

A bill for an act

relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to laws and statutes; amending Minnesota Statutes 2008, sections 2.031, subdivision 2; 3.7393, subdivision 10; 6.67; 13.202, subdivision 3; 13.4967, by adding subdivisions; 13.681, by adding a subdivision; 13.871, subdivision 6; 16A.152, subdivision 2; 16A.19, subdivision 1; 16B.284; 16B.85, subdivision 1; 17.4986, subdivision 2; 58.05, subdivision 3; 62S.292, subdivision 4; 66A.07, subdivision 4; 116V.01, subdivision 3; 122A.31, subdivision 1; 125A.63, subdivision 5; 128B.03, subdivision 7; 144.6501, subdivision 6; 144.966, subdivision 2; 148.01, subdivision 1a; 148.71, subdivision 2; 148.725, subdivision 5; 148C.11, subdivision 3; 160.80, subdivision 1a; 161.125, subdivision 1; 168.09, subdivision 3; 168.27, subdivision 1; 169.18, subdivision 5; 181.985, subdivision 1; 201.081; 216B.241, subdivision 9; 216C.19, subdivision 17; 216H.07, subdivision 1; 221.84, subdivision 4; 243.166, subdivisions 1b, 6, 9; 244.052, subdivision 3a; 244.18, subdivision 1; 245.8261, subdivisions 3, 6, 7; 253B.08, subdivision 1; 256B.0571, subdivision 8; 260.105; 260C.446; 270.45; 270.47; 270.80, subdivision 1; 273.05, subdivision 1; 273.061, subdivision 2; 275.065, subdivision 6c; 289A.08, subdivision 16; 289A.40, subdivision 6; 298.34, subdivision 2; 309.745; 325E.317, subdivision 5; 326B.082, subdivision 8; 326B.121, subdivision 3; 327B.041; 336.10-105; 349.31, subdivision 1; 352.017, subdivision 1; 357.18, subdivision 1; 360.0426, subdivision 5; 365A.08, subdivision 2; 401.025, subdivision 3; 414.02, subdivision 4; 423A.01, subdivision 2; 473.167, subdivision 2; 473.384, subdivision 6; 473.388, subdivision 2; 507.24, subdivision 2; 508.82, subdivision 1; 508A.82, subdivision 1; 524.3-303; 524.3-308; 524.8-103; 541.023, subdivision 6; 600.24; 609.75, subdivision 1; 609.76, subdivision 1; 609.762, subdivision 1; 624.731, subdivision 3; 626.556, subdivision 2; Laws 2001, First Special Session chapter 5, article 3, section 50; Laws 2008, chapter 344, section 56; repealing Laws 2003, chapter 26; Laws 2005, chapter 152, article 1, section 18; Laws 2005, chapter 163, section 2; Laws 2006, chapter 260, article 5, section 11; Laws 2008, chapter 204, section 41; Laws 2008, chapter 281, sections 6; 12; Laws 2008, chapter 287, article 1, section 21; Laws 2008, chapter 366, article 9, section 7; article 12, section 2.

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

ARTICLE 1

GENERAL CORRECTIONS AND CONFLICT RESOLUTIONS

Section 1. Minnesota Statutes 2008, section 2.031, subdivision 2, is amended to read:

Subd. 2. **Definition.** The terms "county," "town," "township," "city," "ward," "precinct," "census tract," "block," and "unorganized territory" when used in a description of a legislative district in ~~sections 2.043 to 2.703~~ section 2.444 or 2.484, mean a geographical area established as such by law and as it existed for purposes of the ~~1990~~ 2000 federal census.

Sec. 2. Minnesota Statutes 2008, section 3.7393, subdivision 10, is amended to read:

Subd. 10. **Calculation of amount.** The panel shall determine the total damages incurred by a survivor. The amount of an offer of settlement under this section must be calculated based on the total damages, less:

(1) payments made to the survivor up to the date the settlement offer is made from the collateral sources referred to in section ~~548.36~~ 548.251, subdivision 1;

(2) any payment made to the survivor from the emergency relief fund; and

(3) any payments made or required to be made to the survivor by a third-party tortfeasor under the terms of a settlement or other agreement with the survivor that exists at the time the offer is made or a final judgment in favor of the survivor concerning claims of the survivor that relate to, involve, or arise out of the catastrophe.

Sec. 3. Minnesota Statutes 2008, section 6.67, is amended to read:

6.67 PUBLIC ACCOUNTANTS; REPORT OF POSSIBLE MISCONDUCT.

Whenever a public accountant in the course of auditing the books and affairs of ~~a county, city, town, school district, other public corporation,~~ political subdivision or a local public pension plan governed by section 69.77, sections 69.771 to 69.775, or chapter 354A, 422A, 423B, 423C, or 424A, discovers evidence pointing to nonfeasance, misfeasance, or malfeasance, on the part of an officer or employee in the conduct of duties and affairs, the public accountant shall promptly make a report of such discovery to the state auditor and the county attorney of the county in which the governmental unit is situated and the public accountant shall also furnish a copy of the report of audit upon completion to said officers. The county attorney shall act on such report in the same manner as required by law for reports made to the county attorney by the state auditor.

Sec. 4. Minnesota Statutes 2008, section 16A.152, subdivision 2, is amended to read:

3.1 Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general
3.2 fund revenues and expenditures, the commissioner of finance determines that there will be
3.3 a positive unrestricted budgetary general fund balance at the close of the biennium, the
3.4 commissioner of finance must allocate money to the following accounts and purposes in
3.5 priority order:

3.6 (1) the cash flow account established in subdivision 1 until that account reaches
3.7 \$350,000,000;

3.8 (2) the budget reserve account established in subdivision 1a until that account
3.9 reaches \$653,000,000;

3.10 (3) the amount necessary to increase the aid payment schedule for school district
3.11 aids and credits payments in section 127A.45 to not more than 90 percent rounded to the
3.12 nearest tenth of a percent without exceeding the amount available and with any remaining
3.13 funds deposited in the budget reserve; and

3.14 (4) the amount necessary to restore all or a portion of the net aid reductions under
3.15 section 127A.441 and to reduce the property tax revenue recognition shift under section
3.16 123B.75, subdivision 5, paragraph (b), and Laws 2003, First Special Session chapter 9,
3.17 article 5, section 34, as amended by Laws 2003, First Special Session chapter 23, section
3.18 20, by the same amount.

3.19 (b) The amounts necessary to meet the requirements of this section are appropriated
3.20 from the general fund within two weeks after the forecast is released or, in the case of
3.21 transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations
3.22 schedules otherwise established in statute.

3.23 ~~(c) To the extent that a positive unrestricted budgetary general fund balance is~~
3.24 ~~projected, appropriations under this section must be made before section 16A.1522 takes~~
3.25 ~~effect.~~

3.26 ~~(d)~~ (c) The commissioner of finance shall certify the total dollar amount of the
3.27 reductions under paragraph (a), clauses (3) and (4), to the commissioner of education. The
3.28 commissioner of education shall increase the aid payment percentage and reduce the
3.29 property tax shift percentage by these amounts and apply those reductions to the current
3.30 fiscal year and thereafter.

3.31 Sec. 5. Minnesota Statutes 2008, section 16A.19, subdivision 1, is amended to read:

3.32 Subdivision 1. **Procedure.** If a direct appropriation for retirement contributions,
3.33 benefits, or administrative expenses, or for Social Security contributions under section
3.34 ~~355.46~~ 355.03, is determined by the chief administrative official of the agency to which or
3.35 by the officer to whom the appropriation was made to be insufficient to meet the state's

4.1 obligation under the program for which it is made for the fiscal year for which it is
4.2 made, the official or the officer shall certify to the finance committee, the appropriations
4.3 committee, and the commissioner the amount necessary to meet the deficiency. Upon this
4.4 certification, the commissioner shall transfer the necessary amounts to the appropriate
4.5 accounts.

4.6 Sec. 6. Minnesota Statutes 2008, section 16B.284, is amended to read:

4.7 **16B.284 QUITCLAIM DEED.**

4.8 The commissioner of administration shall sign and cause to be issued a quitclaim
4.9 deed on behalf of the state. The quitclaim deed shall be in a form prescribed by the
4.10 attorney general and shall vest in the purchaser all of the state's interest in the subject
4.11 property except as provided in section ~~16B.285~~ or 16B.286.

4.12 Sec. 7. Minnesota Statutes 2008, section 16B.85, subdivision 1, is amended to read:

4.13 Subdivision 1. **Alternatives to conventional insurance.** The commissioner
4.14 may implement programs of insurance or alternatives to the purchase of conventional
4.15 insurance. This authority does not extend to areas of risk subject to: (1) collective
4.16 bargaining agreements, (2) plans established under section 43A.18, or (3) programs
4.17 established under sections ~~176.540~~ 176.541 to 176.611, except for the Department of
4.18 Administration. The mechanism for implementing possible alternatives to conventional
4.19 insurance is the risk management fund created in subdivision 2.

4.20 Sec. 8. Minnesota Statutes 2008, section 17.4986, subdivision 2, is amended to read:

4.21 Subd. 2. **Licensed facilities.** (a) The commissioner shall issue transportation
4.22 permits to import:

4.23 (1) indigenous and naturalized species except trout, salmon, catfish, or species
4.24 on the official list of viral hemorrhagic septicemia susceptible species published by the
4.25 United States Department of Agriculture, Animal and Plant Health Inspection Services,
4.26 and sperm from any source to a standard facility;

4.27 (2) trout, salmon, catfish, or species on the official list of viral hemorrhagic
4.28 septicemia susceptible species published by the United States Department of Agriculture,
4.29 Animal and Plant Health Inspection Services, from a nonemergency enzootic disease
4.30 area to a containment facility if the fish are certified within the previous year to be free
4.31 of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or
4.32 furunculosis may be imported following treatment approved by the commissioner, and

5.1 fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into
5.2 areas where the disease has been identified as being present; and

5.3 (3) trout, salmon, catfish, or species on the official list of viral hemorrhagic
5.4 septicemia susceptible species published by the United States Department of Agriculture,
5.5 Animal and Plant Health Inspection Services, from a facility in a nonemergency enzootic
5.6 disease area with a disease-free history of three years or more to a standard facility, except
5.7 that eggs with enteric redmouth, whirling disease, or furunculosis may be imported
5.8 following treatment approved by the commissioner, and fish with bacterial kidney disease
5.9 or viral hemorrhagic septicemia may be imported into areas where the disease has been
5.10 identified as being present.

5.11 (b) If a source facility in a nonemergency enzootic disease area cannot demonstrate a
5.12 history free from disease, aquatic life may only be imported into a quarantine facility.

5.13 Sec. 9. Minnesota Statutes 2008, section 58.05, subdivision 3, is amended to read:

5.14 Subd. 3. **Certificate of exemption.** A person must obtain a certificate of exemption
5.15 from the commissioner to qualify as an exempt person under section 58.04, subdivision 1,
5.16 paragraph (c), a financial institution under clause (2), or by order of the commissioner
5.17 under clause (6); or under section 58.04, subdivision 2, paragraph (b), as a financial
5.18 institution under clause ~~(3)~~(4), or by order of the commissioner under clause ~~(7)~~(8).

5.19 Sec. 10. Minnesota Statutes 2008, section 62S.292, subdivision 4, is amended to read:

5.20 Subd. 4. **Written reminder.** If a policy or certificate is about to lapse, the insurer
5.21 shall provide a written reminder to the policyholder or certificate holder of his or her
5.22 right to reduce coverage and premiums in the notice required by section ~~7A(3)~~ of this
5.23 ~~regulation~~ 62S.19, subdivision 3.

