tax payable in the manner required in paragraph

1 (a).

2 (d) If the county uses envelopes for mailing property tax
3 statements and if the county agrees, a taxing district may
4 include a notice with the property tax statement notifying
5 taxpayers when the taxing district will begin its budget
6 deliberations for the current year, and encouraging taxpayers to
7 attend the hearings. If the county allows notices to be
8 included in the envelope containing the property tax statement,
9 and if more than one taxing district relative to a given
10 property decides to include a notice with the tax statement, the
11 county treasurer or auditor must coordinate the process and may
12 combine the information on a single announcement.

13 The commissioner of revenue shall certify to the county
14 auditor the actual or estimated aids enumerated in paragraph
15 (c), clause (4), that local governments will receive in the
16 following year. The commissioner must certify this amount by
17 January 1 of each year.

18 Sec. 62. Minnesota Statutes 2004, section 290.095,
19 subdivision 1, is amended to read:

20 Subdivision 1. [ALLOWANCE OF DEDUCTION.] (a) There shall
21 be allowed as a deduction for the taxable year the amount of any
22 net operating loss deduction as provided in section 172 of the
23 Internal Revenue Code, subject to the limitations and
24 modifications provided in this section.

25 (b) A net operating loss deduction shall be available under
26 this section only to corporate taxpayers except that
27 subdivisions 7, 9 and 11 hereof apply only to individuals,
28 estates, and trusts.

29 (c) In the case of a regulated investment company or fund
30 thereof, as defined in section 851(a) or 851(g) of the Internal
31 Revenue Code, the deduction provided by this section shall not
32 be allowed.

33 Sec. 63. Minnesota Statutes 2004, section 299D.07, is
34 amended to read:

35 299D.07 [HELICOPTER, FIXED WING AIRCRAFT.]

36 The commissioner of public safety is hereby authorized to

1 retain, acquire, maintain and operate helicopters and fixed wing
2 aircraft for the purposes of the Highway State Patrol and the
3 Bureau of Criminal Apprehension and for any other law
4 enforcement purpose that the commissioner determines is
5 appropriate. The commissioner also is authorized to employ
6 State Patrol officer pilots as required.

7 Sec. 64. Minnesota Statutes 2004, section 299F.051,
8 subdivision 4, is amended to read:

9 Subd. 4. [COOPERATIVE INVESTIGATION; REIMBURSEMENT.] The
10 state fire marshal and the superintendent of the Bureau of
11 Criminal Apprehension shall encourage the cooperation of local
12 firefighters and peace officers in the investigation of
13 violations of sections 609.561 to 609.576 or other crimes
14 associated with reported fires in all appropriate ways,
15 including providing reimbursement to political subdivisions at a
16 rate not to exceed 50 percent of the salaries of peace officers
17 and firefighters for time spent in attending fire investigation
18 training courses offered by the arson training unit. Volunteer
19 firefighters from a political subdivision shall be reimbursed at
20 the rate of \$35 per day plus expenses incurred in attending fire
21 investigation training courses offered by the arson training
22 unit. Reimbursement shall be made only in the event that both a
23 peace officer and a firefighter from the same political
24 subdivision attend the same training course. The reimbursement
25 shall be subject to the limitation of funds appropriated and
26 available for expenditure. ~~The state fire marshal and the~~
27 ~~superintendent also shall encourage local firefighters and peace~~
28 ~~officers to seek assistance from the arson strike force~~
29 ~~established in section 299F.058.~~

30 Sec. 65. Minnesota Statutes 2004, section 299F.093,
31 subdivision 1, is amended to read:

32 Subdivision 1. [DUTIES; RULES.] ~~(a)~~ The commissioner shall:

33 (1) adopt rules no later than July 1, 1987, with the advice
34 of the Hazardous Substance Notification Advisory Committee,
35 establishing the form and content of the hazardous substance
36 notification report form, as required by section 299F.094, and

1 describing one or more hazard categories with specified ranges
2 of quantities in each hazard category, representing increments
3 of substantially increased risk;

4 (2) print and provide to individual fire departments the
5 requested number of hazardous substance notification reports,
6 which must be made available to a fire department no more than
7 90 days following its request, for the fire department to mail
8 or otherwise make available to employers in the jurisdiction;

9 (3) report to the legislature, as needed, on the
10 effectiveness of sections 299F.091 to 299F.099 and recommend
11 amendments to sections 299F.091 to 299F.099 that are considered
12 necessary;

13 (4) adopt rules to implement sections 299F.091 to 299F.099,
14 compatible with the Minnesota Uniform Fire Code so as to not
15 limit the authority of local fire officials under that code; and

16 (5) adopt rules that are based on the most recent standard
17 704, adopted by the National Fire Protection Association, and
18 that allow a fire department to require employers within its
19 jurisdiction to post signs conforming to standard 704, and
20 indicating the presence of hazardous substances. If the signs
21 are required, a fire department shall supply the signs or
22 provide information to assist an employer to obtain them.

23 ~~(b)-The-commissioner-shall-adopt-criteria-and-guidelines~~
24 ~~with-the-concurrence-of-the-Hazardous-Substance-Notification~~
25 ~~Advisory-Committee-for-the-disbursement-of-funds-pursuant-to~~
26 ~~Laws-1986-First-Special-Session-chapter-17-article-107-section~~
27 ~~207-subdivision-1.~~

28 Sec. 66. Minnesota Statutes 2004, section 321.1114, is
29 amended to read:

30 321.1114 [CONFLICT RELATING TO MERGER OR CONVERSION.]

31 If a partnership governed by chapter 323A participates in a
32 merger or conversion under chapter 321, then in the event of any
33 conflict between the provisions of chapter 323A and chapter 321
34 relating to the merger or conversion, the provisions of chapter
35 321 control ~~chapter-321~~.

36 Sec. 67. Minnesota Statutes 2004, section 325N.15, is

1 amended to read:

2 325N.15 [WAIVER.]

3 Any waiver of the provisions of sections 325N.10 to ~~315N-18~~
4 325N.18 is void and unenforceable as contrary to public policy
5 except a consumer may waive the five-day right to cancel
6 provided in section 325N.13 if the property is subject to a
7 foreclosure sale within the five business days, and the
8 foreclosed homeowner agrees to waive his or her right to cancel
9 in a handwritten statement signed by all parties holding title
10 to the foreclosed property.

11 Sec. 68. Minnesota Statutes 2004, section 336.4A-105, is
12 amended to read:

13 336.4A-105 [OTHER DEFINITIONS.]

14 (a) In this article:

15 (1) "Authorized account" means a deposit account of a
16 customer in a bank designated by the customer as a source of
17 payment of payment orders issued by the customer to the bank.
18 If a customer does not so designate an account, any account of
19 the customer is an authorized account if payment of a payment
20 order from that account is not inconsistent with a restriction
21 on the use of that account.

22 (2) "Bank" means a person engaged in the business of
23 banking and includes a savings bank, savings association, credit
24 union, and trust company. A branch or separate office of a bank
25 is a separate bank for purposes of this article.

26 (3) "Customer" means a person, including a bank, having an
27 account with a bank or from whom a bank has agreed to receive
28 payment orders.

29 (4) "Funds-transfer business day" of a receiving bank means
30 the part of a day during which the receiving bank is open for
31 the receipt, processing, and transmittal of payment orders and
32 cancellations and amendments of payment orders.

33 (5) "Funds-transfer system" means a wire transfer network,
34 automated clearinghouse, or other communication system of a
35 clearinghouse or other association of banks through which a
36 payment order by a bank may be transmitted to the bank to which

1 the order is addressed.

2 (6) (Reserved.)

3 (7) "Prove" with respect to a fact means to meet the burden
4 of establishing the fact (section 336.1-201(b)(8)).

5 (b) Other definitions applying to the article and the
6 sections in which they appear:

7 "Acceptance." Section 336.4A-209.

8 "Beneficiary." Section 336.4A-103.

9 "Beneficiary's bank." Section 336.4A-103.

10 "Executed." Section 336.4A-301.

11 "Execution date." Section 336.4A-301.

12 "Funds transfer." Section 336.4A-104.

13 "Funds-transfer system rule." Section 336.4A-501.

14 "Intermediary bank." Section 336.4A-104.

15 "Originator." Section 336.4A-104.

16 "Originator's bank." Section 336.4A-104.

17 "Payment by beneficiary's bank to beneficiary." Section
18 336.4A-405.

19 "Payment by originator to beneficiary." Section 336.4A-406.

20 "Payment by sender to receiving bank." Section 336.4A-403.

21 "Payment date." Section 336.4A-401.

22 "Payment order." Section 336.4A-103.

23 "Receiving bank." Section 336.4A-103.

24 "Security procedure." Section 336.4A-201.

25 "Sender." Section 336.4A-103.

26 (c) The following definitions in article 4 apply to this
27 article:

28 "Clearinghouse." Section 336.4-104.

29 "Item." Section 336.4-104.

30 "Suspends payments." Section 336.4-104.

31 (d) In addition, sections 336.1-101 to ~~336.1-209~~ 336.1-206
32 contain general definitions and principles of construction and
33 interpretation applicable throughout this article.

34 Sec. 69. Minnesota Statutes 2004, section 343.40,
35 subdivision 3, is amended to read:

36 Subd. 3. [SHADE.] Shade from the direct rays of the sun,

1 during the months of ~~June~~ May to ~~September~~ October shall be
2 provided.

3 Sec. 70. Minnesota Statutes 2004, section 458D.02,
4 subdivision 2, is amended to read:

5 Subd. 2. [WESTERN LAKE SUPERIOR SANITARY DISTRICT;
6 DISTRICT.] "Western Lake Superior Sanitary District" and
7 "district" mean the area over which the sanitary board has
8 jurisdiction which shall include the area now comprised on July
9 8, 1971, of the city of Cloquet, the cities of Carlton, Scanlon,
10 Thomson and Wrenshall, and the townships of Knife Falls, Silver
11 Brook, Thomson, and Twin Lakes in the county of Carlton; the
12 city of Duluth, the city of Proctor, and the townships of
13 Canosia, Duluth, Grand Lake, Herman, Lakewood, Midway, Rice Lake
14 and Solway in the county of St. Louis; other territory included
15 in the district pursuant to section 458D.22; and any waters of
16 the state adjacent thereto.

17 Sec. 71. Minnesota Statutes 2004, section 469.104, is
18 amended to read:

19 469.104 [SECTIONS THAT APPLY IF FEDERAL LIMIT APPLIES.]

20 Sections 474A.01 to 474A.21 apply to obligations issued
21 under sections 469.090 to 469.108 that are limited by ~~a-federal~~
22 ~~limitation-act-as-defined-in-section-474A-027-subdivision-97-or~~
23 ~~existing~~ federal tax law as defined in section 474A.02,
24 subdivision 8.

25 Sec. 72. Minnesota Statutes 2004, section 473.845,
26 subdivision 1, is amended to read:

27 Subdivision 1. [ESTABLISHMENT.] The metropolitan landfill
28 contingency action trust account is an expendable trust account
29 in the remediation fund. The account consists of revenue
30 deposited in the fund account under section 473.843, subdivision
31 2, clause (2); amounts recovered under subdivision 7; and
32 interest earned on investment of money in the fund account.

33 Sec. 73. Minnesota Statutes 2004, section 514.966,
34 subdivision 3, is amended to read:

35 Subd. 3. [LIVESTOCK PRODUCTION INPUT LIEN.] (a) A supplier
36 furnishing livestock production inputs in the ordinary course of

1 business has a livestock production input lien for the unpaid
2 retail cost of the livestock production input. A perfected
3 livestock production input lien that attaches to livestock may
4 not exceed the amount, if any, that the sales price of the
5 livestock exceeds the greater of the fair market value of the
6 livestock at the time the lien attaches or the acquisition price
7 of the livestock. A livestock production input lien becomes
8 effective when the agricultural production inputs are furnished
9 by the supplier to the purchaser.

10 (b) A supplier shall notify a lender of a livestock
11 production input lien by providing a lien-notification statement
12 to the lender in an envelope marked "IMPORTANT-LEGAL NOTICE."
13 Delivery of the notice must be made by certified mail or another
14 verifiable method.

15 (c) The lien-notification statement must ~~be-in-a-form~~
16 ~~approved-by-the-secretary-of-state-and~~ disclose the following:

17 (1) the name and business address of the lender that is to
18 receive notification;

19 (2) the name and address of the supplier claiming the lien;

20 (3) a description and the date or anticipated date or dates
21 of the transaction and the retail cost or anticipated costs of
22 the livestock production input;

23 (4) the name, ~~residential~~ and address, ~~and-signature~~ of the
24 person to whom the livestock production input was furnished;

25 (5) the name and ~~residential~~ address of the owner of the
26 livestock, the location where the livestock will be raised, and
27 a description of the livestock; and

28 (6) a statement that products and proceeds of the livestock
29 are covered by the livestock input lien.

30 (d) Within ten calendar days after receiving a
31 lien-notification statement, the lender must respond to the
32 supplier with either:

33 (1) a letter of commitment for part or all of the amount in
34 the lien-notification statement; or

35 (2) a written refusal to issue a letter of commitment.

36 A copy of the response must be mailed to the person for whom the

1 financing was requested.

2 (e) If a lender responds with a letter of commitment for
3 part or all of the amount in the lien-notification statement,
4 the supplier may not obtain a lien for the amount stated in the
5 letter of commitment. If a lender responds with a refusal to
6 provide a letter of commitment, the rights of the lender and the
7 supplier are not affected.

8 (f) If a lender does not respond under paragraph (d) to the
9 supplier within ten calendar days after receiving the
10 lien-notification statement, a perfected livestock production
11 input lien corresponding to the lien-notification statement has
12 priority over any security interest of the lender in the same
13 livestock or their proceeds for the lesser of:

14 (1) the amount stated in the lien-notification statement;
15 or

16 (2) the unpaid retail cost of the livestock production
17 input identified in the lien-notification statement, subject to
18 any limitation in paragraph (a).

19 Sec. 74. Minnesota Statutes 2004, section 515B.4-102, is
20 amended to read:

21 515B.4-102 [DISCLOSURE STATEMENT; GENERAL PROVISIONS.]

22 (a) A disclosure statement shall fully and accurately
23 disclose:

24 (1) the name and, if available, the number of the common
25 interest community;

26 (2) the name and principal address of the declarant;

27 (3) the number of units in the common interest community
28 and a statement that the common interest community is either a
29 condominium, cooperative, or planned community;

30 (4) a general description of the common interest community,
31 including, at a minimum, (i) the number of buildings, (ii) the
32 number of dwellings per building, (iii) the type of
33 construction, (iv) whether the common interest community
34 involves new construction or rehabilitation, (v) whether any
35 building was wholly or partially occupied, for any purpose,
36 before it was added to the common interest community and the

1 nature of the occupancy, and (vi) a general description of any
2 roads, trails, or utilities that are located on the common
3 elements and that the association or a master association will
4 be required to maintain;

5 (5) declarant's schedule of commencement and completion of
6 construction of any buildings and other improvements that the
7 declarant is obligated to build pursuant to section 515B.4-117;

8 (6) any expenses or services, not reflected in the budget,
9 that the declarant pays or provides, which may become a common
10 expense; the projected common expense attributable to each of
11 those expenses or services; and an explanation of declarant's
12 limited assessment liability under section 515B.3-115,
13 subsection (b);

14 (7) any initial or special fee due from the purchaser to
15 the declarant or the association at closing, together with a
16 description of the purpose and method of calculating the fee;

17 (8) identification of any liens, defects, or encumbrances
18 which will continue to affect the title to a unit or to any real
19 property owned by the association after the contemplated
20 conveyance;

21 (9) a description of any financing offered or arranged by
22 the declarant;

23 (10) a statement as to whether application has been made
24 for any project approvals for the common interest community from
25 the Federal National Mortgage Association (FNMA), Federal Home
26 Loan Mortgage Corporation (FHLMC), Department of Housing and
27 Urban Development (HUD) or Department of Veterans Affairs (VA),
28 and which, if any, such final approvals have been received;

29 (11) the terms of any warranties provided by the declarant,
30 including copies of chapter 327A, and sections 515B.4-112
31 through 515B.4-115, and a statement of any limitations on the
32 enforcement of warranties or on damages;

33 (12) a statement that: (i) within ~~ten~~ five days after the
34 receipt of a disclosure statement, a purchaser may cancel any
35 contract for the purchase of a unit from a declarant; provided,
36 that the right to cancel terminates upon the purchaser's

1 voluntary acceptance of a conveyance of the unit from the
2 declarant; (ii) if a purchaser receives a disclosure statement
3 more than ~~ten~~ five days before signing a purchase agreement, the
4 purchaser cannot cancel the purchase agreement; and (iii) if a
5 declarant obligated to deliver a disclosure statement fails to
6 deliver a disclosure statement which substantially complies with
7 this chapter to a purchaser to whom a unit is conveyed, the
8 declarant shall be liable to the purchaser as provided in
9 section 515B.4-106(d);

10 (13) a statement disclosing to the extent of the
11 declarant's or an affiliate of a declarant's actual knowledge,
12 after reasonable inquiry, any unsatisfied judgments or lawsuits
13 to which the association is a party, and the status of those
14 lawsuits which are material to the common interest community or
15 the unit being purchased;