5.24 Sec. 11. Minnesota Statutes 2008, section 66A.07, subdivision 4, is amended to read:

5.25 Subd. 4. **Membership interest.** A domestic mutual insurance company must keep a
5.26 list of members as part of its books and records. Membership interest in a domestic mutual
5.27 insurance company must be uncertificated. A membership interest in a domestic mutual
5.28 insurance company does not constitute a security as defined in section ~~80A.14, subdivision~~
5.29 ~~18~~ 80A.41(30). No member of a mutual insurance company may transfer or pledge
5.30 membership in the mutual insurance company or any right arising from the membership
5.31 except as attendant to the valid transfer or assignment of the member's policy issued by
5.32 the mutual insurance company. A member of a mutual insurance company is not, as a
5.33 member, personally liable for the acts, debts, liabilities, or obligations of the company.

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6.1 No assessments of any kind may be imposed upon the members of a mutual insurance
6.2 company by the directors or members, or because of any liability of any company owned or
6.3 controlled by the mutual insurance company or because of any act, debt, or liability of the
6.4 mutual insurance company, except as may otherwise be provided in the company's articles
6.5 or bylaws. A member's interest in the mutual insurance company shall automatically
6.6 terminate upon cancellation, nonrenewal, expiration, or termination of the member's
6.7 policy with the insurance company that gave rise to the member's membership interest.

6.8 Sec. 12. Minnesota Statutes 2008, section 116V.01, subdivision 3, is amended to read:

6.9 Subd. 3. **Duties.** (a) ~~In addition to the duties and powers assigned to the institutes in~~
6.10 ~~section 116O.08,~~ The Agricultural Utilization Research Institute shall:

6.11 (1) identify development opportunities for agricultural products;

6.12 (2) implement a program that identifies techniques to meet those opportunities;

6.13 (3) monitor and coordinate research among the public and private organizations and
6.14 individuals specifically addressing procedures to transfer new technology to businesses,
6.15 farmers, and individuals;

6.16 (4) provide research grants to public and private educational institutions and other
6.17 organizations that are undertaking basic and applied research to promote the development
6.18 of emerging agricultural industries;

6.19 (5) assist organizations and individuals with market analysis and product marketing
6.20 implementations;

6.21 (6) to the extent possible earn and receive revenue from contracts, patents, licenses,
6.22 royalties, grants, fees-for-service, and memberships;

6.23 (7) work with the Department of Agriculture, the United States Department of
6.24 Agriculture, the Department of Employment and Economic Development, and other
6.25 agencies to maximize marketing opportunities locally, nationally, and internationally; and

6.26 (8) leverage available funds from federal, state, and private sources to develop new
6.27 markets and value added opportunities for Minnesota agricultural products.

6.28 (b) The Agricultural Utilization Research Institute board of directors shall have
6.29 the sole approval authority for establishing agricultural utilization research priorities,
6.30 requests for proposals to meet those priorities, awarding of grants, hiring and direction
6.31 of personnel, and other expenditures of funds consistent with the adopted and approved
6.32 mission and goals of the Agricultural Utilization Research Institute. The actions and
6.33 expenditures of the Agricultural Utilization Research Institute are subject to audit. The
6.34 institute shall annually report by February 1 to the senate and house of representatives
6.35 standing committees with jurisdiction over agricultural policy and funding. The report

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7.1 must list projects initiated, progress on projects, and financial information relating to
7.2 expenditures, income from other sources, and other information to allow the committees
7.3 to evaluate the effectiveness of the institute's activities.

7.4 (c) The Agricultural Utilization Research Institute shall convene a Renewable
7.5 Energy Roundtable, the purpose of which shall be to further the state's leadership on
7.6 bioenergy issues.

7.7 (i) The Renewable Energy Roundtable shall consist of one representative appointed
7.8 by the commissioner of the Minnesota Department of Agriculture, one appointed by
7.9 the commissioner of the Minnesota Department of Commerce, one appointed by the
7.10 chancellor of the Minnesota State Colleges and Universities, and one appointed by the
7.11 president of the University of Minnesota. The appointees must have expertise relevant
7.12 to bioenergy.

7.13 (ii) The board shall oversee the activities and shall provide staff to assist the
7.14 Renewable Energy Roundtable.

7.15 (iii) The Renewable Energy Roundtable will engage professionals and experts from
7.16 private, government, academic, and nonprofit entities across the state to identify bioenergy
7.17 opportunities and collaborate with a broad group of interested parties to identify future
7.18 alternative courses of action the state can take to sustain a long-term competitive position
7.19 in renewable energy through the year 2025. The Renewable Energy Roundtable will
7.20 consult, advise, and review projects and initiatives funded by the state as directed by the
7.21 administration and the legislature.

7.22 Sec. 13. Minnesota Statutes 2008, section 122A.31, subdivision 1, is amended to read:

7.23 Subdivision 1. **Requirements for American sign language/English interpreters.**

7.24 (a) In addition to any other requirements that a school district establishes, any person
7.25 employed to provide American sign language/English interpreting or sign transliterating
7.26 services on a full-time or part-time basis for a school district after July 1, 2000, must:

7.27 (1) hold current interpreter and transliterator certificates awarded by the Registry
7.28 of Interpreters for the Deaf (RID), or the general level interpreter proficiency certificate
7.29 awarded by the National Association of the Deaf (NAD), or a comparable state
7.30 certification from the commissioner of education; and

7.31 (2) satisfactorily complete an interpreter/transliterator training program affiliated
7.32 with an accredited educational institution.

7.33 (b) New graduates of an interpreter/transliterator program affiliated with an
7.34 accredited education institution shall be granted a two-year provisional certificate by
7.35 the commissioner. During the two-year provisional period, the interpreter/transliterator

8.1 must develop and implement an education plan in collaboration with a mentor under
8.2 paragraph (c).

8.3 (c) A mentor of a provisionally certified interpreter/transliterator must be an
8.4 interpreter/transliterator who has either NAD level IV or V certification or RID
8.5 certified interpreter and certified transliterator certification and have at least three
8.6 years interpreting/transliterating experience in any educational setting. The mentor, in
8.7 collaboration with the provisionally certified interpreter/transliterator, shall develop and
8.8 implement an education plan designed to meet the requirements of paragraph (a), clause
8.9 (1), and include a weekly on-site mentoring process.

8.10 (d) Consistent with the requirements of this paragraph, a person holding a
8.11 provisional certificate may apply to the commissioner for one time-limited extension. The
8.12 commissioner, in consultation with the Commission ~~Serving Deaf and Hard-of-Hearing~~
8.13 People of Deaf, DeafBlind and Hard-of-Hearing Minnesotans, must grant the person a
8.14 time-limited extension of the provisional certificate based on the following documentation:

8.15 (1) letters of support from the person's mentor, a parent of a pupil the person serves,
8.16 the special education director of the district in which the person is employed, and a
8.17 representative from the regional service center of the deaf and hard-of-hearing;

8.18 (2) records of the person's formal education, training, experience, and progress on
8.19 the person's education plan; and

8.20 (3) an explanation of why the extension is needed.

8.21 As a condition of receiving the extension, the person must comply with a plan
8.22 and the accompanying time line for meeting the requirements of this subdivision. A
8.23 committee composed of the director of the Minnesota Resource Center Serving Deaf and
8.24 Hard-of-Hearing, or the director's designee, a representative of the Minnesota Association
8.25 of Deaf Citizens, a representative of the Minnesota Registry of Interpreters of the Deaf,
8.26 and other appropriate persons selected by the commissioner must develop the plan and
8.27 time line for the person receiving the extension.

8.28 (e) A school district may employ only an interpreter/transliterator who has been
8.29 certified under paragraph (a) or (b), or for whom a time-limited extension has been
8.30 granted under paragraph (d).

8.31 Sec. 14. Minnesota Statutes 2008, section 125A.63, subdivision 5, is amended to read:

8.32 Subd. 5. **Statewide hearing loss early education intervention coordinator.** (a)
8.33 The coordinator shall:

8.34 (1) collaborate with the early hearing detection and intervention coordinator for the
8.35 Department of Health, the director of the Department of Education Resource Center for

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9.1 Deaf and Hard-of-Hearing, and the Department of Health Early Hearing Detection and
9.2 Intervention Advisory Council;

9.3 (2) coordinate and support Department of Education early hearing detection and
9.4 intervention teams;

9.5 (3) leverage resources by serving as a liaison between interagency early intervention
9.6 committees; part C coordinators from the Departments of Education, Health, and
9.7 Human Services; Department of Education regional low-incidence facilitators; service
9.8 coordinators from school districts; Minnesota children with special health needs in the
9.9 Department of Health; public health nurses; child find; Department of Human Services
9.10 Deaf and Hard-of-Hearing Services Division; and others as appropriate;

9.11 (4) identify, support, and promote culturally appropriate and evidence-based early
9.12 intervention practices for infants with hearing loss, and provide training, outreach, and use
9.13 of technology to increase consistency in statewide service provision;

9.14 (5) identify culturally appropriate specialized reliable and valid instruments to assess
9.15 and track the progress of children with hearing loss and promote their use;

9.16 (6) ensure that early childhood providers, parents, and members of the individual
9.17 family service and intervention plan are provided with child progress data resulting from
9.18 specialized assessments;

9.19 (7) educate early childhood providers and teachers of the deaf and hard-of-hearing
9.20 to use developmental data from specialized assessments to plan and adjust individual
9.21 family service plans; and

9.22 (8) make recommendations that would improve educational outcomes to the early
9.23 hearing detection and intervention committee, the commissioners of education and health,
9.24 ~~the Minnesota Commission Serving Deaf and Hard-of-Hearing People~~ Commission of
9.25 Deaf, DeafBlind and Hard-of-Hearing Minnesotans, and the advisory council of the
9.26 Minnesota Department of Education Resource Center for the Deaf and Hard-of-Hearing.

9.27 (b) The Department of Education must provide aggregate data regarding outcomes
9.28 of deaf and hard-of-hearing children who receive early intervention services within the
9.29 state in accordance with the state performance plan.

9.30 Sec. 15. Minnesota Statutes 2008, section 128B.03, subdivision 7, is amended to read:

9.31 Subd. 7. **Insurance.** The council may buy the insurance specified in sections
9.32 122A.69 and 123B.23. The council must buy insurance to the extent required by chapter
9.33 466 and is not liable beyond the extent provided by chapter 466. ~~The term "average~~
9.34 ~~number of pupils" in section 466.12, subdivision 3a, means, for this subdivision, the~~
9.35 ~~average number of pupils attending the school.~~

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10.1 Sec. 16. Minnesota Statutes 2008, section 144.6501, subdivision 6, is amended to read:

10.2 Subd. 6. **Medical assistance payment.** (a) An admission contract for a facility that
10.3 is certified for participation in the medical assistance program must state that neither the
10.4 prospective resident, nor anyone on the resident's behalf, is required to pay privately any
10.5 amount for which the resident's care at the facility has been approved for payment by
10.6 medical assistance or to make any kind of donation, voluntary or otherwise. Except as
10.7 permitted under section 6015 of the Deficit Reduction Act of 2005, Public Law 109-171,
10.8 an admission contract must state that the facility does not require as a condition of
10.9 admission, either in its admission contract or by oral promise before signing the admission
10.10 contract, that residents remain in private pay status for any period of time.

10.11 (b) The admission contract must state that upon presentation of proof of eligibility,
10.12 the facility will submit a medical assistance claim for reimbursement and will return any
10.13 and all payments made by the resident, or by any person on the resident's behalf, for
10.14 services covered by medical assistance, upon receipt of medical assistance payment.

10.15 (c) A facility that participates in the medical assistance program shall not charge for
10.16 the day of the resident's discharge from the facility or subsequent days.