16 (14) a statement (i) describing the conditions under which
17 earnest money will be held in and disbursed from the escrow
18 account, as set forth in section 515B.4-109, (ii) that the
19 earnest money will be returned to the purchaser if the purchaser
20 cancels the contract pursuant to section 515B.4-106, and (iii)
21 setting forth the name and address of the escrow agent;

22 (15) a detailed description of the insurance coverage
23 provided by the association for the benefit of unit owners,
24 including a statement as to which, if any, of the items referred
25 to in section 515B.3-113, subsection (b), are insured by the
26 association;

27 (16) any current or expected fees or charges, other than
28 assessments for common expenses, to be paid by unit owners for
29 the use of the common elements or any other improvements or
30 facilities;

31 (17) the financial arrangements, including any
32 contingencies, which have been made to provide for completion of
33 all improvements that the declarant is obligated to build
34 pursuant to section 515B.4-118, or a statement that no such
35 arrangements have been made;

36 (18) in a cooperative: (i) whether the unit owners will be

1 entitled for federal and state tax purposes, to deduct payments
2 made by the association for real estate taxes and interest paid
3 to the holder of a security interest encumbering the
4 cooperative; and (ii) a statement as to the effect on the unit
5 owners if the association fails to pay real estate taxes or
6 payments due the holder of a security interest encumbering the
7 cooperative;

8 (19) a statement: (i) that real estate taxes for the unit
9 or any real property owned by the association are not delinquent
10 or, if there are delinquent real estate taxes, describing the
11 property for which the taxes are delinquent, stating the amount
12 of the delinquent taxes, interest and penalties, and stating the
13 years for which taxes are delinquent, and (ii) setting forth the
14 amount of real estate taxes, including the amount of any special
15 assessment certified for payment with the real estate taxes, due
16 and payable with respect to the unit in the year in which the
17 disclosure statement is given, if real estate taxes have been
18 separately assessed against the unit;

19 (20) if the association or the purchaser of the unit will
20 be a member of a master association, a statement to that effect,
21 and all of the following information with respect to the master
22 association: (i) a copy of the declaration, if any (other than
23 any CIC plat), the articles of incorporation, bylaws, and rules
24 and regulations for the master association, together with any
25 amendments thereto; (ii) the name, address and general
26 description of the master association, including a general
27 description of any other association, unit owners, or other
28 persons which are or may become members; (iii) a description of
29 any nonresidential use permitted on any property subject to the
30 master association; (iv) a statement as to the estimated maximum
31 number of associations, unit owners or other persons which may
32 become members of the master association, and the degree and
33 period of control of the master association by a declarant or
34 other person; (v) a description of any facilities intended for
35 the benefit of the members of the master association and not
36 located on property owned or controlled by a member; (vi) the

1 financial arrangements, including any contingencies, which have
2 been made to provide for completion of the facilities referred
3 to in subsection (v), or a statement that no arrangements have
4 been made; (vii) any current balance sheet of the master
5 association and a projected or current annual budget, as
6 applicable, which budget shall include with respect to the
7 master association those items in paragraph (23), clauses (i)
8 through (iv); (viii) a description of any expenses or services
9 not reflected in the budget, paid for or provided by a declarant
10 or a person executing the master declaration, which may become
11 an expense of the master association in the future; (ix) a
12 description of any powers delegated to and accepted by the
13 master association pursuant to section 515B.2-121(f)(2); (x)
14 identification of any liens, defects or encumbrances that will
15 continue to affect title to property owned or operated by the
16 master association for the benefit of its members; (xi) the
17 terms of any warranties provided by any person for construction
18 of facilities in which the members of the master association
19 have or may have an interest, and any known defects in the
20 facilities which would violate the standards described in
21 section 515B.4-112(b); (xii) a statement disclosing, to the
22 extent of the declarant's knowledge, after inquiry of the master
23 association, any unsatisfied judgments or lawsuits to which the
24 master association is a party, and the status of those lawsuits
25 which are material to the master association; (xiii) a
26 description of any insurance coverage provided for the benefit
27 of its members by the master association; and (xiv) any current
28 or expected fees or charges, other than assessments by the
29 master association, to be paid by members of the master
30 association for the use of any facilities intended for the
31 benefit of the members;

32 (21) a statement as to whether the unit will be
33 substantially completed at the time of conveyance to a
34 purchaser, and if not substantially completed, who is
35 responsible to complete and pay for the construction of the
36 unit;

1 (22) a copy of the declaration and any amendments thereto,
2 (exclusive of the CIC plat), any other recorded covenants,
3 conditions restrictions, and reservations affecting the common
4 interest community; the articles of incorporation, bylaws and
5 any rules or regulations of the association; any agreement
6 excluding or modifying any implied warranties; any agreement
7 reducing the statute of limitations for the enforcement of
8 warranties; any contracts or leases to be signed by purchaser at
9 closing; and a brief narrative description of any contracts or
10 leases that are or may be subject to cancellation by the
11 association under section 515B.3-105; and

12 (23) any current balance sheet for the association; a
13 projected annual budget for the association for the year in
14 which the first unit is conveyed to a purchaser, and thereafter
15 the current annual budget of the association; and a statement
16 identifying the party responsible for the preparation of the
17 budget. The budget shall include, without limitation: (i) a
18 statement of the amount included in the budget as a reserve for
19 maintenance, repair and replacement; (ii) a statement of any
20 other reserves; (iii) the projected common expense for each
21 category of expenditures for the association; and (iv) the
22 projected monthly common expense assessment for each type of
23 unit.

24 (b) A declarant shall promptly amend the disclosure
25 statement to reflect any material change in the information
26 required by this chapter.

27 (c) The master association, within ten days after a request
28 by a declarant, or any holder of declarant rights, or the
29 authorized representative of any of them, shall furnish the
30 information required to be provided by subsection (a)(20). A
31 declarant or other person who provides information pursuant to
32 subsection (a)(20) is not liable to the purchaser for any
33 erroneous information if the declarant or other person: (i) is
34 not an affiliate of or related in any way to a person authorized
35 to appoint the master association board pursuant to section
36 515B.2-121(c)(3), and (ii) has no actual knowledge that the

1 information is incorrect.

2 Sec. 75. Minnesota Statutes 2004, section 524.2-114, is
3 amended to read:

4 524.2-114 [MEANING OF CHILD AND RELATED TERMS.]

5 If, for purposes of intestate succession, a relationship of
6 parent and child must be established to determine succession by,
7 through, or from a person:

8 (1) An adopted person is the child of an adopting parent
9 and not of the birth parents except that adoption of a child by
10 the spouse of a birth parent has no effect on the relationship
11 between the child and that birth parent. If a parent dies and a
12 child is subsequently adopted by a stepparent who is the spouse
13 of a surviving parent, any rights of inheritance of the child or
14 the child's descendant from or through the deceased parent of
15 the child which exist at the time of the death of that parent
16 shall not be affected by the adoption.

17 (2) In cases not covered by clause (1), a person is the
18 child of the person's parents regardless of the marital status
19 of the parents and the parent and child relationship may be
20 established under the Parentage Act, sections 257.51 and to
21 257.74.

22 Sec. 76. Minnesota Statutes 2004, section 580.041,
23 subdivision 2, is amended to read:

24 Subd. 2. [CONTENT OF NOTICE.] The notice required by this
25 section must appear substantially as follows:

26 "Help For Homeowners in Foreclosure
27 Minnesota law requires that we send you this notice about
28 the foreclosure process. Please read it carefully.
29 Mortgage foreclosure is a complex process. Some people may
30 approach you about "saving" your home. You should be
31 careful about any such promises.
32 The state encourages you to become informed about your
33 options in foreclosure before entering into any agreements
34 with anyone in connection with the foreclosure of your
35 home. There are government agencies and nonprofit
36 organizations that you may contact for helpful information

1 about the foreclosure process. For the name and telephone
2 number of an organization near you please call the
3 Minnesota Home Housing Finance Agency (MHFA) at (insert
4 telephone number). The state does not guarantee the advice
5 of these agencies.

6 Do not delay dealing with the foreclosure because your
7 options may become more limited as time passes."

8 Sec. 77. Minnesota Statutes 2004, section 626.84,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DEFINITIONS.] For purposes of sections
11 626.84 to 626.863, the following terms have the meanings given
12 them:

13 (a) "Board" means the Board of Peace Officer Standards and
14 Training.

15 (b) "Director" means the executive director of the board.

16 (c) "Peace officer" means:

17 (1) an employee or an elected or appointed official of a
18 political subdivision or law enforcement agency who is licensed
19 by the board, charged with the prevention and detection of crime
20 and the enforcement of the general criminal laws of the state
21 and who has the full power of arrest, and shall also include the
22 Minnesota State Patrol, agents of the Division of Alcohol and
23 Gambling Enforcement, state conservation officers, Metropolitan
24 Transit police officers, Department of Corrections' Fugitive
25 Apprehension Unit officers, and Department of Commerce Insurance
26 Fraud Unit officers; and

27 (2) a peace officer who is employed by a law enforcement
28 agency of a federally recognized tribe, as defined in United
29 States Code, title 25, section 450b(e), and who is licensed by
30 the board.

31 (d) "Constable" has the meaning assigned to it in section
32 367.40.

33 (e) "Deputy constable" has the meaning assigned to it in
34 section 367.40.

35 (f) "Part-time peace officer" means an individual licensed
36 by the board whose services are utilized by law enforcement

1 agencies no more than an average of 20 hours per week, not
 2 including time spent on call when no call to active duty is
 3 received, calculated on an annual basis, who has either full
 4 powers of arrest or authorization to carry a firearm while on
 5 active duty. The term shall apply even though the individual
 6 receives no compensation for time spent on active duty, and
 7 shall apply irrespective of the title conferred upon the
 8 individual by any law enforcement agency. ~~The limitation on the~~
 9 ~~average number of hours in which the services of a part-time~~
 10 ~~peace officer may be utilized shall not apply to a part-time~~
 11 ~~peace officer who has formally notified the board pursuant to~~
 12 ~~rules adopted by the board of the part-time peace officer's~~
 13 ~~intention to pursue the specialized training for part-time peace~~
 14 ~~officers who desire to become peace officers pursuant to~~
 15 ~~sections 626.843, subdivision 17, clause (g), and 626.845,~~
 16 ~~subdivision 17, clause (g).~~

17 (g) "Reserve officer" means an individual whose services
 18 are utilized by a law enforcement agency to provide
 19 supplementary assistance at special events, traffic or crowd
 20 control, and administrative or clerical assistance. A reserve
 21 officer's duties do not include enforcement of the general
 22 criminal laws of the state, and the officer does not have full
 23 powers of arrest or authorization to carry a firearm on duty.

24 (h) "Law enforcement agency" means:

25 (1) a unit of state or local government that is authorized
 26 by law to grant full powers of arrest and to charge a person
 27 with the duties of preventing and detecting crime and enforcing
 28 the general criminal laws of the state; and

29 (2) subject to the limitations in section 626.93, a law
 30 enforcement agency of a federally recognized tribe, as defined
 31 in United States Code, title 25, section 450b(e).

32 (i) "Professional peace officer education" means a
 33 postsecondary degree program, or a nondegree program for persons
 34 who already have a college degree, that is offered by a college
 35 or university in Minnesota, designed for persons seeking
 36 licensure as a peace officer, and approved by the board.

1 Sec. 78. Laws 2003, First Special Session chapter 11,
2 article 2, section 21, is amended to read:

3 Sec. 21. [INDEPENDENT STUDY ON INTERMITTENT RESOURCES.]

4 The commission shall order the electric utility subject to
5 Minnesota Statutes, section 216B.1691, subdivision 7 6, to
6 contract with a firm selected by the commissioner of commerce
7 for an independent engineering study of the impacts of
8 increasing wind capacity on its system above the 825 megawatts
9 of nameplate wind energy capacity to which the utility is
10 already committed, to evaluate options available to manage the
11 intermittent nature of this renewable resource. The study shall
12 be completed by June 1, 2004, and incorporated into the
13 utility's next resource plan filing. The costs of the study,
14 options pursued by the utility to manage the intermittent nature
15 of wind energy, and the costs of complying with Minnesota
16 Statutes, section 216B.1691, subdivision 7, shall be recoverable
17 under Minnesota Statutes, section 216B.1645.

18 Sec. 79. Laws 2004, chapter 199, article 12, section 108,
19 is amended to read:

20 Sec. 108. [EFFECTIVE DATE.]

21 This act, except articles 14 and 15, is effective January
22 1, 2005.

23 Articles 14 and 15 are effective July 1, 2004.

24 [EFFECTIVE DATE.] This section is effective retroactively
25 from May 16, 2004.

26 Sec. 80. Laws 2004, chapter 261, article 6, section 5, is
27 amended to read:

28 Sec. 5. [EXPIRATION.]

29 ~~This article~~ Section 1 expires August 1, 2010.

30 Sec. 81. [AMENDMENT HAS NO EFFECT.]

31 The portion of Laws 2003, First Special Session chapter 14,
32 article 7, section 17, striking paragraph (e) of Minnesota
33 Statutes 2002, section 62J.692, subdivision 4, is of no effect.

34 Sec. 82. [REPEALER.]

35 Subdivision 1. [EXPIRED FEE.] Minnesota Statutes 2004,
36 section 115B.49, subdivision 4a, is repealed.

1 costs of sale, the officer shall deposit the remainder of the
2 money, together with the written statement and a statement of
3 the costs of sale, with the county treasurer, taking the
4 treasurer's receipt therefor. If the finder of any such estray
5 shall fail to cause the sale to be made, the finder shall pay to
6 the town the value of the estray, to be recovered in an action
7 by the town.

8 Sec. 3. Minnesota Statutes 2004, section 626.84,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DEFINITIONS.] For purposes of sections
11 626.84 to 626.863, the following terms have the meanings given
12 them:

13 (a) "Board" means the Board of Peace Officer Standards and
14 Training.

15 (b) "Director" means the executive director of the board.

16 (c) "Peace officer" means:

17 (1) an employee or an elected or appointed official of a
18 political subdivision or law enforcement agency who is licensed
19 by the board, charged with the prevention and detection of crime
20 and the enforcement of the general criminal laws of the state
21 and who has the full power of arrest, and shall also include the
22 Minnesota State Patrol, agents of the Division of Alcohol and
23 Gambling Enforcement, state conservation officers, Metropolitan
24 Transit police officers, Department of Corrections' Fugitive
25 Apprehension Unit officers, and Department of Commerce Insurance
26 Fraud Unit officers; and

27 (2) a peace officer who is employed by a law enforcement
28 agency of a federally recognized tribe, as defined in United
29 States Code, title 25, section 450b(e), and who is licensed by
30 the board.

31 ~~(d) "Constable" has the meaning assigned to it in section~~
32 ~~367.40.~~

33 ~~(e) "Deputy constable" has the meaning assigned to it in~~
34 ~~section 367.40.~~

35 ~~(f) "Part-time peace officer" means an individual licensed~~
36 ~~by the board whose services are utilized by law enforcement~~

1 agencies no more than an average of 20 hours per week, not
2 including time spent on call when no call to active duty is
3 received, calculated on an annual basis, who has either full
4 powers of arrest or authorization to carry a firearm while on
5 active duty. The term shall apply even though the individual
6 receives no compensation for time spent on active duty, and
7 shall apply irrespective of the title conferred upon the
8 individual by any law enforcement agency. The limitation on the
9 average number of hours in which the services of a part-time
10 peace officer may be utilized shall not apply to a part-time
11 peace officer who has formally notified the board pursuant to
12 rules adopted by the board of the part-time peace officer's
13 intention to pursue the specialized training for part-time peace
14 officers who desire to become peace officers pursuant to
15 sections 626.843, subdivision 1, clause (g), and 626.845,
16 subdivision 1, clause (g).

17 ~~(g)~~ (e) "Reserve officer" means an individual whose
18 services are utilized by a law enforcement agency to provide
19 supplementary assistance at special events, traffic or crowd
20 control, and administrative or clerical assistance. A reserve
21 officer's duties do not include enforcement of the general
22 criminal laws of the state, and the officer does not have full
23 powers of arrest or authorization to carry a firearm on duty.

24 ~~(h)~~ (f) "Law enforcement agency" means:

25 (1) a unit of state or local government that is authorized
26 by law to grant full powers of arrest and to charge a person
27 with the duties of preventing and detecting crime and enforcing
28 the general criminal laws of the state; and

29 (2) subject to the limitations in section 626.93, a law
30 enforcement agency of a federally recognized tribe, as defined
31 in United States Code, title 25, section 450b(e).

32 ~~(i)~~ (g) "Professional peace officer education" means a
33 postsecondary degree program, or a nondegree program for persons
34 who already have a college degree, that is offered by a college
35 or university in Minnesota, designed for persons seeking
36 licensure as a peace officer, and approved by the board.

1 Sec. 4. [REVISOR'S INSTRUCTION.]

2 Subdivision 1. [LAW ENFORCEMENT AGENCY DEFINITION.] The
3 revisor of statutes shall change the reference "626.84,
4 subdivision 1, paragraph (h)" to "626.84, subdivision 1,
5 paragraph (f)" in Minnesota Statutes, sections 45.0135,
6 subdivision 2a; 364.09, paragraph (a); 473.407, subdivision 1;
7 241.025, subdivision 1; 626.8453, subdivision 1, paragraph (b);
8 626.90, subdivision 2, paragraph (a); 626.91, subdivision 1,
9 paragraph (a); 626.92, subdivision 2; and 626.93, subdivision 2,
10 clause (1), and change the reference from "626.84, subdivision
11 1, paragraph (f)" or "clause (f)" to "626.84, subdivision 1,
12 paragraph (d)" in Minnesota Statutes, sections 473.407,
13 subdivision 4; 241.025, subdivision 4; and 629.34, subdivision 1.

14 Subd. 2. [CONSTABLES AND MARSHALS.] In the following
15 sections, the revisor of statutes shall delete references to the
16 terms "constable," "deputy constable," "marshal," "city
17 marshals," and "statutory city marshal" and make changes
18 necessary to correct the punctuation, grammar, or structure of
19 the remaining text and preserve its meaning: 38.01; 97A.205;
20 103B.645; 103B.683; 115.32, subdivision 3; 136F.53, subdivision
21 5; 169.965, subdivisions 4 and 5; 169.966, subdivisions 4 and 5;
22 169A.03, subdivision 18; 176.011, subdivision 9; 192.68,
23 subdivision 1; 192.85; 260C.148, subdivision 3; 299C.03;
24 299C.06; 299D.03, subdivision 1; 325E.21, subdivision 1;
25 326.3384, subdivision 1; 327.76, subdivision 3; 329.14; 330.06;
26 332.37; 345.04; 345.05; 346.14; 346.17; 346.18; 347.14,
27 subdivisions 1 and 2; 349.33; 359.11; 382.27; 395.23; 398.13;
28 412.861, subdivision 1; 458D.18, subdivision 4; 473.608,
29 subdivision 17; 504B.331; 504B.361, subdivision 1; 504B.375,
30 subdivision 1; 514.22; 514.58; 518B.01, subdivisions 6 and 9;
31 541.06; 561.07; 617.27; 624.24; 624.62; 626.848; 626.862;
32 626.863; 626.88; and 631.04.

33 Sec. 5. [REPEALER.]

34 Minnesota Statutes 2004, sections 306.13; 315.43; 317A.909,
35 subdivision 4; 357.12; 367.40, subdivisions 3 and 4; 367.401,
36 subdivision 4; 367.42; and 398.35, subdivision 2, are repealed.

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ARTICLE 3

UPDATING AND CONFORMING FINES

Section 1. Minnesota Statutes 2004, section 17.43, is amended to read:

17.43 [VIOLATIONS; PENALTIES.]

Any person violating section 17.42~~7~~ ~~shall be~~ is guilty of a gross misdemeanor ~~and shall be fined not less than \$250 or be imprisoned for not less than 60 days7 or both.~~

Sec. 2. Minnesota Statutes 2004, section 28.15, is amended to read:

28.15 [PENALTIES.]

Any person, firm, or corporation violating any provision of this chapter relating to cold storage warehousing ~~shall be~~ is guilty of a gross misdemeanor ~~and7 upon conviction7 punished for the a first offense by a fine of not to exceed \$700 or by imprisonment in the jail of the proper county for a period of not more than three months7 or by both such fine and imprisonment7~~ and for the second or subsequent offense ~~by a fine of not to exceed \$3,000 or by imprisonment in the jail of the proper county for a period of not to exceed one year or by both such fine and imprisonment,~~ is guilty of a gross misdemeanor.

Sec. 3. Minnesota Statutes 2004, section 32.645, is amended to read:

32.645 [PENALTIES.]

Subdivision 1. [GROSS MISDEMEANOR; LICENSE REVOCATION.]

Any person licensed under the provisions of sections 28A.04, 28A.14, 32.56, and 32.59, who knowingly violates, or who directs or knowingly permits any officer, agent, or employee to violate section 32.62, subdivision 2, clause (1) or (3), ~~shall be~~ is guilty of a gross misdemeanor ~~and upon conviction thereof7 be punished by a fine of not more than \$3,0007 or 30 days imprisonment in the county jail7 or both.~~ For each subsequent offense, in addition to any fine or imprisonment imposed under this subdivision, upon conviction thereof, the commissioner of agriculture shall revoke or withhold issuing to such offender any license required under the provisions of sections 28A.04,

1 28A.14, 32.56, and 32.59, and in such case of revocation of
2 license the commissioner shall not issue any license for the
3 operation of such frozen food manufacturing plant for a period
4 of one year from the date of such revocation.

5 Subd. 2. [LESSER PENALTIES.] Any person violating section
6 32.62, subdivision 2, clause (2) or (4), for each first
7 offense ~~shall, upon conviction thereof, be punished by a fine of~~
8 ~~not less than \$25 nor more than \$200~~ is guilty of a petty
9 misdemeanor and for each subsequent offense, ~~upon conviction~~
10 ~~thereof, by a fine of not less than \$100 nor more than \$250, or~~
11 ~~30 days imprisonment in the county jail, or both~~ is guilty of a
12 misdemeanor.

13 Sec. 4. Minnesota Statutes 2004, section 64B.37,
14 subdivision 2, is amended to read:

15 Subd. 2. [FALSE OR FRAUDULENT STATEMENTS OR
16 REPRESENTATIONS.] Any person, officer, member, or examining
17 physician, who ~~shall~~ knowingly or willfully ~~make~~ makes any false
18 or fraudulent statement or representation in, or with reference
19 to, any application for membership for the purpose of obtaining
20 money from or benefit in any society transacting business under
21 this chapter ~~shall be~~ is guilty of a misdemeanor:

22 (1) any person who ~~shall~~ willfully ~~make~~ makes a false
23 statement of any material fact or thing in a sworn statement as
24 to the death or disability of a certificate holder in any such
25 society, for the purpose of procuring payment of a benefit named
26 in the certificate of such holder, and any person who ~~shall~~
27 willfully ~~make~~ makes any false statement and any verified report
28 or declaration under oath, required or authorized under this
29 chapter, ~~shall be~~ is guilty of perjury and shall be proceeded
30 against and punished as provided by the statutes of this state
31 in relation to the crime of perjury;

32 (2) any person who ~~shall solicit~~ solicits membership for,
33 or in any manner assist in procuring membership in, any society
34 not licensed to do business in this state, or who ~~shall solicit~~
35 solicits membership for or in any manner assist in procuring
36 membership in, any such society not authorized to do business in

1 this state, ~~shall be~~ is guilty of a misdemeanor, ~~and, upon~~
2 ~~conviction thereof, punished by fine of not more than \$200;~~

3 (3) any society, or any officer, agent, or employee
4 thereof, neglecting, refusing to comply with, or violating, any
5 of the provisions of this chapter, the penalty for which
6 neglect, refusal, or violation is not specified in this section,
7 shall be fined not ~~exceeding \$200 upon conviction thereof~~ more
8 than \$1,000.

9 Sec. 5. Minnesota Statutes 2004, section 116J.871,
10 subdivision 3, is amended to read:

11 Subd. 3. [PREVAILING WAGE; PENALTY.] It is a misdemeanor
12 for a person who has certified that prevailing wages will be
13 paid to laborers and mechanics under subdivision 2 to
14 subsequently fail to pay the prevailing wage. ~~This misdemeanor~~
15 ~~is punishable by a fine of not more than \$1,000 or imprisonment~~
16 ~~for not more than 90 days, or both.~~ Each day a violation of
17 this subdivision continues is a separate offense.

18 Sec. 6. Minnesota Statutes 2004, section 127A.10, is
19 amended to read:

20 127A.10 [STATE OFFICIALS AND SCHOOL BOARD MEMBERS TO BE
21 DISINTERESTED; PENALTY.]

22 If the commissioner of education, an assistant or any
23 employee connected with the commissioner's office, or any member
24 of any school board shall accept or receive any money, gift or
25 any property, or favor from any person, firm, or corporation
26 offering for sale any textbooks, or any agent thereof, or from
27 any person in any way interested in the sale of textbooks, the
28 person accepting or receiving it ~~shall, upon conviction, be~~
29 ~~punished by a fine not exceeding \$1,000 or by imprisonment in~~
30 ~~the county jail for not more than six months, or both by such~~
31 ~~fine and imprisonment~~ is guilty of a gross misdemeanor.

32 Sec. 7. Minnesota Statutes 2004, section 137.09, is
33 amended to read:

34 137.09 [BOARD OF REGENTS NOT TO EXCEED APPROPRIATIONS;
35 PENALTY.]

36 It shall be unlawful for the Board of Regents to permit any

1 expenditures for any purpose in excess of the amount
 2 appropriated or contemplated by law and any member or agent of
 3 the board violating this provision shall-be is guilty of a gross
 4 misdemeanor~~7-and7-upon-conviction7-fined-not-less-than-\$100-nor~~
 5 ~~more-than-\$3,0007-or-be-imprisoned-in-the-county-jail-for-not~~
 6 ~~less-than-six-months7-or-by-both-fine-and-imprisonment.~~

7 Sec. 8. Minnesota Statutes 2004, section 152.027,
 8 subdivision 4, is amended to read:

9 Subd. 4. [POSSESSION OR SALE OF SMALL AMOUNTS OF
 10 MARIJUANA.] (a) A person who unlawfully sells a small amount of
 11 marijuana for no remuneration, or who unlawfully possesses a
 12 small amount of marijuana is guilty of a petty misdemeanor
 13 ~~punishable-by-a-fine-of-up-to-\$200~~ and participation in a drug
 14 education program unless the court enters a written finding that
 15 a drug education program is inappropriate. The program must be
 16 approved by an area mental health board with a curriculum
 17 approved by the state alcohol and drug abuse authority.

18 (b) A person convicted of an unlawful sale under paragraph
 19 (a) who is subsequently convicted of an unlawful sale under
 20 paragraph (a) within two years is guilty of a misdemeanor and
 21 shall be required to participate in a chemical dependency
 22 evaluation and treatment if so indicated by the evaluation.

23 (c) A person who is convicted of a petty misdemeanor under
 24 paragraph (a) who willfully and intentionally fails to comply
 25 with the sentence imposed, is guilty of a misdemeanor.
 26 Compliance with the terms of the sentence imposed before
 27 conviction under this paragraph is an absolute defense.

28 Sec. 9. Minnesota Statutes 2004, section 155A.16, is
 29 amended to read:

30 155A.16 [VIOLATIONS; PENALTIES.]

31 Any person who violates any of the provisions of sections
 32 155A.01 to 155A.16 is guilty of a misdemeanor and-upon
 33 ~~conviction-may-be-sentenced-to-imprisonment-for-not-more-than-90~~
 34 ~~days-or-fined-not-more-than-\$7007-or-both7-per-violation.~~

35 Sec. 10. Minnesota Statutes 2004, section 168.275, is
 36 amended to read:

1 168.275 [SALE OF MOTOR VEHICLE ON SUNDAY FORBIDDEN.]

2 Any person who shall carry on or engage in the business of
3 buying, selling, exchanging, dealing in or trading in new or
4 used motor vehicles; or who shall open any place of business or
5 lot wherein the person attempts to or does engage in the
6 business of buying, selling, exchanging, dealing or trading in
7 new or used motor vehicles; or who does buy, sell, exchange,
8 deal or trade in new or used motor vehicles as a business on the
9 first day of the week, commonly known and designated as Sunday,
10 is guilty of a misdemeanor for the first offense, and a gross
11 misdemeanor for each succeeding offense. ~~Such-a-person-upon~~
12 ~~conviction-for-the-first-offense-shall-pay-a-fine-not-to-exceed~~
13 ~~\$1,000-or-be-imprisoned-for-a-period-of-not-more-than-ten-days;~~
14 ~~and-for-the-second-offense-shall-pay-a-fine-not-to-exceed-\$3,000~~
15 ~~or-be-imprisoned-for-a-period-of-not-more-than-30-days-or-both;~~
16 ~~and-for-the-third-or-each-subsequent-offense-shall-pay-a-fine-of~~
17 ~~not-more-than-\$3,000-or-be-imprisoned-for-a-period-of-not-more~~
18 ~~than-six-months-or-both.~~ This section does not apply to the
19 sale of (1) trailers designed and used primarily to transport
20 watercraft, as defined in section 86B.005, subdivision 18, (2)
21 trailers designed and used primarily to transport all-terrain
22 vehicles, as defined in section 84.92, subdivision 8, (3)
23 trailers designed and used primarily to transport snowmobiles as
24 defined in section 84.81, subdivision 3, or (4) utility trailers
25 as defined in section 168.27, subdivision 20.

26 Sec. 11. Minnesota Statutes 2004, section 169.21,
27 subdivision 2, is amended to read:

28 Subd. 2. [RIGHTS IN ABSENCE OF SIGNAL.] (a) Where
29 traffic-control signals are not in place or in operation, the
30 driver of a vehicle shall stop to yield the right-of-way to a
31 pedestrian crossing the roadway within a marked crosswalk or at
32 an intersection with no marked crosswalk. The driver must
33 remain stopped until the pedestrian has passed the lane in which
34 the vehicle is stopped. No pedestrian shall suddenly leave a
35 curb or other place of safety and walk or run into the path of a
36 vehicle which is so close that it is impossible for the driver

1 to yield. This provision shall not apply under the conditions
2 as otherwise provided in this subdivision.

3 (b) When any vehicle is stopped at a marked crosswalk or at
4 an intersection with no marked crosswalk to permit a pedestrian
5 to cross the roadway, the driver of any other vehicle
6 approaching from the rear shall not overtake and pass the
7 stopped vehicle.

8 (c) It is unlawful for any person to drive a motor vehicle
9 through a column of school children crossing a street or highway
10 or past a member of a school safety patrol or adult crossing
11 guard, while the member of the school safety patrol or adult
12 crossing guard is directing the movement of children across a
13 street or highway and while the school safety patrol member or
14 adult crossing guard is holding an official signal in the stop
15 position. A peace officer may arrest the driver of a motor
16 vehicle if the peace officer has probable cause to believe that
17 the driver has operated the vehicle in violation of this
18 paragraph within the past four hours.

19 (d) A person who violates this subdivision is guilty of a
20 misdemeanor ~~and may be sentenced to imprisonment for not more~~
21 ~~than 90 days or to payment of a fine of not more than \$1,700 or~~
22 ~~both.~~ A person who violates this subdivision a second or
23 subsequent time within one year of a previous conviction under
24 this subdivision is guilty of a gross misdemeanor ~~and may be~~
25 ~~sentenced to imprisonment for not more than one year or to~~
26 ~~payment of a fine of not more than \$3,000 or both.~~

27 Sec. 12. Minnesota Statutes 2004, section 181.30, is
28 amended to read:

29 181.30 [DUTY OF DEPARTMENT OF TRANSPORTATION.]

30 Any officer of any railroad company in the state violating
31 any of the provisions of section 181.29 ~~shall be~~ is guilty of a
32 misdemeanor ~~and upon conviction punished by a fine of not~~
33 ~~less than \$100 and not more than \$1,700 for each offense or~~
34 ~~by imprisonment in the county jail not more than 60 days or~~
35 ~~both fine and imprisonment at the discretion of the court.~~ It
36 shall be the duty of the state Department of Transportation,

1 upon complaint properly filed with it alleging a violation of
 2 section 181.29, to make a full investigation in relation
 3 thereto, and for such purpose it shall have the power to
 4 administer oaths, interrogate witnesses, take testimony and
 5 require the production of books and papers, and if such report
 6 shall show a violation of the provisions of section 181.29, the
 7 Department of Transportation shall, through the attorney
 8 general, begin the prosecution of all parties against whom
 9 evidence of such violation is found; but section 181.29 shall
 10 not be construed to prevent any other person from beginning
 11 prosecution for the violation of the provisions thereof.

12 Sec. 13. Minnesota Statutes 2004, section 219.57,
 13 subdivision 6, is amended to read:

14 Subd. 6. [MISDEMEANOR.] A railroad company violating this
 15 section is guilty of a misdemeanor ~~punishable-by-a-fine-of-not~~
 16 ~~less-than-\$50-nor-more-than-\$200~~ and may be assessed costs of
 17 prosecution for each offense.

18 A railroad employee violating this section is guilty of a
 19 misdemeanor ~~punishable-by-a-fine-of-not-less-than-\$50-nor-more~~
 20 ~~than-\$100~~ and may be assessed costs of prosecution ~~or-by~~
 21 ~~imprisonment-in-the-county-jail-not-exceeding-90-days.~~

22 Sec. 14. Minnesota Statutes 2004, section 234.23, is
 23 amended to read:

24 234.23 [VIOLATION; PENALTY.]

25 A person unlawfully removing, breaking, or interfering or
 26 tampering with a seal, lock, or other fastening placed upon a
 27 granary, crib, bin, or other receptacle for grain under this
 28 chapter, except when the removal is imperative to prevent the
 29 damage, loss, or destruction of stored grain, is guilty of a
 30 ~~crime-punishable-by-a-fine-of-not-less-than-\$100-or-more-than~~
 31 ~~\$1,000-or-by-imprisonment-in-the-county-jail-for-not-more-than~~
 32 ~~six-months,-or-both~~ gross misdemeanor.