10.17 (d) If a facility's charges incurred by the resident are delinquent for 30 days, and no
10.18 person has agreed to apply for medical assistance for the resident, the facility may petition
10.19 the court under chapter ~~525~~ 524 to appoint a representative for the resident in order to
10.20 apply for medical assistance for the resident.

10.21 (e) The remedy provided in this subdivision does not preclude a facility from seeking
10.22 any other remedy available under other laws of this state.

10.23 Sec. 17. Minnesota Statutes 2008, section 144.966, subdivision 2, is amended to read:

10.24 Subd. 2. **Newborn Hearing Screening Advisory Committee.** (a) The
10.25 commissioner of health shall establish a Newborn Hearing Screening Advisory Committee
10.26 to advise and assist the Department of Health and the Department of Education in:

10.27 (1) developing protocols and timelines for screening, rescreening, and diagnostic
10.28 audiological assessment and early medical, audiological, and educational intervention
10.29 services for children who are deaf or hard-of-hearing;

10.30 (2) designing protocols for tracking children from birth through age three that may
10.31 have passed newborn screening but are at risk for delayed or late onset of permanent
10.32 hearing loss;

10.33 (3) designing a technical assistance program to support facilities implementing the
10.34 screening program and facilities conducting rescreening and diagnostic audiological
10.35 assessment;

- 11.1 (4) designing implementation and evaluation of a system of follow-up and tracking;
11.2 and
- 11.3 (5) evaluating program outcomes to increase effectiveness and efficiency and ensure
11.4 culturally appropriate services for children with a confirmed hearing loss and their families.
- 11.5 (b) The commissioner of health shall appoint at least one member from each of the
11.6 following groups with no less than two of the members being deaf or hard-of-hearing:
- 11.7 (1) a representative from a consumer organization representing culturally deaf
11.8 persons;
- 11.9 (2) a parent with a child with hearing loss representing a parent organization;
- 11.10 (3) a consumer from an organization representing oral communication options;
- 11.11 (4) a consumer from an organization representing cued speech communication
11.12 options;
- 11.13 (5) an audiologist who has experience in evaluation and intervention of infants
11.14 and young children;
- 11.15 (6) a speech-language pathologist who has experience in evaluation and intervention
11.16 of infants and young children;
- 11.17 (7) two primary care providers who have experience in the care of infants and young
11.18 children, one of which shall be a pediatrician;
- 11.19 (8) a representative from the early hearing detection intervention teams;
- 11.20 (9) a representative from the Department of Education resource center for the deaf
11.21 and hard-of-hearing or the representative's designee;
- 11.22 (10) a representative of the ~~Minnesota Commission Serving Deaf and~~
11.23 ~~Hard-of-Hearing People~~ Commission of Deaf, DeafBlind and Hard-of-Hearing
11.24 Minnesotans;
- 11.25 (11) a representative from the Department of Human Services Deaf and
11.26 Hard-of-Hearing Services Division;
- 11.27 (12) one or more of the Part C coordinators from the Department of Education,
11.28 the Department of Health, or the Department of Human Services or the department's
11.29 designees;
- 11.30 (13) the Department of Health early hearing detection and intervention coordinators;
- 11.31 (14) two birth hospital representatives from one rural and one urban hospital;
- 11.32 (15) a pediatric geneticist;
- 11.33 (16) an otolaryngologist;
- 11.34 (17) a representative from the Newborn Screening Advisory Committee under
11.35 this subdivision; and

12.1 (18) a representative of the Department of Education regional low-incidence
12.2 facilitators.

12.3 The commissioner must complete the appointments required under this subdivision by
12.4 September 1, 2007.

12.5 (c) The Department of Health member shall chair the first meeting of the committee.
12.6 At the first meeting, the committee shall elect a chair from its membership. The committee
12.7 shall meet at the call of the chair, at least four times a year. The committee shall adopt
12.8 written bylaws to govern its activities. The Department of Health shall provide technical
12.9 and administrative support services as required by the committee. These services shall
12.10 include technical support from individuals qualified to administer infant hearing screening,
12.11 rescreening, and diagnostic audiological assessments.

12.12 Members of the committee shall receive no compensation for their service, but
12.13 shall be reimbursed as provided in section 15.059 for expenses incurred as a result of
12.14 their duties as members of the committee.

12.15 (d) This subdivision expires June 30, 2013.

12.16 Sec. 18. Minnesota Statutes 2008, section 148.01, subdivision 1a, is amended to read:

12.17 Subd. 1a. **Animal chiropractic practice.** A licensed chiropractor may engage in
12.18 the practice of animal chiropractic diagnosis and treatment if registered to do so by the
12.19 board, and if the animal has been referred to the chiropractor by a veterinarian.

12.20 Sec. 19. Minnesota Statutes 2008, section 148.71, subdivision 2, is amended to read:

12.21 Subd. 2. **Issuance.** (a) The board may, upon completion of the application prescribed
12.22 by the board and payment of a fee set by the board, issue a temporary permit to practice
12.23 physical therapy under supervision to an applicant for licensure as a physical therapist or
12.24 physical therapist assistant who meets the educational requirements of section 148.721 or
12.25 148.722 and qualified for admission to examination for licensing as a physical therapist or
12.26 physical therapist assistant. A temporary permit may be issued only once and cannot be
12.27 renewed. It expires 90 days after the next examination for licensing given by the board or
12.28 on the date on which the board, after examination of the applicant, grants or denies the
12.29 applicant a license to practice, whichever occurs first. A temporary permit expires on the
12.30 first day the board begins its next examination for license after the permit is issued if the
12.31 holder does not submit to examination on that date. The holder of a temporary permit to
12.32 practice under supervision may practice physical therapy as defined in section 148.65 if
12.33 the entire practice is under the supervision of a person holding a valid license to practice
12.34 physical therapy in this state. The supervision shall be direct, immediate, and on premises.

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13.1 (b) An applicant from another state who is licensed or otherwise registered in good
13.2 standing as a physical therapist by that state and meets the requirements for licensing
13.3 under section ~~148.72~~ 148.721 does not require supervision to practice physical therapy
13.4 while holding a temporary permit in this state. The temporary permit remains valid only
13.5 until the meeting of the board at which the application for licensing is considered.

13.6 Sec. 20. Minnesota Statutes 2008, section 148.725, subdivision 5, is amended to read:

13.7 Subd. 5. **Examination.** The applicant must satisfactorily complete the
13.8 board-approved examination as stated in section ~~148.72~~ 148.723 or 148.73.

13.9 Sec. 21. Minnesota Statutes 2008, section 148C.11, subdivision 3, is amended to read:

13.10 Subd. 3. **Federally recognized tribes; ethnic minorities.** (a) Alcohol and drug
13.11 counselors practicing alcohol and drug counseling according to standards established by
13.12 federally recognized tribes, while practicing under tribal jurisdiction, are exempt from
13.13 the requirements of this chapter. In practicing alcohol and drug counseling under tribal
13.14 jurisdiction, individuals practicing under that authority shall be afforded the same rights,
13.15 responsibilities, and recognition as persons licensed pursuant to this chapter.

13.16 (b) The board shall develop special licensing criteria for issuance of a license to
13.17 alcohol and drug counselors who: (1) practice alcohol and drug counseling with a member
13.18 of an ethnic minority population or with a person with a disability as defined by rule;
13.19 or (2) are employed by agencies whose primary agency service focus addresses ethnic
13.20 minority populations or persons with a disability as defined by rule. These licensing
13.21 criteria may differ from the licensing requirements specified in section 148C.04. To
13.22 develop, implement, and evaluate the effect of these criteria, the board shall establish
13.23 a committee comprised of, but not limited to, representatives from the ~~Minnesota~~
13.24 ~~Commission Serving Deaf and Hard-of-Hearing People~~ Commission of Deaf, DeafBlind
13.25 and Hard-of-Hearing Minnesotans, the Council on Affairs of Chicano/Latino People, the
13.26 Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Council on
13.27 Disability, and the Indian Affairs Council. The committee does not expire.

13.28 (c) MS 2002 [Expired, 2002 c 354 s 1]

13.29 Sec. 22. Minnesota Statutes 2008, section 160.80, subdivision 1a, is amended to read:

13.30 Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business
13.31 panel on a logo sign panel, a business establishment must:

13.32 (1) be open for business;

13.33 (2) have a sign on site that both identifies the business and is visible to motorists;

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14.1 (3) be open to everyone, regardless of race, religion, color, age, sex, national origin,
14.2 creed, marital status, sexual orientation, or disability;

14.3 (4) not impose a cover charge or otherwise require customers to purchase additional
14.4 products or services; and

14.5 (5) meet the appropriate criteria in paragraphs (b) to (f).

14.6 (b) Gas businesses must provide vehicle services including fuel and oil; restroom
14.7 facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven
14.8 days a week; and public access to a telephone.

14.9 (c) Food businesses must serve at least two meals a day during normal mealtimes
14.10 of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at
14.11 least ten hours a day, seven days a week except holidays as defined in section 645.44,
14.12 subdivision 5, and except as provided for seasonal food service businesses; provide
14.13 seating capacity for at least 20 people; and possess any required state or local licensing or
14.14 approval. Seasonal food service businesses must provide a continuous, staffed food service
14.15 operation at least ten hours a day, seven days a week, during their months of operation.

14.16 (d) Lodging businesses must include sleeping accommodations, provide public
14.17 access to a telephone, and possess any required state or local licensing or approval.

14.18 (e) Camping businesses must include sites for camping, include parking
14.19 accommodations for each campsite, provide sanitary facilities and drinking water, and
14.20 possess any required state or local licensing or approval.

14.21 (f) 24-hour pharmacy businesses must be continuously operated 24 hours per day,
14.22 seven days per week, and must have a state-licensed pharmacist present and on duty at
14.23 all times.

14.24 ~~(g) Businesses that do not meet the appropriate criteria in paragraphs (b) to (c)~~
14.25 ~~but that have a signed lease as of January 1, 1998, may retain the business panel until~~
14.26 ~~December 31, 2005, or until they withdraw from the program, whichever occurs first,~~
14.27 ~~provided they continue to meet the criteria in effect in the department's contract with the~~
14.28 ~~logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing~~
14.29 ~~from the program, a business must meet the appropriate criteria in paragraphs (a) to (c)~~
14.30 ~~to qualify for a business panel.~~

14.31 ~~(h)~~ (g) Seasonal businesses must indicate to motorists when they are open for
14.32 business by either putting the full months of operation directly on the business panel or
14.33 by having a "closed" plaque applied to the business panel when the business is closed
14.34 for the season.

14.35 ~~(i)~~ (h) The maximum distance that an eligible business in Anoka, Carver, Dakota,
14.36 Hennepin, Ramsey, Scott, or Washington County can be located from the interchange is:

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15.1 for gas businesses, one mile; for food businesses, two miles; for lodging businesses and
15.2 24-hour pharmacies, three miles; and for camping businesses, ten miles.

15.3 ~~(j)~~ (i) The maximum distance that an eligible business in any other county can be
15.4 located from the interchange shall not exceed 15 miles in either direction, except the
15.5 maximum distance that an eligible 24-hour pharmacy business can be located from the
15.6 interchange shall not exceed three miles in either direction.

15.7 ~~(k)~~ (j) Logo sign panels must be erected so that motorists approaching an interchange
15.8 view the panels in the following order: 24-hour pharmacy, camping, lodging, food, gas.

15.9 ~~(l)~~ (k) If there is insufficient space on a logo sign panel to display all eligible
15.10 businesses for a specific type of service, the businesses closest to the interchange have
15.11 priority over businesses farther away from the interchange.

15.12 Sec. 23. Minnesota Statutes 2008, section 161.125, subdivision 1, is amended to read:

15.13 Subdivision 1. **Implementation.** The commissioner of transportation shall
15.14 implement ~~a noise-abatement study and~~ noise abatement measures within or along the
15.15 perimeter of freeways and expressways in incorporated areas contingent on the availability
15.16 of funding, in accordance with section 116.07, subdivision 2a. ~~The commissioner shall~~
15.17 ~~report to the legislature by February 1, 1997, on noise-abatement studies and measures~~
15.18 ~~undertaken during the previous calendar year and planned for the next three years under~~
15.19 ~~this subdivision. The study must include a survey of all applicable noise standards and~~
15.20 ~~feasible noise-abatement measures, and an evaluation of their ability to protect citizens.~~

15.21 Sec. 24. Minnesota Statutes 2008, section 168.09, subdivision 3, is amended to read:

15.22 Subd. 3. **Proratable vehicles; other vehicles.** (a) Plates or other insignia issued for
15.23 a motor vehicle registered under section 168.187 for a calendar year shall be displayed on
15.24 the motor vehicle not later than 12:01 a.m. on March 2 of the year unless extended by
15.25 the registrar for the period of time required for the issuance of the new plates or insignia.
15.26 ~~The commissioner of public safety shall register all motor vehicles registered under~~
15.27 ~~section 168.187 for a period of 14 months for the registration year 1994 to implement~~
15.28 ~~this subdivision.~~ The registration year for vehicles registered under section 168.187,
15.29 as provided in this section, is from March 1 to the last day of February for 1995 and
15.30 succeeding years.

15.31 (b) Except for a motor vehicle registered under section 168.017 or 168.187, plates
15.32 or other insignia issued for a self-propelled motor vehicle registered for over 27,000
15.33 pounds shall be displayed on the vehicle not later than 12:01 a.m. on March 2 of the
15.34 year, and, except for recreational equipment, not earlier than 12:01 a.m. on February 15

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16.1 of the year, unless otherwise extended by the registrar for the period of time required for
16.2 issuing the new plates or insignia.

16.3 (c) Except for a motor vehicle registered under section 168.017 or 168.187, plates or
16.4 other insignia issued for a self-propelled vehicle registered for 27,000 pounds or less and
16.5 all other motor vehicles shall be displayed not later than 12:01 a.m. on March 2 of the
16.6 year, and, except for recreational equipment, not earlier than January 1 of the year unless
16.7 otherwise extended by the registrar for the period of time required for issuing the new
16.8 plates or insignia. The registration year for all vehicles as provided in this paragraph and
16.9 paragraph (b) is from March 1 to the last day of February for 1979 and succeeding years.

16.10 Sec. 25. Minnesota Statutes 2008, section 168.27, subdivision 1, is amended to read:

16.11 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in
16.12 paragraphs (b) to (o) have the meanings given them.

16.13 (b) "Auctioning motor vehicles" means arranging for and handling the sale of motor
16.14 vehicles, not the property of the auctioneer, to the highest bidder.

16.15 (c) "Brokering motor vehicles" means arranging sales or leases between buyers and
16.16 sellers, or lessees and lessors, of motor vehicles and receiving a fee for those services.

16.17 (d) "Commercial building" means a permanent, enclosed building that is on a
16.18 permanent foundation and connected to local sewer and water facilities or otherwise
16.19 complying with local sanitary codes, is adapted to commercial use, and conforms to local
16.20 government zoning requirements. "Commercial building" may include strip office malls
16.21 or garages if a separate entrance and a separate address are maintained and the dealership
16.22 is clearly identified as a separate business.

16.23 (e) "Commercial office space" means office space occupying all or part of a
16.24 commercial building.

16.25 (f) "Dealer" includes licensed new motor vehicle dealers, used motor vehicle dealers,
16.26 motor vehicle brokers, wholesalers, auctioneers, lessors of new or used motor vehicles,
16.27 scrap metal processors, used vehicle parts dealers, and salvage pools.

16.28 (g) "Horse trailer" is a trailer designed and used to carry horses and other livestock,
16.29 which has not more than three axles and a maximum gross weight capacity of not more
16.30 than 24,000 pounds.

16.31 (h) "Junked vehicle" means a vehicle that is declared unrepairable under section
16.32 168A.151.

16.33 (i) "Leasing motor vehicles" means furnishing a motor vehicle for a fee under a
16.34 bailor-bailee relationship where no incidences of ownership are intended to be transferred
16.35 other than the right to use the vehicle for a stated period of time.

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17.1 (j) "Motor vehicle" has the meaning given it in section 168.002, subdivision 18, and
17.2 also includes a park trailer as defined in section 168.002, subdivision 23.

17.3 (k) "Motor vehicle broker" means a person who arranges the sale of a motor vehicle
17.4 between a buyer and a seller, or the lease of a motor vehicle between a lessee and a lessor,
17.5 for which service the broker receives a fee.

17.6 (l) "New motor vehicle" means a motor vehicle other than described in paragraph
17.7 ~~(j)~~ (n).

17.8 (m) "Registration year" means the 12-month period for which a dealer license is
17.9 issued.

17.10 (n) "Used motor vehicle" means a motor vehicle for which title has been transferred
17.11 from the person who first acquired it from the manufacturer, distributor, or dealer. A new
17.12 motor vehicle will not be considered a used motor vehicle until it has been placed in actual
17.13 operation and not held for resale by an owner who has been granted a certificate of title on
17.14 the motor vehicle and has registered the motor vehicle in accordance with this chapter and
17.15 chapters 168A and 297B, or the laws of the residence of the owner.

17.16 (o) "Wholesaling motor vehicles" means selling new or used motor vehicles to
17.17 dealers for resale to the public.

17.18 Sec. 26. Minnesota Statutes 2008, section 169.18, subdivision 5, is amended to read:

17.19 Subd. 5. **Driving left of roadway center; exception.** (a) No vehicle shall be driven
17.20 to the left side of the center of the roadway in overtaking and passing another vehicle
17.21 proceeding in the same direction unless such left side is clearly visible and is free of
17.22 oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to
17.23 be completely made without interfering with the safe operation of any vehicle approaching
17.24 from the opposite direction or any vehicle overtaken. In every event the overtaking
17.25 vehicle must return to the right-hand side of the roadway before coming within 100 feet
17.26 of any vehicle approaching from the opposite direction.

17.27 (b) Except on a one-way roadway ~~or as provided in paragraph (c)~~, no vehicle shall,
17.28 in overtaking and passing another vehicle or at any other time, be driven to the left half of
17.29 the roadway under the following conditions:

17.30 (1) when approaching the crest of a grade or upon a curve in the highway where the
17.31 driver's view along the highway is obstructed within a distance of 700 feet;

17.32 (2) when approaching within 100 feet of any underpass or tunnel, railroad grade
17.33 crossing, intersection within a city, or intersection outside of a city if the presence of the
17.34 intersection is marked by warning signs; or

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18.1 (3) where official signs are in place prohibiting passing, or a distinctive centerline
18.2 is marked, which distinctive line also so prohibits passing, as declared in the Manual on
18.3 Uniform Traffic Control Devices adopted by the commissioner.

18.4 Sec. 27. Minnesota Statutes 2008, section 181.985, subdivision 1, is amended to read:

18.5 Subdivision 1. ~~Definitions~~ **Definition.** (a) For the purposes of this section, ~~the~~
18.6 ~~following terms have the meanings given them:~~

18.7 ~~(b) "Public employee" has the meaning given in section 179A.03, subdivision 14.~~

18.8 ~~(c) "Public employer" has the meaning given in section 179A.03, subdivision 15.~~

18.9 ~~(d) "communication"~~ means any printed or electronic document, letter, brochure,
18.10 flyer, advertisement, e-mail, text message, or similar means pertaining to union business
18.11 or labor organizing as provided under state law.

18.12 ~~(e) "Employee organization" has the meaning given in section 179A.03, subdivision~~
18.13 ~~6.~~

18.14 Sec. 28. Minnesota Statutes 2008, section 201.081, is amended to read:

18.15 **201.081 REGISTRATION FILES.**

18.16 The statewide registration system is the official record of registered voters. The voter
18.17 registration applications and the terminal providing access to the statewide registration
18.18 system must be under the control of the county auditor or the public official to whom the
18.19 county auditor has delegated the responsibility for maintaining voter registration records.
18.20 The voter registration applications and terminals providing access to the statewide
18.21 registration system must not be removed from the control of the county auditor except as
18.22 provided in this ~~subdivision~~ section. The county auditor may make photographic copies of
18.23 voter registration applications in the manner provided by section 138.17.

18.24 A properly completed voter registration application that has been submitted to the
18.25 secretary of state or a county auditor must be maintained by the secretary of state or the
18.26 county auditor for at least 22 months after the date that the information on the application
18.27 is entered into the database of the statewide registration system. The secretary of state
18.28 or the county auditor may dispose of the applications after retention for 22 months in
18.29 the manner provided by section 138.17.

18.30 Sec. 29. Minnesota Statutes 2008, section 216B.241, subdivision 9, is amended to read:

18.31 Subd. 9. **Building performance standards; Sustainable Building 2030.** (a) The
18.32 purpose of this subdivision is to establish cost-effective energy-efficiency performance
18.33 standards for new and substantially reconstructed commercial, industrial, and institutional

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19.1 buildings that can significantly reduce carbon dioxide emissions by lowering energy use in
19.2 new and substantially reconstructed buildings. For the purposes of this subdivision, the
19.3 establishment of these standards may be referred to as Sustainable Building 2030.

19.4 (b) The commissioner shall contract with the Center for Sustainable Building
19.5 Research at the University of Minnesota to coordinate development and implementation
19.6 of energy-efficiency performance standards, strategic planning, research, data analysis,
19.7 technology transfer, training, and other activities related to the purpose of Sustainable
19.8 Building 2030. The commissioner and the Center for Sustainable Building Research
19.9 shall, in consultation with utilities, builders, developers, building operators, and experts
19.10 in building design and technology, develop a Sustainable Building 2030 implementation
19.11 plan that must address, at a minimum, the following issues:

19.12 (1) training architects to incorporate the performance standards in building design;

19.13 (2) incorporating the performance standards in utility conservation improvement
19.14 programs; and

19.15 (3) developing procedures for ongoing monitoring of energy use in buildings that
19.16 have adopted the performance standards.

19.17 The plan must be submitted to the chairs and ranking minority members of the senate and
19.18 house of representatives committees with primary jurisdiction over energy policy by
19.19 July 1, 2009.

19.20 (c) Sustainable Building 2030 energy-efficiency performance standards must be firm,
19.21 quantitative measures of total building energy use and associated carbon dioxide emissions
19.22 per square foot for different building types and uses, that allow for accurate determinations
19.23 of a building's conformance with a performance standard. The energy-efficiency
19.24 performance standards must be updated every three or five years to incorporate all
19.25 cost-effective measures. The performance standards must reflect the reductions in carbon
19.26 dioxide emissions per square foot resulting from actions taken by utilities to comply
19.27 with the renewable energy standards in section 216B.1691. The performance standards
19.28 should be designed to achieve reductions equivalent to the following reduction schedule,
19.29 measured against energy consumption by an average building in each applicable building
19.30 sector in 2003: (1) 60 percent in 2010; (2) 70 percent in 2015; (3) 80 percent in 2020;
19.31 and (4) 90 percent in 2025. A performance standard must not be established or increased
19.32 absent a conclusive engineering analysis that it is cost-effective based upon established
19.33 practices used in evaluating utility conservation improvement programs.