33 Sec. 15. Minnesota Statutes 2004, section 235.10, is
 34 amended to read:

35 235.10 [UNLAWFUL DISCRIMINATION IN SALE OR PURCHASE OF
 36 GRAIN.]

1 A person, firm, copartnership, or corporation engaged in
 2 the business of buying grain, either for itself or others, may
 3 not, with the intention of creating a monopoly or destroying the
 4 business of a competitor, discriminate between different
 5 localities, of this state by purchasing grain of a particular
 6 grade and condition at a higher price or rate in one locality
 7 than in another after making due allowance for the difference,
 8 if any, in actual cost of transportation from the locality of
 9 purchase, to the locality of manufacture, use, or distribution.
 10 Violation of this section is ~~unfair-discrimination, punishable~~
 11 ~~by a fine up to \$1,000 or by imprisonment in the county jail up~~
 12 ~~to six months~~ a gross misdemeanor.

13 Sec. 16. Minnesota Statutes 2004, section 235.13, is
 14 amended to read:

15 235.13 [VIOLATIONS; PENALTIES.]

16 Violation of chapters 216 to 235, if no specific penalty is
 17 prescribed, is a gross misdemeanor, ~~punishable by a fine of not~~
 18 ~~less than \$50 nor more than \$700.~~

19 Sec. 17. Minnesota Statutes 2004, section 325F.40, is
 20 amended to read:

21 325F.40 [VIOLATIONS; PENALTIES.]

22 Any person, company, or corporation violating any of the
 23 provisions of sections 325F.35 to 325F.39 ~~shall be deemed is~~
 24 ~~guilty of a misdemeanor, and, upon conviction thereof, for the~~
 25 ~~first offense, punished by a fine of not less than \$25 nor more~~
 26 ~~than \$50 and for each subsequent offense by a fine of not less~~
 27 ~~than \$50 nor more than \$200.~~

28 Sec. 18. Minnesota Statutes 2004, section 329.17, is
 29 amended to read:

30 329.17 [VIOLATIONS; PENALTIES.]

31 Subdivision 1. [GROSS MISDEMEANOR.] Every person, either
 32 as principal or agent, who shall in any manner engage in, do, or
 33 transact any business as a transient merchant, without having
 34 first obtained a license, or who shall conduct any sale, or who
 35 shall sell or expose for sale any goods, wares, and merchandise
 36 contrary to the provisions of sections 329.10 to 329.16, or who

1 shall advertise, represent, or hold forth any sale of goods,
2 wares, and merchandise, to be conducted contrary to the
3 provisions of sections 329.10 to 329.16, ~~shall-be~~ is guilty of a
4 gross misdemeanor.

5 Subd. 2. [MISDEMEANOR.] Every person who shall engage in
6 or follow the business of a hawker or peddler without having
7 first obtained a license ~~shall-be~~ is guilty of a misdemeanor,
8 ~~and-upon-conviction-thereof-punished-by-a-fine-of-not-less-than~~
9 ~~\$15-nor-more-than-\$100-or-in-default-of-the-payment-of-such-fine~~
10 ~~by-imprisonment-in-the-county-jail-of-the-county-of-conviction~~
11 ~~for-a-period-of-not-exceeding-60-days-for-each-offense.~~

12 Sec. 19. Minnesota Statutes 2004, section 333.135, is
13 amended to read:

14 333.135 [IMPROPER USE OF INSIGNIA.]

15 Every person who shall willfully wear the insignia or
16 rosette of the military order of the Loyal Legion of the United
17 States, or the badge or button of the American Legion, the
18 Veterans of Foreign Wars, the Disabled American Veterans of the
19 World War, or of any other veterans' organization, or any
20 similitude thereof; or who shall willfully wear any badge,
21 emblem, or insignia pertaining to the order of Masons, Odd
22 Fellows, Knights of Pythias, or any other secret order or
23 society, or any similitude thereof; or who shall use any such
24 badge, button, or insignia to obtain aid or assistance, or who
25 shall use the name of any such order or society for gain, unless
26 entitled to so use the same under the constitution, bylaws,
27 rules, and regulations of such order, ~~shall-be~~ is guilty of a
28 misdemeanor ~~and-shall-be-punished-by-imprisonment-in-the-county~~
29 ~~jail-for-not-more-than-60-days-or-by-a-fine-of-not-more-than-\$50~~
30 ~~or-by-both.~~

31 Sec. 20. Minnesota Statutes 2004, section 395.22, is
32 amended to read:

33 395.22 [PENALTY FOR VIOLATION.]

34 Any person who shall, contrary to the provisions of
35 sections 395.14 to 395.24, sell, transfer, take, or carry away,
36 or in any manner dispose of, the seed or feed, or any part

1 thereof, furnished by the county under sections 395.14 to 395.24
 2 or shall use or dispose of such seed or feed, or any part
 3 thereof, for any other purpose than that of planting or sowing
 4 with same as stated in the application and contract, or shall
 5 sell, transfer, take, or carry away, or in any manner dispose
 6 of, the crop or any part thereof, produced from the sowing or
 7 planting of such seed, before the same is paid for, ~~shall-be~~ is
 8 guilty of a misdemeanor, ~~and upon conviction thereof shall pay a~~
 9 ~~fine of not less than \$50 nor more than \$100 or may be~~
 10 ~~imprisoned in the county jail for a term of not less than 30 nor~~
 11 ~~more than 90 days,~~ and shall pay all the costs of prosecution,
 12 and whoever under any of the provisions of sections 395.14 to
 13 395.24 shall be found guilty of false swearing shall be deemed
 14 to have committed perjury and shall upon conviction suffer the
 15 pains and penalties of that crime. Upon the filing of the
 16 contract in the office of the county recorder, and the sowing of
 17 the seed obtained therefor, the title and right of possession to
 18 the growing crop and to the grain produced from the seed shall
 19 be in the county which shall have furnished the seed until the
 20 debt incurred for such seed or feed, shall have been paid, and
 21 any seizure thereof or interference therewith except by the
 22 applicant and those in the applicant's employ, for the purpose
 23 of harvesting, threshing, and marketing the same to pay such
 24 debt, shall be deemed a conversion thereof and treble damages
 25 may be recovered against the person so converting the same by
 26 the county furnishing such seed and feed.

27 Sec. 21. Minnesota Statutes 2004, section 481.05, is
 28 amended to read:

29 481.05 [VIOLATIONS; PENALTIES.]

30 Subdivision 1. [MISDEMEANOR.] Any attorney at law who
 31 ~~shall violate~~ violates section 481.03 ~~shall-be~~ is guilty of a
 32 misdemeanor ~~and punished by a fine of not less than \$50 nor more~~
 33 ~~than \$100 or by imprisonment in the county jail for not more~~
 34 ~~than 90 days.~~

35 Subd. 2. [MISDEMEANOR.] Any person who ~~shall violate~~
 36 violates section 481.04 ~~shall-be~~ is guilty of a misdemeanor and

1 ~~punished-by-a-fine-of-not-less-than-\$50-nor-more-than-\$100-or-by~~
2 ~~imprisonment-in-the-county-jail-for-not-to-exceed-90-days.~~

3 Sec. 22. Minnesota Statutes 2004, section 624.64, is
4 amended to read:

5 624.64 [ACROBATIC EXHIBITIONS.]

6 Every proprietor, occupant, or lessee of any place where
7 acrobatic exhibitions are held, who shall permit any person to
8 perform on any trapeze, rope, pole, or other acrobatic
9 contrivance, without network, or other sufficient means of
10 protection from falling or other accident, ~~shall-be~~ is guilty of
11 a gross misdemeanor, ~~and, for the first offense, punished by a~~
12 ~~fine of \$250 and for each subsequent offense by a fine of \$250~~
13 ~~and imprisonment in the county jail for not less than three~~
14 ~~months nor more than one year.~~

15 Sec. 23. Minnesota Statutes 2004, section 624.67, is
16 amended to read:

17 624.67 [FALSE CERTIFICATE OF REGISTRATION OF ANIMALS; FALSE
18 REPRESENTATION AS TO BREED.]

19 Every person who by any false pretense shall obtain from
20 any club, association, society, or company for the improvement
21 of the breed of cattle, horses, sheep, swine, fowls, or other
22 domestic animals, or birds, a certificate of registration of any
23 animal in the herd, or other register of any such association,
24 society, or company, or a transfer of any such registration, and
25 every person who shall knowingly represent any animal used for
26 breeding purposes to be of a greater degree of any particular
27 strain of blood than such animal actually possesses, ~~shall-be~~ is
28 guilty of a gross misdemeanor, ~~and punished by imprisonment in~~
29 ~~the county jail for not more than six months, or by a fine of~~
30 ~~not more than \$250.~~

31 Sec. 24. Minnesota Statutes 2004, section 629.11, is
32 amended to read:

33 629.11 [VIOLATION A GROSS MISDEMEANOR.]

34 Any officer who shall deliver to the agent for extradition
35 of the demanding state a person in custody under the governor's
36 warrant in willful disobedience to section 629.10 ~~shall-be~~ is

1 guilty of a gross misdemeanor, ~~and upon conviction shall be~~
2 ~~fined not more than \$3,000 or be imprisoned for not more than~~
3 ~~six months.~~

4 Sec. 25. Minnesota Statutes 2004, section 631.04, is
5 amended to read:

6 631.04 [EXCLUDING MINORS FROM ATTENDANCE AT CRIMINAL
7 TRIALS; DUTY OF OFFICER; PENALTY.]

8 A minor under the age of 17 who is not a party to, witness
9 in, or directly interested in a criminal prosecution or trial
10 before a district court, may not be present at the trial. A
11 police officer, constable, sheriff, or other officer in charge
12 of a court and attending upon the trial of a criminal case in
13 the court, shall exclude a minor under age of 17 from the room
14 in which the trial is being held. This section does not apply
15 when the minor is permitted to attend by order of the court
16 before which the trial is being held. A police officer,
17 constable, sheriff, or deputy sheriff who knowingly neglects or
18 refuses to carry out the provisions of this section is guilty of
19 a misdemeanor ~~and shall be punished by a fine of not less than~~
20 ~~\$10 nor more than \$25.~~

21 ARTICLE 4

22 GUARDIANSHIP AND CONSERVATORSHIP

23 Section 1. Minnesota Statutes 2004, section 144.6501,
24 subdivision 1, is amended to read:

25 Subdivision 1. [DEFINITIONS.] For purposes of this
26 section, the following terms have the meanings given them.

27 (a) "Facility" means a nursing home licensed under chapter
28 144A or a boarding care facility licensed under sections 144.50
29 to 144.58.

30 (b) "Contract of admission," "admission contract," or
31 "admission agreement," includes, but is not limited to, all
32 documents that a resident or resident's representative must sign
33 at the time of, or as a condition of, admission to the
34 facility. Oral representations and statements between the
35 facility and the resident or resident's representative are not
36 part of the contract of admission unless expressly contained in

1 writing in those documents. The contract of admission must
2 specify the obligations of the resident or the responsible party.

3 (c) "Legal representative" means an attorney-in-fact under
4 a valid power of attorney executed by the prospective resident,
5 or a conservator or guardian ~~of-the-person-or-of-the-estate~~
6 appointed for the prospective resident, or a representative
7 payee appointed for the prospective resident, or other agent of
8 limited powers.

9 (d) "Responsible party" means a person who has access to
10 the resident's income and assets and who agrees to apply the
11 resident's income and assets to pay for the resident's care or
12 who agrees to make and complete an application for medical
13 assistance on behalf of the resident.

14 Sec. 2. Minnesota Statutes 2004, section 145B.04, is
15 amended to read:

16 145B.04 [SUGGESTED FORM.]

17 A living will executed after August 1, 1989, under this
18 chapter must be substantially in the form in this section.
19 Forms printed for public distribution must be substantially in
20 the form in this section.

21 "Health Care Living Will

22 Notice:

23 This is an important legal document. Before signing this
24 document, you should know these important facts:

25 (a) This document gives your health care providers or your
26 designated proxy the power and guidance to make health care
27 decisions according to your wishes when you are in a terminal
28 condition and cannot do so. This document may include what kind
29 of treatment you want or do not want and under what
30 circumstances you want these decisions to be made. You may
31 state where you want or do not want to receive any treatment.

32 (b) If you name a proxy in this document and that person
33 agrees to serve as your proxy, that person has a duty to act
34 consistently with your wishes. If the proxy does not know your
35 wishes, the proxy has the duty to act in your best interests.
36 If you do not name a proxy, your health care providers have a

1 duty to act consistently with your instructions or tell you that
2 they are unwilling to do so.

3 (c) This document will remain valid and in effect until and
4 unless you amend or revoke it. Review this document
5 periodically to make sure it continues to reflect your
6 preferences. You may amend or revoke the living will at any
7 time by notifying your health care providers.

8 (d) Your named proxy has the same right as you have to
9 examine your medical records and to consent to their disclosure.
10 for purposes related to your health care or insurance unless you
11 limit this right in this document.

12 (e) If there is anything in this document that you do not
13 understand, you should ask for professional help to have it
14 explained to you.

15 TO MY FAMILY, DOCTORS, AND ALL THOSE CONCERNED WITH MY CARE:

16 I,, born on
17 (birthdate), being an adult of sound mind, willfully and
18 voluntarily make this statement as a directive to be followed if
19 I am in a terminal condition and become unable to participate in
20 decisions regarding my health care. I understand that my health
21 care providers are legally bound to act consistently with my
22 wishes, within the limits of reasonable medical practice and
23 other applicable law. I also understand that I have the right
24 to make medical and health care decisions for myself as long as
25 I am able to do so and to revoke this living will at any time.

26 (1) The following are my feelings and wishes regarding my
27 health care (you may state the circumstances under which this
28 living will applies):

29
30
31
32

33 (2) I particularly want to have all appropriate health care
34 that will help in the following ways (you may give instructions
35 for care you do want):

36

1
2
3

4 (3) I particularly do not want the following (you may list
5 specific treatment you do not want in certain circumstances):

6
7

8 (4) I particularly want to have the following kinds of
9 life-sustaining treatment if I am diagnosed to have a terminal
10 condition (you may list the specific types of life-sustaining
11 treatment that you do want if you have a terminal condition):

12
13
14
15

16 (5) I particularly do not want the following kinds of
17 life-sustaining treatment if I am diagnosed to have a terminal
18 condition (you may list the specific types of life-sustaining
19 treatment that you do not want if you have a terminal condition):

20
21
22
23

24 (6) I recognize that if I reject artificially administered
25 sustenance, then I may die of dehydration or malnutrition rather
26 than from my illness or injury. The following are my feelings
27 and wishes regarding artificially administered sustenance should
28 I have a terminal condition (you may indicate whether you wish
29 to receive food and fluids given to you in some other way than
30 by mouth if you have a terminal condition):

31
32
33
34

35 (7) Thoughts I feel are relevant to my instructions. (You
36 may, but need not, give your religious beliefs, philosophy, or

1 other personal values that you feel are important. You may also
2 state preferences concerning the location of your care.)

3
4
5
6

7 (8) Proxy Designation. (If you wish, you may name someone
8 to see that your wishes are carried out, but you do not have to
9 do this. You may also name a proxy without including specific
10 instructions regarding your care. If you name a proxy, you
11 should discuss your wishes with that person.)

12 If I become unable to communicate my instructions, I
13 designate the following person(s) to act on my behalf
14 consistently with my instructions, if any, as stated in this
15 document. Unless I write instructions that limit my proxy's
16 authority, my proxy has full power and authority to make health
17 care decisions for me. If a guardian ~~or-conservator-of-the~~
18 ~~person~~ is to be appointed for me, I nominate my proxy named in
19 this document to act as my guardian ~~or-conservator-of-my-person~~.

20 Name:
21 Address:
22 Phone Number:
23 Relationship: (If any)

24 If the person I have named above refuses or is unable or
25 unavailable to act on my behalf, or if I revoke that person's
26 authority to act as my proxy, I authorize the following person
27 to do so:

28 Name:
29 Address:
30 Phone Number:
31 Relationship: (If any)

32 I understand that I have the right to revoke the
33 appointment of the persons named above to act on my behalf at
34 any time by communicating that decision to the proxy or my
35 health care provider.

36 (9) Organ Donation After Death.. (If you wish, you may

1 indicate whether you want to be an organ donor upon your
2 death.) Initial the statement which expresses your wish:

3 In the event of my death, I would like to donate my
4 organs. I understand that to become an organ donor, I must be
5 declared brain dead. My organ function may be maintained
6 artificially on a breathing machine, (i.e., artificial
7 ventilation), so that my organs can be removed.

8 Limitations or special wishes: (If any)
9
10

11 I understand that, upon my death, my next of kin may be
12 asked permission for donation. Therefore, it is in my best
13 interests to inform my next of kin about my decision ahead of
14 time and ask them to honor my request.

15 I (have) (have not) agreed in another document or on
16 another form to donate some or all of my organs when I die.

17 I do not wish to become an organ donor upon my death.

18 DATE:

19 SIGNED:

20 STATE OF

21

22 COUNTY OF

23 Subscribed, sworn to, and acknowledged before me by
24 on this day of,

25

26

27 NOTARY PUBLIC

28 OR

29 (Sign and date here in the presence of two adult witnesses,
30 neither of whom is entitled to any part of your estate under a
31 will or by operation of law, and neither of whom is your proxy.)