19.34 (d) The annual amount of the contract with the Center for Sustainable Building
19.35 Research is up to \$500,000. The Center for Sustainable Building Research shall expend
19.36 no more than \$150,000 of this amount each year on administration, coordination, and

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20.1 oversight activities related to Sustainable Building 2030. The balance of contract funds
20.2 must be spent for subcontracts with not-for-profit energy organizations, architecture and
20.3 engineering firms, and other qualified entities to undertake technical projects and activities
20.4 in support of Sustainable Building 2030. The primary work to be accomplished each
20.5 year by qualified technical experts under subcontracts is the development and thorough
20.6 justification of recommendations for specific energy-efficiency performance standards.

20.7 Additional work may include:

20.8 (1) research, development, and demonstration of new energy-efficiency technologies
20.9 and techniques suitable for commercial, industrial, and institutional buildings;

20.10 (2) analysis and evaluation of practices in building design, construction,
20.11 commissioning and operations, and analysis and evaluation of energy use in the
20.12 commercial, industrial, and institutional sectors;

20.13 (3) analysis and evaluation of the effectiveness and cost-effectiveness of Sustainable
20.14 Building 2030 performance standards, conservation improvement programs, and building
20.15 energy codes;

20.16 (4) development and delivery of training programs for architects, engineers,
20.17 commissioning agents, technicians, contractors, equipment suppliers, developers, and
20.18 others in the building industries; and

20.19 (5) ~~analyze analysis and evaluate evaluation~~ of the effect of building operations
20.20 on energy use.

20.21 (e) The commissioner shall require utilities to develop and implement conservation
20.22 improvement programs that are expressly designed to achieve energy efficiency goals
20.23 consistent with the Sustainable Building 2030 performance standards. These programs
20.24 must include offerings of design assistance and modeling, financial incentives, and the
20.25 verification of the proper installation of energy-efficient design components in new
20.26 and substantially reconstructed buildings. A utility making an expenditure under its
20.27 conservation improvement program that results in a building meeting the Sustainable
20.28 Building 2030 performance standards may claim the energy savings toward its
20.29 energy-savings goal established in subdivision 1c.

20.30 (f) The commissioner shall report to the legislature every three years, beginning
20.31 January 15, 2010, on the cost-effectiveness and progress of implementing the Sustainable
20.32 Building 2030 performance standards and shall make recommendations on the need to
20.33 continue the program as described in this section.

20.34 Sec. 30. Minnesota Statutes 2008, section 216C.19, subdivision 17, is amended to read:

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21.1 Subd. 17. **Motor.** No new motor covered by this subdivision, excluding those sold
21.2 as part of an appliance, may be sold or installed in Minnesota unless its nominal efficiency
21.3 meets or exceeds the values adopted under ~~subdivision 8~~ section 326B.106.

21.4 Sec. 31. Minnesota Statutes 2008, section 216H.07, subdivision 1, is amended to read:

21.5 Subdivision 1. **Definitions.** ~~(a) For the purpose of this section, the terms defined in~~
21.6 ~~this subdivision have the meanings given them.~~

21.7 ~~(b)~~ "reductions" means the greenhouse gas emissions-reductions goals specified in
21.8 section 216H.02, subdivision 1.

21.9 Sec. 32. Minnesota Statutes 2008, section 221.84, subdivision 4, is amended to read:

21.10 Subd. 4. **Permit; decal; fees.** (a) The commissioner shall design a distinctive decal
21.11 to be issued to permit holders under this section. Each decal is valid for one year from
21.12 the date of issuance. No person may operate a limousine that provides limousine service
21.13 unless the limousine has such a decal conspicuously displayed.

21.14 ~~(b) During the period July 1, 1991, to June 30, 1992, the fee for each decal issued~~
21.15 ~~under this section is \$150. After June 30, 1992, The fee for each decal is \$80. The fee for~~
21.16 each permit issued under this section is \$150. The commissioner shall deposit all fees
21.17 under this section in the trunk highway fund.

21.18 Sec. 33. Minnesota Statutes 2008, section 243.166, subdivision 1b, is amended to read:

21.19 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

21.20 (1) the person was charged with or petitioned for a felony violation of or attempt to
21.21 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
21.22 of or adjudicated delinquent for that offense or another offense arising out of the same
21.23 set of circumstances:

21.24 (i) murder under section 609.185, paragraph (a), clause (2);

21.25 (ii) kidnapping under section 609.25;

21.26 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;
21.27 609.3451, subdivision 3; or 609.3453; or

21.28 (iv) indecent exposure under section 617.23, subdivision 3;

21.29 (2) the person was charged with or petitioned for a violation of, or attempt to
21.30 violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of
21.31 section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of
21.32 section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of
21.33 section 609.352; using a minor in a sexual performance in violation of section 617.246;

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22.1 or possessing pornographic work involving a minor in violation of section 617.247, and
22.2 convicted of or adjudicated delinquent for that offense or another offense arising out
22.3 of the same set of circumstances;

22.4 (3) the person was sentenced as a patterned sex offender under section 609.3455,
22.5 subdivision 3a; or

22.6 (4) the person was convicted of or adjudicated delinquent for, including pursuant
22.7 to a court martial, violating a law of the United States, including the Uniform Code of
22.8 Military Justice, similar to the offenses described in clause (1), (2), or (3).

22.9 (b) A person also shall register under this section if:

22.10 (1) the person was convicted of or adjudicated delinquent in another state for an
22.11 offense that would be a violation of a law described in paragraph (a) if committed in
22.12 this state;

22.13 (2) the person enters this state to reside, work, or attend school, or enters this state
22.14 and remains for 14 days or longer; and

22.15 (3) ten years have not elapsed since the person was released from confinement
22.16 or, if the person was not confined, since the person was convicted of or adjudicated
22.17 delinquent for the offense that triggers registration, unless the person is subject to a longer
22.18 registration period under the laws of another state in which the person has been convicted
22.19 or adjudicated, or is subject to lifetime registration.

22.20 If a person described in this paragraph is subject to a longer registration period
22.21 in another state or is subject to lifetime registration, the person shall register for that
22.22 time period regardless of when the person was released from confinement, convicted, or
22.23 adjudicated delinquent.

22.24 (c) A person also shall register under this section if the person was committed
22.25 pursuant to a court commitment order under section 253B.185 or Minnesota Statutes
22.26 1992, section 526.10, or a similar law of another state or the United States, regardless of
22.27 whether the person was convicted of any offense.

22.28 (d) A person also shall register under this section if:

22.29 (1) the person was charged with or petitioned for a felony violation or attempt to
22.30 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another
22.31 state or the United States, or the person was charged with or petitioned for a violation of
22.32 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or
22.33 the United States;

22.34 (2) the person was found not guilty by reason of mental illness or mental deficiency
22.35 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
22.36 states with a guilty but mentally ill verdict; and

23.1 (3) the person was committed pursuant to a court commitment order under section
23.2 253B.18 or a similar law of another state or the United States.

23.3 Sec. 34. Minnesota Statutes 2008, section 243.166, subdivision 6, is amended to read:

23.4 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section
23.5 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person
23.6 required to register under this section shall continue to comply with this section until ten
23.7 years have elapsed since the person initially registered in connection with the offense, or
23.8 until the probation, supervised release, or conditional release period expires, whichever
23.9 occurs later. For a person required to register under this section who is committed under
23.10 section 253B.18 or 253B.185, the ten-year registration period does not include the period
23.11 of commitment.

23.12 (b) If a person required to register under this section fails to provide the person's
23.13 primary address as required by subdivision 3, paragraph (b), fails to comply with the
23.14 requirements of subdivision 3a, fails to provide information as required by subdivision
23.15 4a, or fails to return the verification form referenced in subdivision 4 within ten days,
23.16 the commissioner of public safety may require the person to continue to register for an
23.17 additional period of five years. This five-year period is added to the end of the offender's
23.18 registration period.

23.19 (c) If a person required to register under this section is subsequently incarcerated
23.20 following a conviction for a new offense or following a revocation of probation,
23.21 supervised release, or conditional release for any offense, the person shall continue to
23.22 register until ten years have elapsed since the person was last released from incarceration
23.23 or until the person's probation, supervised release, or conditional release period expires,
23.24 whichever occurs later.

23.25 (d) A person shall continue to comply with this section for the life of that person:

23.26 (1) if the person is convicted of or adjudicated delinquent for any offense for which
23.27 registration is required under subdivision 1b, or any offense from another state or any
23.28 federal offense similar to the offenses described in subdivision 1b, and the person has a
23.29 prior conviction or adjudication for an offense for which registration was or would have
23.30 been required under subdivision 1b, or an offense from another state or a federal offense
23.31 similar to an offense described in subdivision 1b;

23.32 (2) if the person is required to register based upon a conviction or delinquency
23.33 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
23.34 statute from another state or the United States;

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24.1 (3) if the person is required to register based upon a conviction for an offense under
24.2 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
24.3 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
24.4 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the
24.5 United States similar to the offenses described in this clause; or

24.6 (4) if the person is required to register under subdivision 1b, paragraph (c), following
24.7 commitment pursuant to a court commitment under section 253B.185 or a similar law of
24.8 another state or the United States.

24.9 (e) A person described in subdivision 1b, paragraph (b), who is required to register
24.10 under the laws of a state in which the person has been previously convicted or adjudicated
24.11 delinquent, shall register under this section for the time period required by the state of
24.12 conviction or adjudication unless a longer time period is required elsewhere in this section.

24.13 Sec. 35. Minnesota Statutes 2008, section 243.166, subdivision 9, is amended to read:

24.14 Subd. 9. **Offenders from other states.** (a) When the state accepts an offender
24.15 from another state under a reciprocal agreement under the interstate compact authorized
24.16 by ~~section 243.16, the interstate compact authorized by~~ section 243.1605, or under any
24.17 authorized interstate agreement, the acceptance is conditional on the offender agreeing to
24.18 register under this section when the offender is living in Minnesota.

24.19 (b) The Bureau of Criminal Apprehension shall notify the commissioner of
24.20 corrections:

24.21 (1) when the bureau receives notice from a local law enforcement authority
24.22 that a person from another state who is subject to this section has registered with the
24.23 authority, unless the bureau previously received information about the offender from
24.24 the commissioner of corrections;

24.25 (2) when a registration authority, corrections agent, or law enforcement agency in
24.26 another state notifies the bureau that a person from another state who is subject to this
24.27 section is moving to Minnesota; and

24.28 (3) when the bureau learns that a person from another state is in Minnesota and
24.29 allegedly in violation of subdivision 5 for failure to register.

24.30 (c) When a local law enforcement agency notifies the bureau of an out-of-state
24.31 offender's registration, the agency shall provide the bureau with information on whether
24.32 the person is subject to community notification in another state and the risk level the
24.33 person was assigned, if any.

25.1 (d) The bureau must forward all information it receives regarding offenders covered
25.2 under this subdivision from sources other than the commissioner of corrections to the
25.3 commissioner.

25.4 (e) When the bureau receives information directly from a registration authority,
25.5 corrections agent, or law enforcement agency in another state that a person who may be
25.6 subject to this section is moving to Minnesota, the bureau must ask whether the person
25.7 entering the state is subject to community notification in another state and the risk level
25.8 the person has been assigned, if any.

25.9 (f) When the bureau learns that a person subject to this section intends to move
25.10 into Minnesota from another state or has moved into Minnesota from another state,
25.11 the bureau shall notify the law enforcement authority with jurisdiction in the area of
25.12 the person's primary address and provide all information concerning the person that is
25.13 available to the bureau.

25.14 (g) The commissioner of corrections must determine the parole, supervised release,
25.15 or conditional release status of persons who are referred to the commissioner under this
25.16 subdivision. If the commissioner determines that a person is subject to parole, supervised
25.17 release, or conditional release in another state and is not registered in Minnesota under the
25.18 applicable interstate compact, the commissioner shall inform the local law enforcement
25.19 agency that the person is in violation of section 243.161. If the person is not subject to
25.20 supervised release, the commissioner shall notify the bureau and the local law enforcement
25.21 agency of the person's status.

25.22 Sec. 36. Minnesota Statutes 2008, section 244.052, subdivision 3a, is amended to read:

25.23 Subd. 3a. **Offenders from other states and offenders released from federal**
25.24 **facilities.** (a) Except as provided in paragraph (b), the commissioner shall establish an
25.25 end-of-confinement review committee to assign a risk level:

25.26 (1) to offenders who are released from a federal correctional facility in Minnesota or
25.27 a federal correctional facility in another state and who intend to reside in Minnesota;

25.28 (2) to offenders who are accepted from another state under the interstate compact
25.29 authorized by section ~~243.16~~ or 243.1605 or any other authorized interstate agreement; and

25.30 (3) to offenders who are referred to the committee by local law enforcement
25.31 agencies under paragraph (f).

25.32 (b) This subdivision does not require the commissioner to convene an
25.33 end-of-confinement review committee for a person coming into Minnesota who is
25.34 subject to probation under another state's law. The probation or court services officer and

26.1 law enforcement officer shall manage such cases in accordance with section 244.10,
26.2 subdivision 8.

26.3 (c) The committee shall make reasonable efforts to conform to the same timelines
26.4 applied to offenders released from a Minnesota correctional facility and shall collect all
26.5 relevant information and records on offenders assessed and assigned a risk level under
26.6 this subdivision. However, for offenders who were assigned the most serious risk level
26.7 by another state, the committee must act promptly to collect the information required
26.8 under this paragraph.

26.9 The end-of-confinement review committee must proceed in accordance with all
26.10 requirements set forth in this section and follow all policies and procedures applied to
26.11 offenders released from a Minnesota correctional facility in reviewing information and
26.12 assessing the risk level of offenders covered by this subdivision, unless restrictions
26.13 caused by the nature of federal or interstate transfers prevent such conformance. All of
26.14 the provisions of this section apply to offenders who are assessed and assigned a risk
26.15 level under this subdivision.

26.16 (d) If a local law enforcement agency learns or suspects that a person who is subject
26.17 to this section is living in Minnesota and a risk level has not been assigned to the person
26.18 under this section, the law enforcement agency shall provide this information to the Bureau
26.19 of Criminal Apprehension and the commissioner of corrections within three business days.

26.20 (e) If the commissioner receives reliable information from a local law enforcement
26.21 agency or the bureau that a person subject to this section is living in Minnesota and a local
26.22 law enforcement agency so requests, the commissioner must determine if the person
26.23 was assigned a risk level under a law comparable to this section. If the commissioner
26.24 determines that the law is comparable and public safety warrants, the commissioner,
26.25 within three business days of receiving a request, shall notify the local law enforcement
26.26 agency that it may, in consultation with the department, proceed with notification under
26.27 subdivision 4 based on the person's out-of-state risk level. However, if the commissioner
26.28 concludes that the offender is from a state with a risk level assessment law that is not
26.29 comparable to this section, the extent of the notification may not exceed that of a risk level
26.30 II offender under subdivision 4, paragraph (b), unless the requirements of paragraph
26.31 (f) have been met. If an assessment is requested from the end-of-confinement review
26.32 committee under paragraph (f), the local law enforcement agency may continue to disclose
26.33 information under subdivision 4 until the committee assigns the person a risk level.
26.34 After the committee assigns a risk level to an offender pursuant to a request made under
26.35 paragraph (f), the information disclosed by law enforcement shall be consistent with the
26.36 risk level assigned by the end-of-confinement review committee. The commissioner of

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27.1 corrections, in consultation with legal advisers, shall determine whether the law of another
27.2 state is comparable to this section.

27.3 (f) If the local law enforcement agency wants to make a broader disclosure than
27.4 is authorized under paragraph (e), the law enforcement agency may request that an
27.5 end-of-confinement review committee assign a risk level to the offender. The local
27.6 law enforcement agency shall provide to the committee all information concerning the
27.7 offender's criminal history, the risk the offender poses to the community, and other
27.8 relevant information. The department shall attempt to obtain other information relevant to
27.9 determining which risk level to assign the offender. The committee shall promptly assign
27.10 a risk level to an offender referred to the committee under this paragraph.

27.11 Sec. 37. Minnesota Statutes 2008, section 244.18, subdivision 1, is amended to read:

27.12 Subdivision 1. **Definition.** As used in this section, "local correctional fees" include
27.13 fees for the following correctional services:

27.14 (1) community service work placement and supervision;

27.15 (2) restitution collection;

27.16 (3) supervision;

27.17 (4) court ordered investigations;

27.18 (5) any other court ordered service;

27.19 (6) postprison supervision or other form of release; or

27.20 (7) supervision or other services provided to probationers or parolees under section
27.21 ~~243.16~~ 243.1605 to be provided by a local probation and parole agency established under
27.22 section 244.19 or community corrections agency established under chapter 401.

27.23 Sec. 38. Minnesota Statutes 2008, section 245.8261, subdivision 3, is amended to read:

27.24 Subd. 3. **Definitions.** (a) For the purposes of this section, the terms in this
27.25 subdivision have the meanings given them.

27.26 (b) "Commissioner" means the commissioner of human services.

27.27 (c) "Child" means a person under 18 years of age.

27.28 (d) "Individual treatment plan" has the meaning given in section 245.4871,
27.29 subdivision 21, as required for children's mental health services providers in section
27.30 245.4876, subdivision 3. The individual treatment plan must be based on a diagnostic
27.31 assessment, which includes assessments and review of medical conditions and risks of
27.32 psychological trauma that might be incurred by use of seclusion or restraint.

27.33 (e) "Mechanical restraints" means the use of devices to limit a child's movement or
27.34 hold a child immobile. The term does not mean mechanical restraints used to:

28.1 (1) treat a child's medical needs;

28.2 (2) protect a child known to be at risk of injury resulting from lack of coordination
28.3 or frequent loss of consciousness; or

28.4 (3) position a child with physical disabilities in a manner specified in the child's
28.5 plan of care.

28.6 (f) "Physical escort" means physical intervention or contact used as a behavior
28.7 management technique to guide or carry a child to safety or away from an unsafe or
28.8 potentially harmful and escalating situation.

28.9 (g) "Physical holding" means physical intervention intended to hold a child immobile
28.10 or limit a child's movement by using body contact as the only source of physical restraint.
28.11 The term does not mean physical contact:

28.12 (1) used to facilitate a child's response or completion of a task when the child does
28.13 not resist or the child's resistance is minimal in intensity and duration; and

28.14 (2) necessary to conduct a medical examination or treatment.

28.15 (h) "Restrictive procedures" means application of an action, force, or condition
28.16 that controls, ~~constrains~~ constrains, or suppresses the action, behavior, intention, bodily
28.17 placement, or bodily location of a child in a manner that is involuntary, unintended by that
28.18 child, depriving, or aversive to that child.

28.19 (i) "Time out" means removing a child from an activity to a location where the child
28.20 cannot participate or observe the activity and includes moving or ordering a child to
28.21 an unlocked room.

28.22 (j) "Seclusion" involves the confining of a child alone in a room from which egress
28.23 is beyond the child's control or prohibited by a mechanism such as a lock or by a device
28.24 or object positioned to hold the door closed or otherwise prevent the child from leaving
28.25 the room. The room used for seclusion must be well-lighted, well-ventilated, clean,
28.26 have an observation window that allows staff to directly monitor the child in seclusion,
28.27 fixtures that are tamperproof, electrical switches located immediately outside the door, and
28.28 doors that open out and are unlocked or locked with keyless locks that have immediate
28.29 release mechanisms.

28.30 Sec. 39. Minnesota Statutes 2008, section 245.8261, subdivision 6, is amended to read:

28.31 Subd. 6. **Physical escort requirements.** The physical escort of a child may be used
28.32 to control a child who is being guided to a place where the child will be safe and to help
28.33 de-escalate interactions between the child and others. A provider who uses physical
28.34 escorting with a child shall meet the following requirements:

28.35 (1) staff shall be trained according to subdivision ~~12~~ 11;

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29.1 (2) staff shall document the use of physical escort and note the technique used, the
29.2 time of day, and the names of the staff and child involved; and

29.3 (3) the use of physical escort shall be consistent with the child's treatment plan.

29.4 Sec. 40. Minnesota Statutes 2008, section 245.8261, subdivision 7, is amended to read:

29.5 Subd. 7. **Physical holding or seclusion.** Physical holding or seclusion may be used
29.6 in emergency situations as a response to imminent serious risk of physical harm to the
29.7 child or others and when less restrictive interventions are ineffective. A provider who uses
29.8 physical holding or seclusion shall meet the following requirements:

29.9 (1) an immediate intervention must be necessary to protect the child or others from
29.10 physical harm;

29.11 (2) the physical holding or seclusion used must be the least intrusive intervention
29.12 that will effectively react to an emergency;

29.13 (3) the use of physical holding or seclusion must end when the threat of harm ends;

29.14 (4) the child must be constantly and directly observed by staff during the use of
29.15 physical holding or seclusion;

29.16 (5) the use of physical holding or seclusion must be used under the supervision
29.17 of a mental health professional;

29.18 (6) staff shall contact the mental health professional to inform the mental health
29.19 professional about the use of physical holding or seclusion and to ask for permission to
29.20 use physical holding or seclusion as soon as it may safely be done, but no later than 30
29.21 minutes after initiating the use of physical holding or seclusion;

29.22 (7) before staff uses physical holding or seclusion with a child, staff shall complete
29.23 the training required in subdivision ~~12~~ 11 regarding the use of physical holding or
29.24 seclusion at the program;

29.25 (8) when the need for the use of physical holding or seclusion ends, the child must
29.26 be assessed to determine if the child can safely be returned to the ongoing activities at the
29.27 program;

29.28 (9) staff shall treat the child respectfully throughout the procedure;

29.29 (10) the staff person who implemented the use of physical holding or seclusion shall
29.30 document its use immediately after the incident concludes and the documentation must
29.31 include at least the following information:

29.32 (i) a detailed description of the incident which led to the use of physical holding or
29.33 seclusion;

29.34 (ii) an explanation of why the procedure chosen needed to be used;

29.35 (iii) why less restrictive measures failed or were found to be inappropriate;

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- 30.1 (iv) the time the physical hold or seclusion began and the time the child was released;
- 30.2 (v) documentation of the child's behavioral change and change in physical status for
- 30.3 each 15-minute interval the procedure is used; and
- 30.4 (vi) the names of all staff involved in the use of the procedure and the names of all
- 30.5 witnesses to the use of the procedure; and
- 30.6 (11) if seclusion is used, the room used for the seclusion must:
- 30.7 (i) be ~~well-lit~~ well-lighted, well-ventilated, and clean;
- 30.8 (ii) have an observation window which allows staff to directly monitor a child in
- 30.9 seclusion;
- 30.10 (iii) have fixtures that are tamperproof, with electrical switches located immediately
- 30.11 outside the door;
- 30.12 (iv) have doors that open out and are unlocked or are locked with keyless locks that
- 30.13 have immediate release mechanisms; and
- 30.14 (v) have objects that may be used by a child to injure the child's self or others
- 30.15 removed from the child and the seclusion room before the child is placed in seclusion.

30.16 Sec. 41. Minnesota Statutes 2008, section 253B.08, subdivision 1, is amended to read:

30.17 Subdivision 1. **Time for commitment hearing.** (a) The hearing on the commitment

30.18 petition shall be held within 14 days from the date of the filing of the petition, except that

30.19 the hearing on a commitment petition pursuant to section 253B.185 shall be held within 90

30.20 days from the date of the filing of the petition. For good cause shown, the court may extend

30.21 the time of hearing up to an additional 30 days. The proceeding shall be dismissed if the

30.22 proposed patient has not had a hearing on a commitment petition within the allowed time.