32 I certify that the declarant voluntarily signed this living
33 will in my presence and that the declarant is personally known
34 to me. I am not named as a proxy by the living will, and to the
35 best of my knowledge, I am not entitled to any part of the
36 estate of the declarant under a will or by operation of law.

1 Witness Address

2 Witness Address

3 Reminder: Keep the signed original with your personal papers.

4 Give signed copies to your doctors, family, and proxy."

5 Sec. 3. Minnesota Statutes 2004, section 201.014,

6 subdivision 2, is amended to read:

7 Subd. 2. [NOT ELIGIBLE.] The following individuals are not
8 eligible to vote. Any individual:

9 (a) Convicted of treason or any felony whose civil rights
10 have not been restored;

11 (b) Under a guardianship ~~of-the-person~~ in which the court
12 order provides that the ward does not retain the right to vote;
13 or

14 (c) Found by a court of law to be legally incompetent.

15 Sec. 4. Minnesota Statutes 2004, section 201.071,

16 subdivision 1, is amended to read:

17 Subdivision 1. [FORM.] A voter registration application
18 must be of suitable size and weight for mailing and contain
19 spaces for the following required information: voter's first
20 name, middle name, and last name; voter's previous name, if any;
21 voter's current address; voter's previous address, if any;
22 voter's date of birth; voter's municipality and county of
23 residence; voter's telephone number, if provided by the voter;
24 date of registration; current and valid Minnesota driver's
25 license number or Minnesota state identification number, or if
26 the voter has no current and valid Minnesota driver's license or
27 Minnesota state identification, the last four digits of the
28 voter's Social Security number; and voter's signature. The
29 registration application may include the voter's e-mail address,
30 if provided by the voter, and the voter's interest in serving as
31 an election judge, if indicated by the voter. The application
32 must also contain the following certification of voter
33 eligibility:

34 "I certify that I:

35 (1) will be at least 18 years old on election day;

36 (2) am a citizen of the United States;

1 (3) will have resided in Minnesota for 20 days immediately
2 preceding election day;

3 (4) maintain residence at the address given on the
4 registration form;

5 (5) am not under court-ordered guardianship ~~of-the-person~~
6 where I have not retained the right to vote;

7 (6) have not been found by a court to be legally
8 incompetent to vote;

9 (7) have not been convicted of a felony without having my
10 civil rights restored; and

11 (8) have read and understand the following statement: that
12 giving false information is a felony punishable by not more than
13 five years imprisonment or a fine of not more than \$10,000, or
14 both."

15 The certification must include boxes for the voter to
16 respond to the following questions:

17 "(1) Are you a citizen of the United States?" and

18 "(2) Will you be 18 years old on or before election day?"

19 And the instruction:

20 "If you checked 'no' to either of these questions, do not
21 complete this form."

22 The form of the voter registration application and the
23 certification of voter eligibility must be as provided in this
24 subdivision and approved by the secretary of state. Voter
25 registration forms authorized by the National Voter Registration
26 Act may also be accepted as valid.

27 An individual may use a voter registration application to
28 apply to register to vote in Minnesota or to change information
29 on an existing registration.

30 Sec. 5. Minnesota Statutes 2004, section 201.15,
31 subdivision 1, is amended to read:

32 Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant
33 to the Help America Vote Act of 2002, Public Law 107-252, the
34 state court administrator shall report monthly by electronic
35 means to the secretary of state the name, address, and date of
36 birth of each individual 18 years of age or over, who during the

1 month preceding the date of the report:

2 (a) was placed under a guardianship ~~of-the-person~~ in which
3 the court order provides that the ward does not retain the right
4 to vote; or

5 (b) was adjudged legally incompetent.

6 The court administrator shall also report the same
7 information for each individual transferred to the jurisdiction
8 of the court who meets a condition specified in clause (a) or
9 (b). The secretary of state shall determine if any of the
10 persons in the report is registered to vote and shall prepare a
11 list of those registrants for the county auditor. The county
12 auditor shall change the status on the record in the statewide
13 registration system of any individual named in the report to
14 indicate that the individual is not eligible to reregister or
15 vote.

16 Sec. 6. Minnesota Statutes 2004, section 204B.10,
17 subdivision 6, is amended to read:

18 Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified
19 copy of a final judgment or order of a court of competent
20 jurisdiction that a person who has filed an affidavit of
21 candidacy or who has been nominated by petition:

22 (1) has been convicted of treason or a felony and the
23 person's civil rights have not been restored;

24 (2) is under guardianship ~~of-the-person~~; or

25 (3) has been found by a court of law to be legally
26 incompetent;

27 the filing officer shall notify the person by certified mail at
28 the address shown on the affidavit or petition, and shall not
29 certify the person's name to be placed on the ballot. The
30 actions of a filing officer under this subdivision are subject
31 to judicial review under section 204B.44.

32 Sec. 7. Minnesota Statutes 2004, section 246.01, is
33 amended to read:

34 246.01 [POWERS AND DUTIES.]

35 The commissioner of human services is hereby specifically
36 constituted the guardian ~~of-both-the-estate-and-person~~ and

1 conservator of the estate of all persons with mental
2 retardation, the guardianship of whom has heretofore been vested
3 in the State Board of Control or in the director of social
4 welfare whether by operation of law or by an order of court
5 without any further act or proceeding, and all the powers and
6 duties vested in or imposed upon the State Board of Control or
7 the director of social welfare, with reference to mental testing
8 of persons with mental retardation, and with reference to the
9 institutions of the state of Minnesota except correctional
10 facilities administered and managed by the commissioner of
11 corrections, are hereby transferred to, vested in, and imposed
12 upon the commissioner of human services, and in relation thereto
13 is hereby charged with and shall have the exclusive power of
14 administration and management of all of the following state
15 institutions: state hospitals for persons with mental
16 retardation, mental illness, or chemical dependency. The
17 commissioner shall have power and authority to determine all
18 matters relating to the unified and continuous development of
19 all of the foregoing institutions and of such other
20 institutions, the supervision of which may, from time to time,
21 be vested in the commissioner. It is intended that there be
22 vested in the commissioner all of the powers, functions, and
23 authority heretofore vested in the State Board of Control
24 relative to such state institutions. The commissioner shall
25 have the power and authority to accept, in behalf of the state,
26 contributions and gifts of money and personal property for the
27 use and benefit of the residents of the public institutions
28 under the commissioner's control, and all money and securities
29 so received shall be deposited in the state treasury subject to
30 the order of the commissioner of human services. If the gift or
31 contribution is designated by the donor for a certain
32 institution or purpose, the commissioner of human services shall
33 expend or use the same as nearly as may be in accordance with
34 the conditions of the gift or contribution, compatible with the
35 best interests of the inmates and the state. The commissioner
36 of human services is hereby constituted the "state agency" as

1 defined by the Social Security Act of the United States and the
2 laws of this state for all purposes relating to mental health
3 and mental hygiene.

4 For the purpose of carrying out these duties, the
5 commissioner of human services shall accept from wards with
6 mental retardation for whom the commissioner is specifically
7 appointed guardian a signed application for consent to the
8 marriage of said ward. Upon receipt of such application the
9 commissioner shall promptly conduct such investigation as the
10 commissioner deems proper and determine if the contemplated
11 marriage is for the best interest of the ward and the public. A
12 signed copy of the commissioner's determination shall be mailed
13 to the ward and to the court administrator of the district court
14 of the county where the application for such marriage license
15 was made.

16 There is hereby appropriated to such persons or
17 institutions as are entitled to such sums as are provided for in
18 this section, from the fund or account in the state treasury to
19 which the money was credited, an amount sufficient to make such
20 payment.

21 Sec. 8. Minnesota Statutes 2004, section 252A.03,
22 subdivision 1, is amended to read:

23 Subdivision 1. [NOMINATION OF GUARDIAN OR CONSERVATOR.]
24 The commissioner may be nominated in a sworn written request by
25 any one of the following to act as guardian ~~or-conservator~~ for
26 any mentally retarded person or conservator of the person's
27 estate:

28 (a) An interested person;

29 (b) The guardian ~~or-conservator-of-the-person~~ of the
30 mentally retarded person or the conservator of the person's
31 estate to act as successor;

32 (c) The mentally retarded person.

33 Sec. 9. Minnesota Statutes 2004, section 252A.03,
34 subdivision 4, is amended to read:

35 Subd. 4. [ALTERNATIVES.] Public guardianship or
36 conservatorship may be imposed only when no acceptable, less

1 restrictive form of guardianship or conservatorship is
2 available. The commissioner shall seek parents, near relatives,
3 and other interested persons to assume private guardianship for
4 persons with developmental disabilities who are currently under
5 public guardianship. If a person seeks to become a private
6 guardian or conservator, costs to the person may be reimbursed
7 under section ~~525-703, subdivision 3, paragraph (b)~~ 524.5-502.
8 The commissioner must provide technical assistance to parents,
9 near relatives, and interested persons seeking to become private
10 guardians or conservators.

11 Sec. 10. Minnesota Statutes 2004, section 252A.101,
12 subdivision 1, is amended to read:

13 Subdivision 1. [GENERAL.] Except as otherwise provided in
14 this section, ~~section 525-551, subdivisions 1 to 4,~~ sections
15 524.5-101 to 524.5-502 apply to public guardianship hearings.

16 Sec. 11. Minnesota Statutes 2004, section 252A.101,
17 subdivision 5, is amended to read:

18 Subd. 5. [FINDINGS.] (a) In all cases the court shall make
19 specific written findings of fact, conclusions of law, and
20 direct entry of an appropriate judgment or order. The court
21 shall order the appointment of the commissioner as guardian or
22 conservator if it finds that:

23 (1) the proposed ward or conservatee is a mentally retarded
24 person as defined in section 252A.02, subdivision 2;

25 (2) the proposed ward or conservatee is incapable of
26 exercising specific legal rights, which must be enumerated in
27 its findings;

28 (3) the proposed ward or conservatee is in need of the
29 supervision and protection of a guardian or conservator; and

30 (4) no appropriate alternatives to public guardianship or
31 public conservatorship exist that are less restrictive of the
32 person's civil rights and liberties, such as appointing a
33 guardian or conservator under sections ~~525-539~~ 524.5-101 to
34 ~~525-705~~ 524.5-502.

35 (b) The court shall grant the specific powers that are
36 necessary for the commissioner to act as public guardian or

1 conservator on behalf of the ward or conservatee.

2 Sec. 12. Minnesota Statutes 2004, section 253B.23,
3 subdivision 2, is amended to read:

4 Subd. 2. [LEGAL RESULTS OF COMMITMENT STATUS.] (a) Except
5 as otherwise provided in this chapter and in sections 246.15 and
6 246.16, no person by reason of commitment or treatment pursuant
7 to this chapter shall be deprived of any legal right, including
8 but not limited to the right to dispose of property, sue and be
9 sued, execute instruments, make purchases, enter into
10 contractual relationships, vote, and hold a driver's license.
11 Commitment or treatment of any patient pursuant to this chapter
12 is not a judicial determination of legal incompetency except to
13 the extent provided in section 253B.03, subdivision 6.

14 (b) Proceedings for determination of legal incompetency and
15 the appointment of a guardian for a person subject to commitment
16 under this chapter may be commenced before, during, or after
17 commitment proceedings have been instituted and may be conducted
18 jointly with the commitment proceedings. The court shall notify
19 the head of the treatment facility to which the patient is
20 committed of a finding that the patient is incompetent.

21 (c) Where the person to be committed is a minor or owns
22 property of value and it appears to the court that the person is
23 not competent to manage a personal estate, the court shall
24 appoint a general or special guardian ~~or conservator of the~~
25 person's estate for the person or a conservator of the person's
26 estate as provided by law.

27 Sec. 13. Minnesota Statutes 2004, section 256.93,
28 subdivision 1, is amended to read:

29 Subdivision 1. [LIMITATIONS.] In any case where the
30 guardianship ~~of the person~~ of any mentally retarded,
31 handicapped, dependent, neglected or delinquent child, or a
32 child born to a mother who was not married to the child's father
33 when the child was conceived nor when the child was born, has
34 been committed to the commissioner of human services, and in any
35 case where the guardianship ~~or conservatorship of the person~~ of
36 any person with mental retardation or conservatorship of the

1 person's estate has been committed to the commissioner of human
2 services, the court having jurisdiction of the estate may on
3 such notice as the court may direct, authorize the commissioner
4 to take possession of the personal property in the estate,
5 liquidate it, and hold the proceeds in trust for the ward, to be
6 invested, expended and accounted for as provided by sections
7 256.88 to 256.92.

8 Sec. 14. Minnesota Statutes 2004, section 257B.08, is
9 amended to read:

10 257B.08 [CONFLICTING DOCUMENTS.]

11 If a parent has appointed a testamentary guardian ~~of-the~~
12 ~~person-or-estate~~ of children by will under chapter 529 and there
13 is a conflict between the designation in the will and a duly
14 executed standby custodian designation, the document latest in
15 date of execution prevails.

16 Sec. 15. Minnesota Statutes 2004, section 259.21,
17 subdivision 4, is amended to read:

18 Subd. 4. [GUARDIAN.] "Guardian" means a guardian ~~of-the~~
19 ~~person~~ of the ward appointed by a court of competent
20 jurisdiction.

21 Sec. 16. Minnesota Statutes 2004, section 260C.101,
22 subdivision 2, is amended to read:

23 Subd. 2. [JURISDICTION OVER OTHER MATTERS RELATING TO
24 CHILDREN.] Except as provided in clause (d), the juvenile court
25 has original and exclusive jurisdiction in proceedings
26 concerning:

27 (a) The termination of parental rights to a child in
28 accordance with the provisions of sections 260C.301 to 260C.328.

29 (b) The appointment and removal of a juvenile court
30 guardian ~~of-the-person~~ for a child, where parental rights have
31 been terminated under the provisions of sections 260C.301 to
32 260C.328.

33 (c) Judicial consent to the marriage of a child when
34 required by law.

35 (d) The juvenile court in those counties in which the judge
36 of the probate-juvenile court has been admitted to the practice

1 of law in this state shall proceed under the laws relating to
2 adoptions in all adoption matters. In those counties in which
3 the judge of the probate-juvenile court has not been admitted to
4 the practice of law in this state the district court shall
5 proceed under the laws relating to adoptions in all adoption
6 matters.

7 (e) The review of the foster care status of a child who has
8 been placed in a residential facility, as defined in section
9 260C.212, subdivision 1, pursuant to a voluntary release by the
10 child's parent or parents.

11 Sec. 17. Minnesota Statutes 2004, section 302A.011,
12 subdivision 16, is amended to read:

13 Subd. 16. [LEGAL REPRESENTATIVE.] "Legal representative"
14 means a person empowered to act for another person, including,
15 but not limited to, an agent, officer, partner, or associate of,
16 an organization; a trustee of a trust; a personal
17 representative; an executor of a will; an administrator of an
18 estate; a trustee in bankruptcy; and a receiver, guardian,
19 custodian, or conservator of the a person or estate-of-a
20 person a person's estate.

21 Sec. 18. Minnesota Statutes 2004, section 303.03, is
22 amended to read:

23 303.03 [FOREIGN CORPORATIONS MUST HAVE CERTIFICATE OF
24 AUTHORITY.]

25 No foreign corporation shall transact business in this
26 state unless it holds a certificate of authority so to do; and
27 no foreign corporation whose certificate of authority has been
28 revoked or canceled pursuant to the provisions of this chapter
29 shall be entitled to obtain a certificate of authority except in
30 accordance with the provisions of section 303.19. This section
31 does not establish standards for those activities that may
32 subject a foreign corporation to taxation under section 290.015
33 and to the reporting requirements of section 290.371. Without
34 excluding other activities which may not constitute transacting
35 business in this state, and subject to the provisions of
36 sections 5.25 and 543.19, a foreign corporation shall not be

1 considered to be transacting business in this state for the
2 purposes of this chapter solely by reason of carrying on in this
3 state any one or more of the following activities:

4 (a) maintaining or defending any action or suit or any
5 administrative or arbitration proceeding, or effecting the
6 settlement thereof or the settlement of claims or disputes;

7 (b) holding meetings of its directors or shareholders or
8 carrying on other activities concerning its internal affairs;

9 (c) maintaining bank accounts;

10 (d) maintaining offices or agencies for the transfer,
11 exchange, and registration of its securities, or appointing and
12 maintaining trustees or depositaries with relation to its
13 securities;

14 (e) holding title to and managing real or personal
15 property, or any interest therein, situated in this state, as
16 executor of the will or administrator of the estate of any
17 decedent, as trustee of any trust, or as guardian ~~or-conservator~~
18 ~~of-the-person-or-estate, or-both,~~ of any person or conservator
19 of any person's estate;

20 (f) making, participating in, or investing in loans or
21 creating, as borrower or lender, or otherwise acquiring
22 indebtedness or mortgages or other security interests in real or
23 personal property;

24 (g) securing or collecting its debts or enforcing any
25 rights in property securing them; or

26 (h) conducting an isolated transaction completed within a
27 period of 30 days and not in the course of a number of repeated
28 transactions of like nature.

29 Sec. 19. Minnesota Statutes 2004, section 303.25,
30 subdivision 1, is amended to read:

31 Subdivision 1. [APPOINTMENTS.] Any foreign trust
32 association may accept appointment and act as executor of the
33 will or administrator of the estate of any decedent who was a
34 resident of this state at the time of death, as trustee of any
35 trust created by a resident of this state by will or otherwise,
36 and as guardian ~~or-conservator-of-the-person-or-estate, or-both,~~

1 of any resident of this state or conservator of the resident's
2 estate, if banking or trust associations or corporations
3 organized under the laws of this state or national banking
4 associations maintaining their principal offices in this state
5 are permitted to act as executors, administrators, trustees,
6 guardians, or conservators in the state in which the foreign
7 trust association maintains its principal office. Any foreign
8 trust association may accept appointment and act as executor of
9 the will or administrator of the estate of a decedent, who was a
10 resident of the state in which the foreign trust association
11 maintains its principal office at the time of death, in
12 ancillary probate proceedings in this state, as trustee of any
13 trust created by the decedent by will or otherwise of property
14 situated in this state, and as guardian or conservator in
15 ancillary proceedings in this state with respect to the property
16 of a resident of the other state if banking or trust
17 associations or corporations organized under the laws of this
18 state and national banking associations maintaining their
19 principal offices in this state are permitted to act as
20 executors, administrators, trustees, guardians, or conservators
21 in the state in which the foreign trust association maintains
22 its principal office.

23 Sec. 20. Minnesota Statutes 2004, section 322B.03,
24 subdivision 27, is amended to read:

25 Subd. 27. [LEGAL REPRESENTATIVE.] "Legal representative"
26 means a person empowered to act for another person, including,
27 but not limited to, an agent, manager, partner, or associate, of
28 an organization; a trustee of a trust; a personal
29 representative; an executor of a will; an administrator of an
30 estate; a trustee in bankruptcy; and a receiver, guardian,
31 custodian, or conservator of the a person or estate-of-a-person
32 a person's estate.

33 Sec. 21. Minnesota Statutes 2004, section 501B.18, is
34 amended to read:

35 501B.18 [ORDER FOR HEARING.]

36 Upon the filing of a petition under section 501B.16, the

1 court shall, by order, fix a time and place for a hearing,
2 unless notice and hearing have been waived in writing by the
3 beneficiaries of the trust then in being. Unless waived, notice
4 of the hearing must be given as follows: (1) by publishing, at
5 least 20 days before the date of the hearing, a copy of the
6 order for hearing one time in a legal newspaper for the county
7 in which the petition is filed; and (2) by mailing, at least 15
8 days before the date of the hearing, a copy of the order for
9 hearing to those beneficiaries of the trust who are known to or
10 reasonably ascertainable by the petitioner. In the case of a
11 beneficiary who is a minor or an incapacitated person as defined
12 in section ~~525.54~~ 524.5-102 and for whom a conservator,
13 guardian, or guardian ad litem known to the petitioner has been
14 appointed, notice must be mailed to that fiduciary. Notice may
15 be given in any other manner the court orders.

16 Sec. 22. Minnesota Statutes 2004, section 501B.19, is
17 amended to read:

18 501B.19 [REPRESENTATION OF PERSONS WHO ARE UNBORN,
19 UNASCERTAINED, UNKNOWN, OR MINORS OR INCAPACITATED PERSONS.]

20 If an interested person is a minor or an incapacitated
21 person as defined in section ~~525.54~~ 524.5-102 and has no
22 guardian or conservator within the state, or if an interested
23 person is unborn, unascertained, or a person whose identity or
24 address is unknown to the petitioner, the court shall represent
25 that person, unless the court, upon the application of the
26 trustee or any other interested person, appoints a guardian ad
27 litem to represent the person.

28 Sec. 23. Minnesota Statutes 2004, section 525.9212, is
29 amended to read:

30 525.9212 [MAKING, REVOKING, AND OBJECTING TO ANATOMICAL
31 GIFTS, BY OTHERS.]

32 (a) Any member of the following classes of persons, in the
33 order of priority listed, may make an anatomical gift of all or
34 a part of the decedent's body for an authorized purpose, unless
35 the decedent has made a refusal to make that anatomical gift
36 that is unrevoked at the time of death:

1 (1) the spouse of the decedent;
2 (2) an adult son or daughter of the decedent;
3 (3) either parent of the decedent;
4 (4) an adult brother or sister of the decedent;
5 (5) a grandparent of the decedent; and
6 (6) a guardian ~~or conservator of the person~~ of the decedent
7 at the time of death or a health care agent or proxy appointed
8 by the decedent under a health care directive as defined in
9 section 145C.01, a living will under chapter 145B, or other
10 similar document executed in another state and enforceable under
11 the laws of this state.

12 (b) An anatomical gift may not be made by a person listed
13 in paragraph (a) if:

14 (1) a person in a prior class is available at the time of
15 death to make an anatomical gift;

16 (2) the person proposing to make an anatomical gift knows
17 of a refusal or contrary indications by the decedent; or

18 (3) the person proposing to make an anatomical gift knows
19 of an objection to making an anatomical gift by a member of the
20 person's class or a prior class.

21 (c) An anatomical gift by a person authorized under
22 paragraph (a) must be made by (i) a document of gift signed by
23 the person, or (ii) the person's telegraphic, recorded
24 telephonic, or other recorded message, or other form of
25 communication from the person that is contemporaneously reduced
26 to writing and signed by the recipient.

27 (d) An anatomical gift by a person authorized under
28 paragraph (a) may be revoked by any member of the same or a
29 prior class if, before procedures have begun for the removal of
30 a part from the body of the decedent, the physician, surgeon,
31 technician, or enucleator removing the part knows of the
32 revocation.

33 (e) A failure to make a decision as to an anatomical gift
34 under paragraph (a) is not an objection to the making of an
35 anatomical gift.

36 Sec. 24. Minnesota Statutes 2004, section 525.95,

1 subdivision 1, is amended to read:

2 Subdivision 1. [DEFINITIONS.] The definitions in this
3 subdivision apply to this section.

4 (a) "War service" includes the following, during a period
5 when the United States is engaged in war or other major military
6 engagement with a foreign nation:

7 (1) active membership in the military forces of the United
8 States or any of its allies;

9 (2) acceptance for membership in the military forces of the
10 United States or any of its allies and awaiting induction into
11 that service;

12 (3) participation in work abroad in connection with a
13 governmental agency of the United States or any of its allies,
14 with the Red Cross, or with a similar service;

15 (4) internment by an enemy or absence from the United
16 States and inability to return; and

17 (5) service arising out of or in connection with the war or
18 other major military engagement, which in the opinion of the
19 court prevents the fiduciary from giving the proper attention to
20 duties.

21 (b) "Fiduciary" refers to a trustee of a testamentary trust
22 or of an express trust, a guardian of a person or conservator of
23 the-person-or-estate of a person person's estate, an executor of
24 a will, an administrator of the estate of the decedent, a
25 custodian under the Minnesota Uniform Transfers to Minors Act,
26 or an advisor or consultant in a testamentary or express trust.

27 Sec. 25. Minnesota Statutes 2004, section 527.38, is
28 amended to read:

29 527.38 [RENUNCIATION, RESIGNATION, DEATH, OR REMOVAL OF
30 CUSTODIAN; DESIGNATION OF SUCCESSOR CUSTODIAN.]

31 (a) A person nominated under section 527.23 or designated
32 under section 527.29 as custodian may decline to serve by
33 delivering a valid disclaimer to the person who made the
34 nomination or to the transferor or the transferor's legal
35 representative. If the event giving rise to a transfer has not
36 occurred and no substitute custodian able, willing, and eligible

1 to serve was nominated under section 527.23, the person who made
2 the nomination may nominate a substitute custodian under section
3 527.23; otherwise the transferor or the transferor's legal
4 representative shall designate a substitute custodian at the
5 time of the transfer, in either case from among the persons
6 eligible to serve as custodian for that kind of property under
7 section 527.29, paragraph (a). The custodian so designated has
8 the rights of a successor custodian.

9 (b) A custodian at any time may designate a trust company
10 or an adult other than a transferor under section 527.24 as
11 successor custodian by executing and dating an instrument of
12 designation before a subscribing witness other than the
13 successor. If the instrument of designation does not contain or
14 is not accompanied by the resignation of the custodian, the
15 designation of the successor does not take effect until the
16 custodian resigns, dies, becomes incapacitated, or is removed.

17 (c) A custodian may resign at any time by delivering
18 written notice to the minor if the minor has attained the age of
19 14 years and to the successor custodian and by delivering the
20 custodial property to the successor custodian.

21 (d) If a custodian is ineligible, dies, or becomes
22 incapacitated without having effectively designated a successor
23 and the minor has attained the age of 14 years, the minor may
24 designate as successor custodian, in the manner prescribed in
25 paragraph (b), an adult member of the minor's family, a
26 conservator of the minor, or a trust company. If the minor has
27 not attained the age of 14 years or fails to act within 60 days
28 after the ineligibility, death, or incapacity, the conservator
29 of the minor becomes successor custodian. If the minor has no
30 conservator or the conservator declines to act, the transferor,
31 the legal representative of the transferor or of the custodian,
32 an adult member of the minor's family, or any other interested
33 person may petition the court to designate a successor custodian.

34 (e) A custodian who declines to serve under paragraph (a)
35 or resigns under paragraph (c), or the legal representative of a
36 deceased or incapacitated custodian, as soon as practicable,

1 shall put the custodial property and records in the possession
2 and control of the successor custodian. The successor custodian
3 by action may enforce the obligation to deliver custodial
4 property and records and becomes responsible for each item as
5 received.

6 (f) A transferor, the legal representative of a transferor,
7 an adult member of the minor's family, a guardian ~~of-the-person~~
8 of the minor, the conservator of the ~~minor~~ minor's estate, or
9 the minor if the minor has attained the age of 14 years may
10 petition the court to remove the custodian for cause and to
11 designate a successor custodian other than a transferor under
12 section 527.24 or to require the custodian to give appropriate
13 bond.

14 Sec. 26. Minnesota Statutes 2004, section 527.39, is
15 amended to read:

16 527.39 [ACCOUNTING BY AND DETERMINATION OF LIABILITY OF
17 CUSTODIAN.]

18 (a) A minor who has attained the age of 14 years, the
19 minor's guardian ~~of-the-person~~ or legal representative, an adult
20 member of the minor's family, a transferor, or a transferor's
21 legal representative may petition the court (i) for an
22 accounting by the custodian or the custodian's legal
23 representative; or (ii) for a determination of responsibility,
24 as between the custodial property and the custodian personally,
25 for claims against the custodial property unless the
26 responsibility has been adjudicated in an action under section
27 527.37 to which the minor or the minor's legal representative
28 was a party.

29 (b) A successor custodian may petition the court for an
30 accounting by the predecessor custodian.

31 (c) The court, in a proceeding under this chapter or in any
32 other proceeding, may require or permit the custodian or the
33 custodian's legal representative to account.

34 (d) If a custodian is removed under section 527.38,
35 paragraph (f), the court shall require an accounting and order
36 delivery of the custodial property and records to the successor

1 custodian and the execution of all instruments required for
2 transfer of the custodial property.

3 Sec. 27. Minnesota Statutes 2004, section 529.12, is
4 amended to read:

5 529.12 [DECLINATION, RESIGNATION, INCAPACITY, DEATH, OR
6 REMOVAL OF CUSTODIAL TRUSTEE; DESIGNATION OF SUCCESSOR CUSTODIAL
7 TRUSTEE.]

8 (a) Before accepting the custodial trust property, a person
9 designated as custodial trustee may decline to serve by
10 notifying the person who made the designation, the transferor,
11 or the transferor's legal representative. If an event giving
12 rise to a transfer has not occurred, the substitute custodial
13 trustee designated under section 529.03 becomes the custodial
14 trustee, or, if a substitute custodial trustee has not been
15 designated, the person who made the designation may designate a
16 substitute custodial trustee pursuant to section 529.03. In
17 other cases, the transferor or the transferor's legal
18 representative may designate a substitute custodial trustee.

19 (b) A custodial trustee who has accepted the custodial
20 trust property may resign by (i) delivering written notice to a
21 successor custodial trustee, if any, the beneficiary and, if the
22 beneficiary is incapacitated, to the beneficiary's conservator,
23 if any, and (ii) transferring or registering, or recording an
24 appropriate instrument relating to, the custodial trust
25 property, in the name of, and delivering the records to, the
26 successor custodial trustee identified under subsection (c).

27 (c) If a custodial trustee or successor custodial trustee
28 is ineligible, resigns, dies, or becomes incapacitated, the
29 successor designated under section 529.02, subsection (g), or
30 529.03 becomes custodial trustee. If there is no effective
31 provision for a successor, the beneficiary, if not
32 incapacitated, or the holder of the beneficiary's power of
33 attorney, may designate a successor custodial trustee.

34 (d) If a successor custodial trustee is not designated
35 pursuant to subsection (c), the transferor, the legal
36 representative of the transferor or of the custodial trustee, an

1 adult member of the beneficiary's family, the conservator of the
2 beneficiary, a person interested in the custodial trust
3 property, or a person interested in the welfare of the
4 beneficiary, may petition the court to designate a successor
5 custodial trustee in accordance with the procedures set forth in
6 sections 501B.16 to 501B.25.

7 (e) A custodial trustee who declines to serve or resigns,
8 or the legal representative of a deceased or incapacitated
9 custodial trustee, as soon as practicable, shall put the
10 custodial trust property and records in the possession and
11 control of the successor custodial trustee. The successor
12 custodial trustee may enforce the obligation to deliver
13 custodial trust property and records and becomes responsible for
14 each item as received.

15 (f) A beneficiary, the beneficiary's conservator, an adult
16 member of the beneficiary's family, a guardian ~~of-the-person~~ of
17 the beneficiary, a person interested in the custodial trust
18 property, or a person interested in the welfare of the
19 beneficiary, may petition the court to remove the custodial
20 trustee for cause and designate a successor custodial trustee,
21 to require the custodial trustee to furnish a bond or other
22 security for the faithful performance of fiduciary duties, or
23 for other appropriate relief.

24 Sec. 28. Minnesota Statutes 2004, section 540.18,
25 subdivision 1, is amended to read:

26 Subdivision 1. [LIABILITY RULE.] The parent or guardian of
27 ~~the-person~~ of a minor who is under the age of 18 and who is
28 living with the parent or guardian and who willfully or
29 maliciously causes injury to any person or damage to any
30 property is jointly and severally liable with such minor for
31 such injury or damage to an amount not exceeding \$1,000, if such
32 minor would have been liable for such injury or damage if the
33 minor had been an adult. Nothing in this subdivision shall be
34 construed to relieve such minor from personal liability for such
35 injury or damage. The liability provided in this subdivision is
36 in addition to and not in lieu of any other liability which may

1 exist at law. Recovery under this section shall be limited to
2 special damages.

3 Sec. 29. [REVISOR'S INSTRUCTION.]

4 The Revisor of Statutes shall change the references to
5 Minnesota Statutes in the following Minnesota Rules parts from
6 the repealed section number in column A to the current section
7 number in column B.

	<u>Column A</u>	<u>Column B</u>
	<u>Obsolete Reference</u>	<u>Current Reference</u>
8		
9	<u>Minnesota Rules Part</u>	<u>Current Reference</u>
10	<u>3400.0020,</u>	<u>524.5-201;</u>
11	<u>subp. 31b</u>	<u>524.5-202;</u>
12		<u>524.5-204</u>
13	<u>9520.0902, subp. 26</u>	<u>524.5-207;</u>
14		<u>524.5-209</u>
15	<u>9525.0004, subp. 17</u>	<u>524.5-505</u>
16	<u>9525.3020, subp. 3</u>	<u>524.5-302;</u>
17	<u>525.54,</u>	<u>524.5-303;</u>
18	<u>subd. 3</u>	<u>524.5-403</u>
19	<u>9525.3025, subp. 7</u>	<u>524.5-113;</u>
20		<u>524.5-303;</u>
21		<u>524.5-304;</u>
22		<u>524.5-308;</u>
23		<u>524.5-404</u>
24	<u>9525.3030</u>	<u>524.5-313;</u>
25		<u>524.5-417;</u>
26		<u>524.5-418</u>
27	<u>9525.3040, subp. 1</u>	<u>524.5-313,</u>
28	<u>525.56,</u>	<u>paragraphs (a) to (c)</u>
	<u>subds. 1 to 3</u>	
29	<u>9525.3060, subp. 1</u>	<u>524.5-313,</u>
30		<u>paragraph (c)</u>
31	<u>9525.3060, subp. 1</u>	<u>524.5-313,</u>
32	<u>525.56, subd. 3,</u>	<u>paragraph (c),</u>
33	<u>clause (4),</u>	<u>clause (4), item (ii)</u>
	<u>paragraph (b)</u>	
34	<u>9525.3060, subp. 2</u>	<u>524.5-313,</u>
35	<u>525.56, subd. 3,</u>	<u>paragraph (c),</u>
36	<u>clause (4),</u>	<u>clause (4), item (iii)</u>
	<u>paragraph (c)</u>	
37	<u>9525.3060, subp. 4</u>	<u>524.5-313,</u>
38	<u>525.56, subd. 3,</u>	<u>paragraph (c),</u>
39	<u>clause (4),</u>	<u>clause (4), item (i)</u>
	<u>paragraph (a)</u>	
40	<u>9525.3075, subp. 3</u>	<u>524.5-107;</u>
41		<u>524.5-433</u>
42	<u>9525.3090, subp. 3</u>	<u>524.5-112;</u>
43		<u>524.5-317;</u>
44		<u>524.5-428;</u>
45		<u>524.5-431</u>
46	<u>9525.0925, subp. 22</u>	<u>524.5-207;</u>
47		<u>524.5-209</u>
48	<u>9555.5105, subp. 20</u>	<u>524.5-101 to</u>

1		<u>525.6198</u>	<u>524.5-502</u>
2	<u>9555.7600</u>	<u>525.539 to</u>	<u>524.5-101 to</u>
3		<u>525.6198</u>	<u>524.5-502</u>

ARTICLE 5

RETIREMENT PROVISIONS

Section 1. Minnesota Statutes 2004, section 353.01, subdivision 2, is amended to read:

Subd. 2. [PUBLIC EMPLOYEE.] "Public employee" means a governmental employee performing personal services for a governmental subdivision defined in subdivision 6, whose salary is paid, in whole or in part, from revenue derived from taxation, fees, assessments, or from other sources. The term includes the classes of persons described or listed in subdivision 2a. The term also includes persons who elect association membership under subdivision 2d, paragraph (a), and persons for whom the applicable governmental subdivision had elected association membership under subdivision 2d, paragraph (b). The term also includes full-time employees of the Dakota County Agricultural Society. The term excludes the classes of persons listed in subdivision 2b for purposes of membership in the association.