30.23 (b) The proposed patient, or the head of the treatment facility in which the person is

30.24 held, may demand in writing at any time that the hearing be held immediately. Unless the

30.25 hearing is held within five days of the date of the demand, exclusive of Saturdays, Sundays

30.26 and legal holidays, the petition shall be automatically ~~discharged~~ dismissed if the patient is

30.27 being held in a treatment facility pursuant to court order. For good cause shown, the court

30.28 may extend the time of hearing on the demand for an additional ten days. This paragraph

30.29 does not apply to a commitment petition brought under section 253B.18 or 253B.185.

30.30 Sec. 42. Minnesota Statutes 2008, section 256B.0571, subdivision 8, is amended to

30.31 read:

30.32 Subd. 8. **Program established.** (a) The commissioner, in cooperation with the

30.33 commissioner of commerce, shall establish the Minnesota partnership for long-term care

31.1 program to provide for the financing of long-term care through a combination of private
31.2 insurance and medical assistance.

31.3 (b) An individual ~~who meets the requirements in this paragraph is~~ becomes eligible
31.4 to participate in the partnership program. ~~The individual must~~ by meeting the requirements
31.5 of either clause (1) or (2):

31.6 (1) ~~be a~~ the individual may qualify as a beneficiary of a partnership policy that either
31.7 (i) is issued on or after the effective date of the state plan amendment implementing the
31.8 partnership plan in Minnesota, or (ii) qualifies as a partnership policy as authorized by
31.9 the commissioner of commerce under subdivision 6. To be eligible under this clause,
31.10 the individual must be a Minnesota resident at the time coverage first became effective
31.11 under the partnership policy; and or

31.12 (2) ~~be a~~ the individual may qualify as a beneficiary of a partnership policy that
31.13 ~~(i) is issued on or after the effective date of the state plan amendment implementing~~
31.14 ~~the partnership program in Minnesota, or (ii) qualifies as a partnership policy under the~~
31.15 ~~provisions of subdivision 8a~~ policy recognized under subdivision 17.

31.16 Sec. 43. Minnesota Statutes 2008, section 260.105, is amended to read:

31.17 **260.105 SALARIES.**

31.18 All salaries and expenses to be paid by the county under the provisions of sections
31.19 244.19 and 260.021 to 260.101 ~~260.101~~ 260.042 shall be paid upon certification of the judge of
31.20 juvenile court or upon such other authorization provided by law.

31.21 Sec. 44. Minnesota Statutes 2008, section 260C.446, is amended to read:

31.22 **260C.446 DISTRIBUTION OF FUNDS RECOVERED FOR ASSISTANCE**
31.23 **FURNISHED.**

31.24 When any amount shall be recovered from any source for assistance furnished under
31.25 the provisions of sections 260C.001 to 260C.421, ~~260C.431, 260C.435,~~ and 260C.441,
31.26 there shall be paid into the treasury of the state or county in the proportion in which they
31.27 have respectively contributed toward the total assistance paid.

31.28 Sec. 45. Minnesota Statutes 2008, section 270.45, is amended to read:

31.29 **270.45 DISPOSITION OF FEES.**

31.30 All fees so established and collected shall be paid to the commissioner of finance for
31.31 deposit in the general fund. The expenses of carrying out the provisions of sections 270.41
31.32 to ~~270.53~~ 270.50 shall be paid from appropriations made to the board.

32.1 Sec. 46. Minnesota Statutes 2008, section 270.47, is amended to read:

32.2 **270.47 RULES.**

32.3 The board shall adopt rules necessary to accomplish the purpose of sections 270.41
32.4 to ~~270.51~~ 270.50, and shall establish criteria required of assessing officials in the state.

32.5 Separate criteria may be established depending upon the responsibilities of the assessor.

32.6 An action of the board in refusing to grant or renew a license or in suspending or revoking
32.7 a license is subject to review in accordance with chapter 14.

32.8 Sec. 47. Minnesota Statutes 2008, section 270.80, subdivision 1, is amended to read:

32.9 Subdivision 1. **Applicability.** The following words and phrases when used in ~~Laws~~
32.10 ~~1979, chapter 303, article 7, sections 1 to 13~~ sections 270.80 to 270.87, unless the context
32.11 clearly indicates otherwise, ~~shall~~ have the meanings ascribed to them in this section.

32.12 Sec. 48. Minnesota Statutes 2008, section 273.05, subdivision 1, is amended to read:

32.13 Subdivision 1. **Appointment of town and city assessors.** Notwithstanding any
32.14 other provision of law all town assessors shall be appointed by the town board, and
32.15 notwithstanding any charter provisions to the contrary, all city assessors shall be appointed
32.16 by the city council or other appointing authority as provided by law or charter. They
32.17 shall be selected and appointed because of their knowledge and training in the field of
32.18 property taxation. All town and statutory city assessors shall be appointed for indefinite
32.19 terms. A town or statutory city assessor who is an employee may be dismissed by the
32.20 appointing authority for cause. The term of the town or city assessors may be terminated
32.21 at any time by the town board or city council on charges by the commissioner of revenue
32.22 of inefficiency or neglect of duty. Vacancies in the office of town or city assessor shall
32.23 be filled within 90 days by appointment of the respective appointing authority indicated
32.24 above. If the vacancy is not filled within 90 days, the office shall be terminated. When
32.25 a vacancy in the office of town or city assessor is not filled by appointment, and it is
32.26 imperative that the office of assessor be filled, the county auditor shall appoint some
32.27 resident of the county as assessor for such town or city. The county auditor may appoint
32.28 the county assessor as assessor for such town or city, in which case the town or city shall
32.29 pay to the county treasurer the amount determined by the county auditor to be due for the
32.30 services performed and expenses incurred by the county assessor in acting as assessor for
32.31 such town or city. The term of any town or statutory city assessor in a county electing in
32.32 accordance with section 273.052 shall be terminated as provided in section 273.055.

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33.1 The commissioner of revenue may recommend to the state board of assessors the
33.2 nonrenewal, suspension, or revocation of an assessor's license as provided in sections
33.3 270.41 to ~~270.53~~ 270.50.

33.4 Sec. 49. Minnesota Statutes 2008, section 273.061, subdivision 2, is amended to read:

33.5 Subd. 2. **Term; vacancy.** (a) The terms of county assessors appointed under this
33.6 section shall be four years. A new term shall begin on January 1 of every fourth year
33.7 after 1973. When any vacancy in the office occurs, the board of county commissioners,
33.8 within 90 days thereafter, shall fill the same by appointment for the remainder of the term,
33.9 following the procedure prescribed in subdivision 1. The term of the county assessor
33.10 may be terminated by the board of county commissioners at any time, on charges of
33.11 malfeasance, misfeasance, or nonfeasance by the commissioner of revenue. If the board
33.12 of county commissioners does not intend to reappoint a county assessor who has been
33.13 certified by the state Board of Assessors, the board shall present written notice to the
33.14 county assessor not later than 90 days prior to the termination of the assessor's term, that it
33.15 does not intend to reappoint the assessor. If written notice is not timely made, the county
33.16 assessor will automatically be reappointed by the board of county commissioners.

33.17 The commissioner of revenue may recommend to the state Board of Assessors the
33.18 nonrenewal, suspension, or revocation of an assessor's license as provided in sections
33.19 270.41 to ~~270.53~~ 270.50.

33.20 (b) In the event of a vacancy in the office of county assessor, through death,
33.21 resignation or other reasons, the deputy (or chief deputy, if more than one) shall perform
33.22 the functions of the office. If there is no deputy, the county auditor shall designate a person
33.23 to perform the duties of the office until an appointment is made as provided in clause (a).
33.24 Such person shall perform the duties of the office for a period not exceeding 90 days
33.25 during which the county board must appoint a county assessor. Such 90-day period may,
33.26 however, be extended by written approval of the commissioner of revenue.

33.27 (c) In the case of the first appointment under paragraph (a) of a county assessor who
33.28 is accredited but who does not have senior accreditation, an approval of the appointment
33.29 by the commissioner shall be provisional, provided that a county assessor appointed to
33.30 a provisional term under this paragraph must reapply to the commissioner at the end of
33.31 the provisional term. A provisional term may not exceed two years. The commissioner
33.32 shall not approve the appointment for the remainder of the four-year term unless the
33.33 assessor has obtained senior accreditation.

33.34 Sec. 50. Minnesota Statutes 2008, section 275.065, subdivision 6c, is amended to read:

34.1 Subd. 6c. **Joint public hearing; nonmetropolitan county, cities, and school**
34.2 **districts.** (a) Notwithstanding any other provision of law, the county board may hold a
34.3 joint hearing with the governing bodies of all taxing authorities located wholly or partially
34.4 within the county that are required to hold a public hearing under this section, excluding
34.5 special taxing districts. The primary purpose of the joint hearing is for taxpayer efficiency
34.6 by allowing taxpayers to come to a single public hearing to discuss the budgets and
34.7 proposed property tax levies of most taxing authorities that impact the taxes on their
34.8 property.

34.9 (b) This subdivision applies only to counties located outside the metropolitan area
34.10 as defined under section 473.121, subdivision 2. If a city or school district is located
34.11 partially within the metropolitan area, that taxing jurisdiction may participate in its
34.12 nonmetropolitan county's joint hearing, if it so chooses.

34.13 (c) Upon the adoption of a resolution by the county board to hold a joint public
34.14 hearing, the county shall notify each city with a population over 500 and each school
34.15 district located wholly or partially within the county of its intention to hold the joint
34.16 hearing and ask each of the taxing authorities if it would like to participate. Participation
34.17 is voluntary, and participation in the joint hearing is in lieu of the requirement for the
34.18 governing body to hold a separate public hearing under subdivision 6. If a participating
34.19 city or school district is located in more than one county, the hearing under this subdivision
34.20 is in lieu of the requirement to hold a separate public hearing if 75 percent or more
34.21 of that city or school district's previous year's net tax capacity is in the county where
34.22 the hearing is held.

34.23 (d) The initial joint hearing must be held on the first Thursday in December. The
34.24 county may hold an additional joint hearing on another date before December 20 if the
34.25 majority of the participating taxing authorities want an additional hearing.

34.26 The county board shall obtain a meeting space to hold the joint hearing, preferably
34.27 at a public building such as the courthouse, school, or community center. The location
34.28 shall be as centrally located within the county as possible. The meeting shall ~~generally~~ be
34.29 structured in the following general manner:

34.30 (1) 30 to 60 minutes must be devoted to discussion of the county's budget and levy;

34.31 (2) 30 to 60 minutes must be devoted to discussion of the city's budget and levy,
34.32 with each city's discussion held in a separate room, preferably in the same building;

34.33 (3) 30 to 60 minutes must be devoted to discussion of the school district's levy,
34.34 with each school district's discussion held in a separate room, preferably in the same
34.35 building; and

35.1 (4) during the last 30 minutes the governing bodies must reassemble in a joint
 35.2 meeting to entertain any follow-up questions that have arisen from the separate discussions.