Sec. 2. Minnesota Statutes 2004, section 353.34, subdivision 3a, is amended to read:

Subd. 3a. [DEFERRED ANNUITY; CERTAIN HOSPITAL EMPLOYEES.] Any member employed by a public hospital, as defined in section ~~355-71~~ 355.01, subdivision 3 3k, who has at least three years of allowable service credit on the date the public hospital is taken over by a private corporation or organization, may elect to receive a deferred annuity pursuant to subdivision 3 notwithstanding the length of service requirement contained therein.

Sec. 3. Minnesota Statutes 2004, section 356.431, subdivision 1, is amended to read:

Subdivision 1. [LUMP-SUM POSTRETIREMENT PAYMENT CONVERSION.] For benefits paid after December 31, 2001, to eligible persons under sections 356.42 and 356.43, the amount of

1 the most recent lump-sum benefit payable to an eligible
2 recipient under sections ~~356-86~~ 356.42 and ~~356-865~~ 356.43 must
3 be divided by 12. The result must be added to the monthly
4 annuity or benefit otherwise payable to an eligible recipient,
5 must become a permanent part of the benefit recipient's pension,
6 and must be included in any pension benefit subject to future
7 increases.

8 Sec. 4. [INSTRUCTION TO REVISOR.]

9 The revisor of statutes shall replace the references to
10 Minnesota Statutes, section 356.55 with Minnesota Statutes,
11 section 356.551 in the following sections of Minnesota
12 Statutes: 352.275, subdivision 1; 352B.01, subdivision 3a;
13 353.01, subdivision 16a; 353.666; and 354.533.

14 Sec. 5. [REPEALER.]

15 Laws 2001, First Special Session chapter 10, article 10,
16 section 1, is repealed.

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Article 2 OBSOLETE CONSTABLE AND MARSHAL PROVISIONS.....	page 82
Article 3 UPDATING AND CONFORMING FINES.....	page 86
Article 4 GUARDIANSHIP AND CONSERVATORSHIP.....	page 97
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115B.49 DRY CLEANER ENVIRONMENTAL RESPONSE AND REIMBURSEMENT ACCOUNT.

Subd. 4a. Interim fees. For the period from July 1, 2001, to June 30, 2003, the commissioner shall, after a public hearing, but notwithstanding section 16A.1285, subdivision 4, annually adjust the fees in subdivision 4 as necessary to maintain an annual income of \$650,000.

306.13 EMPLOYEES TO HAVE POLICE POWERS.

The trustees or officers of a cemetery association may appoint superintendents, security guards, gardeners, and agents as they may determine. Upon taking and subscribing an oath similar to that required from constables, an appointee has all the rights and powers of a police officer within and adjacent to the cemetery grounds.

315.43 PEACE OFFICERS, APPOINTMENT.

The governing board of any such corporation may appoint peace officers to keep order on its grounds, to be paid by the corporation. The officers while on duty have the same power as constables.

317A.909 CORPORATIONS FOR RELIGIOUS PURPOSES.

Subd. 4. Peace officer powers. The governing board of a religious corporation may appoint peace officers to keep order on its grounds. The peace officers shall be paid by the corporation. When on duty, these officers have the authority of constables.

357.12 CONSTABLES.

The fees to be charged by a constable shall be as follows:

(1) for serving a warrant or other writ, not otherwise provided for, 25 cents for each person named in it and served;

(2) for a copy of each summons delivered on request or left at the residence of defendant, 25 cents;

(3) serving a subpoena or summons, 50 cents for each person named in it and served; provided, that any summons or subpoena may be served by any person not a party to the action, but if served by any person other than an officer, no fees or mileage shall be allowed and service shall be proved by affidavit;

(4) serving an attachment, 50 cents;

(5) each copy of an attachment, 15 cents;

(6) each copy of an inventory of property seized on attachment, 15 cents;

(7) serving summons on garnishee, 50 cents;

(8) copy of any affidavit or other paper not otherwise provided for, ten cents per folio;

(9) posting each notice, 15 cents;

(10) for travel to and from the place of service, when necessary in serving any process or paper authorized to be served by them, ten cents per mile;

(11) committing to prison, 50 cents;

(12) summoning a jury, \$1;

(13) writing a list of jurors, 15 cents;

(14) attending on a jury, 50 cents;

(15) on all sums collected on execution and paid over, charged upon the judgment debtor, five percent;

(16) serving a writ of replevin, 50 cents;

(17) summoning and swearing appraisers and taking appraisement, 50 cents;

(18) taking and approving security in any case, 25 cents.

A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by the

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constable for any prisoner, not to exceed \$1 per day while having the prisoner in custody pending trial and while conducting the prisoner to jail, together with the transportation charges for the prisoner paid to a common carrier. If adjournment is for longer than three days, the prisoner shall be committed to the county jail.

367.40 DEFINITIONS.

Subd. 3. **Constable.** "Constable" means any individual employed or appointed by a political subdivision and licensed by the Board of Peace Officer Standards and Training on or before April 21, 1988, who is charged with the prevention and detecting of crime, the enforcement of the criminal laws of the state, and who has full powers of arrest. The term applies even though the individual exercises powers and duties on a part-time basis with or without receipt of compensation.

Subd. 4. **Deputy constable.** "Deputy constable" means any individual employed or appointed by a political subdivision to fulfill law enforcement duties but who is prohibited from carrying a firearm while exercising powers and duties and who has powers of arrest no greater than those of a citizen who is not a peace officer or constable. The term also includes individuals voluntarily assisting local police or sheriff departments unless they qualify as constables or peace officers.

367.401 LAW ENFORCEMENT OFFICERS; APPOINTMENT; CONSTABLES.

Subd. 4. **Requirements.** Towns that had either peace officers or constables, or both, on April 21, 1988, have met the requirements for forming a law enforcement agency.

367.42 DEPUTY CONSTABLES.

Subdivision 1. **Powers and duties.** Notwithstanding any general or local law or charter to the contrary, any deputy constable employed on or after March 23, 1982, by a town of the state of Minnesota has the following powers and duties:

- (a) to have the powers of arrest of a private person;
- (b) to perform the duties of a constable prescribed by law relative to election procedure;
- (c) to perform the following duties at the direction of the sheriff or a peace officer:
 - (i) to inspect communication wire and cable or records of the wire and cable pursuant to section 325E.21;
 - (ii) to conduct hotel lien sales pursuant to section 327.76; and
 - (iii) to conduct public auction sales of unclaimed property pursuant to sections 345.04 and 345.05;
- (d) to provide general administrative or clerical assistance to the town's law enforcement agency.

Subd. 3. **Criminal records check.** No person may be employed as a deputy constable unless the person submits proof from the sheriff that the sheriff has checked the criminal records system and that the applicant has not been convicted of a felony within the past ten years.

398.35 PERSONNEL.

Subd. 2. **Police powers.** The superintendent and such other county park employees as the county board may designate shall be peace officers, with the same powers as constables and other peace officers to enforce the laws of the state and the ordinances of the county board and to make arrests and institute prosecutions for violations thereof. The superintendent and every other employee so designated shall take an oath as

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provided by law for public officers and shall give bond to the county in such sum as the county board may direct, not less than \$1000 for the superintendent nor less than \$500 for each other such employee, conditioned for the faithful performance of their official duties and otherwise as provided by law, with corporate sureties at the expense of the county, to be approved and filed as provided by law for the bonds of county officers. In lieu of individual bonds such employees may be covered by a general or combination bond providing equivalent security.

1 ARTICLE 1

2 GENERAL

3 Section 1. Explanation. This amendment corrects an
4 obsolete reference.

5 Sec. 2. Explanation. This amendment eliminates obsolete
6 language. The fee required expired June 30, 2004, and was not
7 extended.

8 Sec. 3. Explanation. This amendment corrects an erroneous
9 reference.

10 Sec. 4. Explanation. This amendment updates statutory
11 references to newly enacted data practice laws codified outside
12 Minnesota Statutes, chapter 13, as required under Laws 1999,
13 chapter 227, section 22.

14 Sec. 5. Explanation. This amendment updates statutory
15 references to newly enacted data practice laws codified outside
16 Minnesota Statutes, chapter 13, as required under Laws 1999,
17 chapter 227, section 22.

18 Sec. 6. Explanation. This language was inadvertently
19 omitted from the conference committee report on H.F. No. 2087.
20 It appeared in H.F. No. 2087, the second engrossment, and S.F.
21 No. 1889, the first engrossment, the companion bills that were
22 referred to conference.

23 Sec. 7. Explanation. This amendment corrects an erroneous
24 reference.

1 Sec. 8. Explanation. This amendment updates statutory
2 references in Minnesota Statutes, chapter 13, under Laws 1999,
3 chapter 227, section 22, to newly enacted data practice laws
4 codified outside Minnesota Statutes, chapter 13.

5 Sec. 9. Explanation. This task force no longer exists.

6 Sec. 10. Explanation. This amendment corrects an
7 erroneous reference.

8 Sec. 11. Explanation. This amendment removes obsolete
9 language. The report required by the stricken language has been
10 submitted.

11 Sec. 12. Explanation. This amendment removes an obsolete
12 definition. The stricken term is no longer used in the section.

13 Sec. 13. Explanation. This amendment corrects an
14 erroneous reference that was corrected earlier in the
15 subdivision by Laws 2003, chapter 51. The correction being made
16 now was overlooked at that time.

17 Sec. 14. Explanation. This amendment corrects an
18 erroneous reference to the market assistance program which was
19 eliminated by Laws 2003, chapter 21.

20 Sec. 15. Explanation. Minnesota Statutes, section
21 62D.043, was repealed by Laws 2004, chapter 285, article 3,
22 section 11, making the reference in this section obsolete.

23 Sec. 16. Explanation. This amendment removes a reference
24 to a repealed subdivision.

25 Sec. 17. Explanation. Minnesota Statutes, section
26 84.8713, was repealed by Laws 1999, chapter 231, section 94,
27 making the reference in this section obsolete.

28 Sec. 18. Explanation. Minnesota Statutes, section
29 84.8713, was repealed by Laws 1999, chapter 231, section 94,
30 making the reference in this section obsolete.

31 Sec. 19. Explanation. Minnesota Statutes, section
32 84.8713, was repealed by Laws 1999, chapter 231, section 94,
33 making the reference in this section obsolete.

34 Sec. 20. Explanation. Minnesota Statutes, section
35 84.8713, was repealed by Laws 1999, chapter 231, section 94,
36 making the reference in this section obsolete.

1 Sec. 21. Explanation. This amendment makes a correction
2 to reflect the official name of the state park according to
3 Minnesota Statutes, section 85.012, subdivision 19.

4 Sec. 22. Explanation. This amendment replaces a range
5 reference to a repealed section with the correct section
6 references.

7 Sec. 23. Explanation. This amendment corrects an
8 erroneous reference. Minnesota Statutes, section 103F.225,
9 expired in 2004.

10 Sec. 24. Explanation. This amendment corrects a sentence
11 that was drafted incorrectly and did not reflect the intent of
12 the legislation.

13 Sec. 25. Explanation. Minnesota Statutes, section
14 119B.211, was repealed by Laws 2004, chapter 288, article 4,
15 section 62, making the reference in this subdivision obsolete.
16 The requirement for a relationship with regional resource and
17 referral programs continues to be appropriate.

18 Sec. 26. Explanation. This amendment corrects an obsolete
19 reference to an abolished program.

20 Sec. 27. Explanation. This amendment corrects an
21 erroneous reference.

22 Sec. 28. Explanation. Laws 2003, First Special Session
23 chapter 23, section 11, extended the expiration of the
24 Mississippi River Parkway Commission to June 30, 2007. This
25 amendment changes the statutory provision to reflect the
26 extension.

27 Sec. 29. Explanation. This amendment substitutes the
28 actual effective date of this subdivision for the phrase
29 "effective date of this act."

30 Sec. 30. Explanation. This amendment corrects an
31 incomplete reference.

32 Sec. 31. Explanation. This amendment clarifies language
33 by replacing the term "this act" with the relevant statutory
34 provisions actually amended or added by the act, which was Laws
35 1959, chapter 521.

36 Sec. 32. Explanation. This amendment is a technical

1 clarification of the language of this subdivision and parallels
2 the language of Minnesota Statutes, section 171.05, subdivision
3 1b. Both subdivisions were enacted as new language in Laws
4 2004, chapter 177, sections 1 and 2.

5 Sec. 33. Explanation. This amendment corrects an
6 erroneous reference.

7 Sec. 34. Explanation. This amendment corrects a reference
8 to a United States Code section to reflect the current federal
9 law.

10 Sec. 35. Explanation. This amendment substitutes the
11 proper statutory chapter citation for the overly broad reference
12 to the session law.

13 Sec. 36. Explanation. Minnesota Statutes, section 237.63,
14 expired on December 31, 2004, pursuant to Laws 1999, chapter
15 224, section 7, making the reference in this section obsolete.

16 Sec. 37. Explanation. This amendment replaces range
17 references to repealed sections with the correct section
18 references.

19 Sec. 38. Explanation. This amendment replaces range
20 references to repealed sections with the correct section
21 references.

22 Sec. 39. Explanation. This amendment replaces range
23 references to repealed sections with the correct section
24 references.

25 Sec. 40. Explanation. This amendment substitutes the
26 intended effective date for the phrase "effective date of this
27 act."

28 Sec. 41. Explanation. This amendment corrects an
29 erroneous reference.

30 Sec. 42. Explanation. This amendment corrects an
31 erroneous reference.

32 Sec. 43. Explanation. This amendment deletes obsolete
33 language.

34 Sec. 44. Explanation. This amendment deletes obsolete
35 language.

36 Sec. 45. Explanation. This amendment deletes an erroneous

1 reference. This committee no longer exists.

2 Sec. 46. Explanation. This amendment corrects an obsolete
3 reference.

4 Sec. 47. Explanation. This amendment deletes obsolete
5 language.

6 Sec. 48. Explanation. This amendment corrects an
7 erroneous reference.

8 Sec. 49. Explanation. This amendment corrects an
9 erroneous reference.

10 Sec. 50. Explanation. This amendment updates terminology.

11 Sec. 51. Explanation. This amendment corrects an
12 erroneous cross-reference.

13 Sec. 52. Explanation. This amendment corrects an
14 erroneous reference. The Community Social Services Act is in
15 Minnesota Statutes, chapter 256E. The relevant portions of that
16 chapter were repealed in 2003.

17 Sec. 53. Explanation. Minnesota Statutes 2000, section
18 256.9731, was repealed in Laws 2002, chapter 220, article 16,
19 section 3. The amendments in paragraphs (a), clause (3); and
20 (c) correct erroneous references.

21 Sec. 54. Explanation. This amendment corrects an
22 erroneous reference.

23 Sec. 55. Explanation. This amendment corrects an
24 erroneous reference.

25 Sec. 56. Explanation. This amendment corrects an
26 erroneous reference. The Community Social Services Act is in
27 Minnesota Statutes, chapter 256E. The relevant portions of that
28 chapter were repealed in 2003.

29 Sec. 57. Explanation. This amendment deletes obsolete
30 language.

31 Sec. 58. Explanation. This amendment deletes obsolete
32 language.

33 Sec. 59. Explanation. This amendment corrects a statutory
34 reference.

35 Sec. 60. Explanation. This amendment corrects a
36 reference. A definitional provision in the Juvenile Court Act

1 refers to a misdemeanor violation of Minnesota Statutes, section
2 609.563. This misdemeanor violation was repealed in Minnesota
3 Statutes, section 609.563, subdivision 2, and recodified in
4 Minnesota Statutes, section 609.5632.

5 Sec. 61. Explanation. This amendment corrects an
6 erroneous reference.

7 Sec. 62. Explanation. This amendment corrects an
8 erroneous reference to a repealed subdivision.

9 Sec. 63. Explanation. This amendment corrects a reference
10 to the State Patrol.

11 Sec. 64. Explanation. This amendment removes an obsolete
12 provision. The Arson Strike Force, as well as Minnesota
13 Statutes, section 299F.058, which established it, expired
14 effective June 30, 2003.

15 Sec. 65. Explanation. This amendment removes an obsolete
16 provision. The funds mentioned, \$15,000, were required by law
17 to be disbursed before July 1, 1988.

18 Sec. 66. Explanation. This amendment removes extraneous
19 text.

20 Sec. 67. Explanation. This amendment corrects an
21 erroneous reference.

22 Sec. 68. Explanation. This amendment corrects a range
23 reference to reflect the enactment of revised Article 1 of the
24 Uniform Commercial Code in 2004.

25 Sec. 69. Explanation. This amendment eliminates an
26 inconsistency between two sections that govern treatment of
27 dogs. Minnesota Statutes, sections 343.40, subdivision 3, and
28 346.39, subdivision 4, both govern protection of dogs from
29 direct rays of the sun, but one requires shade from May to
30 October and the other requires shade from June to September.
31 This amendment makes them consistent by using the dates from the
32 more recent legislative enactment.

33 Sec. 70. Explanation. This amendment replaces the word
34 "now" with the original effective date of the section to avoid
35 confusion as to whether the section reflects the current makeup
36 of the Lake Superior Sanitary District.

1 Sec. 71. Explanation. This amendment deletes a
2 cross-reference to a repealed section and corrects the name of a
3 defined term.

4 Sec. 72. Explanation. This amendment corrects a drafting
5 oversight and makes this language consistent with other
6 references to the metropolitan landfill contingency action trust
7 account.

8 Sec. 73. Explanation. This amendment corrects an
9 oversight and makes the subdivision consistent with the
10 agriculture lien revisions enacted in Laws 2001, chapter 57.

11 Sec. 74. Explanation. Laws 2004, chapter 203, article 1,
12 section 7, changed the rescission period in Minnesota Statutes,
13 section 515B.4-106, from ten days to five days. This amendment
14 corrects the reference to the rescission period to make the
15 reference consistent with it.

16 Sec. 75. Explanation. This amendment corrects an
17 erroneous reference.

18 Sec. 76. Explanation. This amendment deletes erroneous
19 language.

20 Sec. 77. Explanation. The repeal of Minnesota Rules, part
21 6700.1300, in this article requires deletion of statutory
22 language in Minnesota Statutes, section 626.84, subdivision 1,
23 which by implication refers to that rule.

24 Sec. 78. Explanation. This amendment corrects an
25 erroneous reference. The stricken language referred to a
26 nonexistent subdivision.

27 Sec. 79. Explanation. This amendment clarifies the
28 effective date of the act to reflect the legislature's intent
29 that only the Uniform Limited Partnership Act and its conforming
30 changes become effective January 1, 2005. Articles 14 and 15
31 were amended onto the bill without specific effective dates and
32 would have become effective July 1, 2004, pursuant to Minnesota
33 Statutes, section 645.02. Through an oversight, the effective
34 date of these two articles was not specified when they were
35 added.

36 Sec. 80. Explanation. This amendment corrects a drafting

1 error. Only section 1 of Laws 2004, chapter 261, article 6, was
2 codified and intended to expire on August 1, 2010. The other
3 sections of article 6 are not laws that would appropriately
4 expire.

5 Sec. 81. Explanation. Minnesota Statutes 2002, section
6 62J.692, subdivision 4, was amended by Laws 2003, First Special
7 Session chapter 14, article 7, section 17, and Laws 2003, First
8 Special Session chapter 21, article 9, section 1. Chapter 14
9 struck paragraph (e), while chapter 21 amended paragraph (e),
10 striking obsolete language and adding new language to conform to
11 the other amendments creating an editorial conflict. Because
12 the amendments from both chapters could be merged editorially
13 except for the stricken paragraph (e) in chapter 14, both the
14 chapter 14 amendments, except for the stricken paragraph (e),
15 and the chapter 21 amendments were printed in the main text.
16 The striking of paragraph (e) in chapter 14 was printed as a
17 note. The intent of this amendment is to give effect to both
18 sets of amendments and allows the revisor to remove the note.

19 Sec. 82. Explanation.

20 Subdivision 1. This repealer removes a subdivision
21 authorizing adjustments to the dry cleaner registration fee.
22 The authorization expired June 30, 2003.

23 Subd. 2. This repealer removes a duplicative amendment
24 made during the 2003 session and allows the revisor to remove
25 the note containing the amendatory language. The later
26 amendment to Minnesota Statutes, section 473.123 in Laws 2003,
27 First Special Session chapter 16, sections 9 and 10, created new
28 Metropolitan Council district boundaries codified as subdivision
29 3d. The new district boundaries reflected the substance of Laws
30 2003, chapter 8, section 2, by removing the city of Rockford in
31 Hennepin County from the metropolitan area.

32 Subd. 3. The section proposed for repeal amends Minnesota
33 Statutes, section 192.501, subdivision 2, relating to tuition
34 and textbook reimbursement grants to National Guard members.
35 That section was also amended in the same legislative session in
36 Laws 2004, chapter 256, article 1, section 3. Because the two

1 amendments could not be merged editorially, the later chapter
2 256 amendment was printed in the main text and the chapter 219
3 amendment was printed as a note. The two amendments have
4 virtually the same substance. This repealer allows the revisor
5 to remove the note containing the amendatory language from the
6 earlier act.

7 Subd. 4. The section proposed for repeal added Minnesota
8 Statutes, section 151.214, relating to disclosure of pharmacy
9 co-payment amounts. That section was also added in the same
10 legislative session in Laws 2004, chapter 268, section 13.
11 Because the two sections could not be merged editorially, the
12 chapter 268 amendment was printed in the main text and the
13 chapter 288 amendment was printed as a note. The only
14 difference between the two was the use of the word "purchaser"
15 instead of "patient." This repealer repeals the earlier law and
16 allows the revisor to remove the note containing the amendatory
17 language.

18 Subd. 5. This subdivision repeals obsolete rules of the
19 Department of Veterans Affairs. Minnesota Rules, part
20 9055.0125, concerning bonuses for World War II merchant mariners
21 is no longer needed because the application period for those
22 bonuses expired on December 31, 1995, and the department may not
23 accept any further applications.

24 Parts 9055.0500 to 9055.0610 concerning the County Veterans
25 Service Officer Grant Program are no longer needed because the
26 legislature approved a new method of making those grants that
27 has eliminated the need for counties to apply for the grants.

28 Subd. 6. This amendment repeals obsolete Peace Officer
29 Standards and Training Board rules. Minnesota Rules, part
30 6700.0100, subpart 14, is a definition of first aid course that
31 has been superseded by another definition. Minnesota Rules,
32 part 6700.1300 provides a system for part-time peace officers to
33 transition to full-time peace officers. This rule has not been
34 used in over 20 years because its requirements that a
35 "compelling need" be demonstrated sets out standards that are
36 too onerous for appointing authorities to meet.

ARTICLE 2

OBSOLETE CONSTABLE AND MARSHAL PROVISIONS

1
2
3 Explanation. Constables and state marshals once performed
4 peace officer and other minor governmental functions, but no
5 longer are in existence. Sections which refer to constables and
6 marshals and obsolete constable or marshal duties are repealed.
7 In most sections a revisor instruction requires removal of
8 references to constables, deputy constables, marshals, and
9 statutory city marshals leaving in references to peace officers
10 and other governmental officials. In some cases where a statute
11 authorizes the appointment of peace officers with the same
12 duties as constables, the entire statute was repealed.

ARTICLE 3

UPDATING AND CONFORMING FINES

13
14
15 Explanation. The current two-tiered criminal penalty
16 structure (gross misdemeanor and misdemeanor offenses) dates
17 back to 1913. At that time, a "gross misdemeanor" constituted
18 an offense with a maximum term of incarceration of one year (the
19 same as current law), and a "misdemeanor" offense was subject to
20 a maximum term of incarceration of three months (the same as
21 current law). The only difference between the nonfelony
22 offenses of 1913 and the offenses of today is the maximum fine
23 level.

24 The legislature intends a two-tiered incarcerative-monetary
25 penalty structure. Minnesota Statutes, section 609.033,
26 provides that all misdemeanor monetary penalties in the statutes
27 on or after August 1, 2000, shall be deemed to provide for a
28 maximum fine of \$1,000. Minnesota Statutes, section 609.0341,
29 subdivision 1, provides that all gross misdemeanor penalties in
30 the statutes on or after August 1, 1983, shall be deemed to
31 provide for a maximum fine of \$3,000.

32 In Laws 2004, chapter 228, article 1, section 72, a
33 revisor's instruction directed the revisor to implement the
34 two-tiered monetary penalty codified in sections 609.033 and
35 609.0341. Most of the sections were changed under the revisor's
36 instruction, changing misdemeanor fines from \$700 to \$1,000 and

1 gross misdemeanor fines from \$1,000 to \$3,000.

2 This article implements the provisions in the 2004
3 revisor's bill that instructs the revisor to prepare a bill
4 further correcting statutory penalty provisions.

5 ARTICLE 4

6 GUARDIANSHIP AND CONSERVATORSHIP

7 Explanation. The Uniform Guardianship and Protective
8 Proceedings Act was enacted by Laws 2003, chapter 12, and
9 codified in the Uniform Probate Code as Minnesota Statutes,
10 sections 524.5-101 to 524.5-502. The concepts of guardianships
11 and conservatorships "of the estate" or "of the person" were
12 eliminated, leaving simply "guardians" and "conservators." This
13 article deletes the obsolete concepts from sections of Minnesota
14 Statutes in which they still appear and corrects obsolete
15 cross-references to guardianship and conservatorship provisions
16 in Minnesota Statutes and Minnesota Rules.

17 ARTICLE 5

18 RETIREMENT PROVISIONS

19 Section 1. Explanation. This section amends Minnesota
20 Statutes, section 353.01, subdivision 2, to include full-time
21 employees of the Dakota County Agricultural Society in the
22 definition of public employees. This section and the repealer
23 in section 5 allow the revisor to eliminate a note that included
24 the provision. The note was needed because the section was
25 amended two times in the same legislative session and the
26 amendments could not be merged editorially.

27 Sec. 2. Explanation. This amendment corrects a reference
28 to a section that was repealed.

29 Sec. 3. Explanation. This amendment corrects two
30 references to sections that have been repealed.

31 Sec. 4. Explanation. This amendment corrects several
32 references to a section that was repealed.

33 Sec. 5. Explanation. This section repeals the section
34 that contained the language with the conflict referred to in
35 section 1.

Article 1 GENERAL..... page 1
Article 2 OBSOLETE CONSTABLE AND MARSHAL PROVISIONS..... page 10
Article 3 UPDATING AND CONFORMING FINES..... page 10
Article 4 GUARDIANSHIP AND CONSERVATORSHIP..... page 11
Article 5 RETIREMENT PROVISIONS..... page 11

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S.F. No. 643 - Early Intervention Treatment

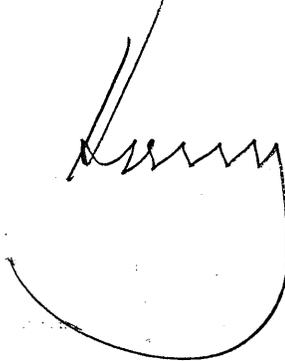
Author: Senator Don Betzold

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

Date: February 8, 2006

S.F. No. 643 adds a paragraph to **Minnesota Statutes, section 253B.065, subdivision 5**, to allow early intervention treatment of a chemically dependent pregnant woman if the court finds that the substances being used are likely to cause brain damage to her fetus.

HW:cs)



02/14/05

[COUNSEL] HW

SCS0643A-1

- 1 Senator moves to amend S.F. No. 643 as follows:
- 2 Page 2, line 18, delete "engaged" and insert "been engaging"

pass

1 Senator moves to amend S.F. No. 643 as follows:

2 Page 2, line 19, delete "and" and insert "or"

Senator Betzold introduced--

S.F. No. 643: Referred to the Committee on Judiciary.

1 A bill for an act
2 relating to civil commitment; expanding early
3 intervention services; amending Minnesota Statutes
4 2004, section 253B.065, subdivision 5.
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
6 Section 1. Minnesota Statutes 2004, section 253B.065,
7 subdivision 5, is amended to read:
8 Subd. 5. [EARLY INTERVENTION CRITERIA.] (a) A court shall
9 order early intervention treatment of a proposed patient who
10 meets the criteria under paragraph (b) or (c). The early
11 intervention treatment must be less intrusive than long-term
12 inpatient commitment and must be the least restrictive treatment
13 program available that can meet the patient's treatment needs.
14 (b) The court shall order early intervention treatment if
15 the court finds all of the elements of the following factors by
16 clear and convincing evidence:
17 (1) the proposed patient is mentally ill;
18 (2) the proposed patient refuses to accept appropriate
19 mental health treatment; and
20 (3) the proposed patient's mental illness is manifested by
21 instances of grossly disturbed behavior or faulty perceptions
22 and either:
23 (i) the grossly disturbed behavior or faulty perceptions
24 significantly interfere with the proposed patient's ability to
25 care for self and the proposed patient, when competent, would

1 have chosen substantially similar treatment under the same
2 circumstances; or

3 (ii) due to the mental illness, the proposed patient
4 received court-ordered inpatient treatment under section 253B.09
5 at least two times in the previous three years; the patient is
6 exhibiting symptoms or behavior substantially similar to those
7 that precipitated one or more of the court-ordered treatments;
8 and the patient is reasonably expected to physically or mentally
9 deteriorate to the point of meeting the criteria for commitment
10 under section 253B.09 unless treated.

11 For purposes of this paragraph, a proposed patient who was
12 released under section 253B.095 and whose release was not
13 revoked is not considered to have received court-ordered
14 inpatient treatment under section 253B.09.

15 (c) The court may order early intervention treatment if the
16 court finds that a pregnant woman is a chemically dependent
17 person. A chemically dependent person for purposes of this
18 section is a woman who has engaged during pregnancy in habitual
19 and excessive use, for a nonmedical purpose, of controlled
20 substances or their derivatives or noncontrolled substances,
21 which will likely cause damage to a fetus' brain development or
22 physical development.

23 (d) For purposes of paragraph paragraphs (b) and (c), none
24 of the following constitute a refusal to accept appropriate
25 mental health treatment:

26 (1) a willingness to take medication but a reasonable
27 disagreement about type or dosage;

28 (2) a good-faith effort to follow a reasonable alternative
29 treatment plan, including treatment as specified in a valid
30 advance directive under chapter 145C or section 253B.03,
31 subdivision 6d;

32 (3) an inability to obtain access to appropriate treatment
33 because of inadequate health care coverage or an insurer's
34 refusal or delay in providing coverage for the treatment; or

35 (4) an inability to obtain access to needed mental health
36 services because the provider will only accept patients who are

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1 under a court order or because the provider gives persons under
2 a court order a priority over voluntary patients in obtaining
3 treatment and services.

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S.F. No. 657 - Civil Commitment of Sexual Psychopathic Personalities and Sexually Dangerous Persons

Author: Senator Don Betzold

Prepared by: Harry Walsh, Senate Counsel (651/296-6200)

Date: February 10, 2005

S.F. No. 657 increases the maximum time between commitment petition and hearing from 14 to 90 days for sexual psychopathic personalities and sexually dangerous persons.

HW:cs



Senators Betzold and Neuville introduced--

S.F. No. 657: Referred to the Committee on Judiciary.

1 A bill for an act

2 relating to civil commitment; providing additional
3 time for hearings on commitment of sexual psychopathic
4 personalities and sexually dangerous persons; amending
5 Minnesota Statutes 2004, section 253B.08, subdivision
6 1.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

8 Section 1. Minnesota Statutes 2004, section 253B.08,
9 subdivision 1, is amended to read:

10 Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing
11 on the commitment petition shall be held within 14 days from the
12 date of the filing of the petition, except that the hearing on a
13 commitment petition pursuant to section 253B.185 shall be held
14 within 90 days from the date of the filing of the petition. For
15 good cause shown, the court may extend the time of hearing up to
16 an additional 30 days. The proceeding shall be dismissed if the
17 proposed patient has not had a hearing on a commitment petition
18 within the allowed time. The proposed patient, or the head of
19 the treatment facility in which the person is held, may demand
20 in writing at any time that the hearing be held immediately.
21 Unless the hearing is held within five days of the date of the
22 demand, exclusive of Saturdays, Sundays and legal holidays, the
23 petition shall be automatically discharged if the patient is
24 being held in a treatment facility pursuant to court order. For
25 good cause shown, the court may extend the time of hearing on
26 the demand for an additional ten days.