35.3 The county shall attempt to keep the total public hearing to within three hours.

35.4 (e) In lieu of the public advertisement requirement in subdivision 5a, the county shall
 35.5 have a single advertisement listing the county, each city with a population of over 500, and
 35.6 each school district participating in the joint public hearing listing. Any taxing authority
 35.7 participating under this subdivision is exempt from the separate public advertisement
 35.8 requirement under subdivision 5a. The cost of the joint hearing advertisement shall be
 35.9 apportioned in the same manner provided in subdivision 4. The notice must be published
 35.10 not less than two business days nor more than six business days before the hearing. The
 35.11 newspaper selected must be one of general interest and readership in the county, and not
 35.12 one of limited subject matter. The advertisement must appear in a newspaper that is
 35.13 published at least once per week. The advertisement must be in the following form:

35.14 "NOTICE OF JOINT PUBLIC HEARING
 35.15 PROPOSED TOTAL PROPERTY TAXES
 35.16 FOR PARTICIPATING TAXING AUTHORITIES

35.17 The property tax amounts below compare that portion of the current budget levied in
 35.18 property taxes in the county, cities, and school districts for (year) with the property
 35.19 taxes the county, cities, and school districts propose to collect in (year) for those taxing
 35.20 authorities participating in the joint public hearing.

35.21 Taxing Authority	(Year) Property Taxes	Proposed (Year) 35.22 Property Taxes	Change (Year) - (Year)
35.23 \$.....	\$.....	\$.....%
35.24 \$.....	\$.....	\$.....%
35.25 \$.....	\$.....	\$.....%

35.26 ATTEND THE JOINT PUBLIC HEARING

35.27 All residents are invited to attend the joint public hearing of the county/cities/school
 35.28 districts to express your opinions on the proposed amount of (year) property taxes. The
 35.29 hearing will be held on:

35.30 (Month/Day/Year/Time)

35.31 (Location/Address)

35.32 If the discussion cannot be completed, and another hearing is scheduled, a time and place
 35.33 for that hearing will be announced at this hearing. You are also invited to send your
 35.34 written comments to the county auditor. If the comments relate to the city or school
 35.35 district's levy, please identify that on the envelope so the county auditor can direct the
 35.36 correspondence to the right jurisdiction."

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36.1 The formal adoption of the taxing authority's levy must not be made at the joint
36.2 public hearing held under this subdivision. The formal adoption must be made at one of
36.3 the regularly scheduled meetings of the taxing authority's governing body. However, the
36.4 property tax levy amount that is subsequently adopted cannot exceed the amount shown to
36.5 taxpayers at the joint public hearing.

36.6 Sec. 51. Minnesota Statutes 2008, section 289A.08, subdivision 16, is amended to read:

36.7 Subd. 16. **Tax refund or return preparers; electronic filing; paper filing fee**
36.8 **imposed.** (a) A "tax refund or return preparer," as defined in section 289A.60, subdivision
36.9 13, paragraph ~~(h)~~ (f), who prepared more than 100 Minnesota individual income tax
36.10 returns for the prior calendar year must file all Minnesota individual income tax returns
36.11 prepared for the current calendar year by electronic means.

36.12 (b) Paragraph (a) does not apply to a return if the taxpayer has indicated on the return
36.13 that the taxpayer did not want the return filed by electronic means.

36.14 (c) For each return that is not filed electronically by a tax refund or return preparer
36.15 under this subdivision, including returns filed under paragraph (b), a paper filing fee
36.16 of \$5 is imposed upon the preparer. The fee is collected from the preparer in the same
36.17 manner as income tax. The fee does not apply to returns that the commissioner requires
36.18 to be filed in paper form.

36.19 Sec. 52. Minnesota Statutes 2008, section 289A.40, subdivision 6, is amended to read:

36.20 Subd. 6. **Capital equipment refund claims.** A claim for refund for taxes paid
36.21 under chapter 297A on capital equipment must be filed within 3-1/2 years from the 20th
36.22 day of the month following the month of the invoice date for the purchase of the capital
36.23 equipment. A claim for refund for taxes imposed on capital equipment under section
36.24 297A.63 must be filed within 3-1/2 years from the date prescribed for filing the return,
36.25 or one year from the date of an order assessing tax under section ~~289A.37, subdivision~~
36.26 ~~† 270C.33~~, upon payment in full of the tax, penalties, and interest shown on the order,
36.27 whichever period expires later.

36.28 Sec. 53. Minnesota Statutes 2008, section 298.34, subdivision 2, is amended to read:

36.29 Subd. 2. **Semitaconite deposit.** For the purposes of sections 298.34 to 298.39, a
36.30 "semitaconite deposit" is a deposit of altered iron formation, altered taconite, composites
36.31 of iron-bearing and other minerals that exist either in mass as altered iron formation, or
36.32 as intermingled masses of altered iron formation and other iron-bearing materials, from
36.33 which, and in accordance with good mining practice, the concentrates or equivalent must

37.1 be produced in an operation involving the beneficiation of the semitaconite. Such deposits
37.2 include stockpiles of semitaconite. They also include rejects or tailings that in themselves
37.3 are of semitaconite type ~~(as defined in subdivision 1)~~ section 298.001, subdivision 6,
37.4 produced from mining or beneficiation operations. Not included is any separable portion of
37.5 merchantable iron-bearing material if this separable portion is of such size and so situated
37.6 that in accordance with good practice it can be mined and shipped. Also not included is
37.7 any separable portion of iron-bearing material that can be made merchantable by simple
37.8 methods of beneficiation ~~(as defined in subdivision 1)~~ section 298.001, subdivision 6, if
37.9 this separable portion is of such size and so situated that in accordance with good practice
37.10 it can be mined, beneficiated, and shipped in a separate commercial operation.

37.11 Sec. 54. Minnesota Statutes 2008, section 309.745, is amended to read:

37.12 **309.745 APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF**
37.13 **ENDOWMENT FUND; RULES OF CONSTRUCTION.**

37.14 (a) Subject to the intent of a donor expressed in the gift instrument ~~and to paragraph~~
37.15 ~~(d)~~, an institution may appropriate for expenditure or accumulate so much of an
37.16 endowment fund as the institution determines is prudent for the uses, benefits, purposes,
37.17 and duration for which the endowment fund is established. Unless stated otherwise in
37.18 the gift instrument, the assets in an endowment fund are donor-restricted assets until
37.19 appropriated for expenditure by the institution. In making a determination to appropriate
37.20 or accumulate, the institution shall act in good faith, with the care that an ordinarily
37.21 prudent person in a like position would exercise under similar circumstances, and shall
37.22 consider, if relevant, the following factors:

- 37.23 (1) the duration and preservation of the endowment fund;
37.24 (2) the purposes of the institution and the endowment fund;
37.25 (3) general economic conditions;
37.26 (4) the possible effect of inflation or deflation;
37.27 (5) the expected total return from income and the appreciation of investments;
37.28 (6) other resources of the institution; and
37.29 (7) the investment policy of the institution.

37.30 (b) To limit the authority to appropriate for expenditure or accumulate under
37.31 paragraph (a), a gift instrument must specifically state the limitation.

37.32 (c) Terms in a gift instrument designating a gift as an endowment, or a direction or
37.33 authorization in the gift instrument to use only "income," "interest," "dividends," or "rents,
37.34 issues, or profits," or "to preserve the principal intact," or words of similar import:

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38.1 (1) create an endowment fund of permanent duration unless other language in the
38.2 gift instrument limits the duration or purpose of the fund; and

38.3 (2) do not otherwise limit the authority to appropriate for expenditure or accumulate
38.4 under paragraph (a).

38.5 Sec. 55. Minnesota Statutes 2008, section 325E.317, subdivision 5, is amended to read:

38.6 Subd. 5. **Wireless telecommunications services.** "Wireless telecommunications
38.7 services" ~~has the meaning given in section 325F.695~~ means commercial mobile radio
38.8 services as defined in Code of Federal Regulations, title 47, part 20.

38.9 Sec. 56. Minnesota Statutes 2008, section 326B.082, subdivision 8, is amended to read:

38.10 Subd. 8. **Hearings related to administrative orders.** (a) Within 30 days after the
38.11 commissioner issues an administrative order or within 20 days after the commissioner
38.12 issues the notice under section 326B.083, subdivision 3, paragraph (b), clause (3), the
38.13 person to whom the administrative order or notice is issued may request an expedited
38.14 hearing to review the commissioner's order or notice. The request for hearing must be
38.15 in writing and must be served on or faxed to the commissioner at the address or fax
38.16 number specified in the order or notice. If the person does not request a hearing or if the
38.17 person's written request for hearing is not served on or faxed to the commissioner by the
38.18 30th day after the commissioner issues the administrative order or the 20th day after the
38.19 commissioner issues the notice under section 326B.083, subdivision 3, paragraph (b),
38.20 clause (3), the order will become a final order of the commissioner and will not be subject
38.21 to review by any court or agency. The date on which a request for hearing is served by
38.22 mail shall be the postmark date on the envelope in which the request for hearing is mailed.
38.23 The hearing request must specifically state the reasons for seeking review of the order or
38.24 notice. The person to whom the order or notice is issued and the commissioner are the
38.25 parties to the expedited hearing. The commissioner must notify the person to whom the
38.26 order or notice is issued of the time and place of the hearing at least 15 days before the
38.27 hearing. The expedited hearing must be held within 45 days after a request for hearing has
38.28 been received by the commissioner unless the parties agree to a later date.

38.29 (b) Parties may submit written arguments if permitted by the administrative law
38.30 judge. All written arguments must be submitted within ten days following the completion
38.31 of the hearing or the receipt of any late-filed exhibits that the parties and the administrative
38.32 law judge have agreed should be received into the record, whichever is later. The hearing
38.33 shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified

39.1 by this subdivision. The Office of Administrative Hearings may, in consultation with the
39.2 agency, adopt rules specifically applicable to cases under this section.

39.3 (c) The administrative law judge shall issue a report making findings of fact,
39.4 conclusions of law, and a recommended order to the commissioner within 30 days
39.5 following the completion of the hearing, the receipt of late-filed exhibits, or the submission
39.6 of written arguments, whichever is later.

39.7 (d) If the administrative law judge makes a finding that the hearing was requested
39.8 solely for purposes of delay or that the hearing request was frivolous, the commissioner
39.9 may add to the amount of the penalty the costs charged to the department by the Office of
39.10 Administrative Hearings for the hearing.

39.11 (e) If a hearing has been held, the commissioner shall not issue a final order until
39.12 at least five days after the date of the administrative law judge's report. Any person
39.13 aggrieved by the administrative law judge's report may, within those five days, serve
39.14 written comments to the commissioner on the report and the commissioner shall consider
39.15 and enter the comments in the record. The commissioner's final order shall comply with
39.16 sections 14.61, subdivision 2, and 14.62, subdivisions 1 and ~~2~~2a, and may be appealed in
39.17 the manner provided in sections 14.63 to 14.69.

39.18 Sec. 57. Minnesota Statutes 2008, section 326B.121, subdivision 3, is amended to read:

39.19 Subd. 3. **Enforcement by state building official.** If the commissioner determines
39.20 that a municipality that has adopted the State Building Code is not properly administering
39.21 and enforcing the code, or if the commissioner determines that any municipality that is
39.22 required by subdivision ~~1~~2 to enforce any provision of the State Building Code is not
39.23 properly enforcing that provision, the commissioner may have the administration and
39.24 enforcement in the involved municipality undertaken by the state building official or by
39.25 another building official certified by the state. The commissioner shall notify the affected
39.26 municipality in writing immediately upon making the determination, and the municipality
39.27 may challenge the determination as a contested case before the commissioner pursuant
39.28 to the Administrative Procedure Act. In carrying out administration and enforcement
39.29 under this subdivision, the commissioner shall apply any optional provision of the State
39.30 Building Code adopted by the municipality. A municipality adopting any optional code
39.31 provision shall notify the state building official within 30 days of its adoption. The
39.32 commissioner shall determine appropriate fees to be charged for the administration and
39.33 enforcement service rendered. Any cost to the state arising from the state administration
39.34 and enforcement of the State Building Code shall be borne by the subject municipality
39.35 where a fee has been collected by the municipality.

40.1 Sec. 58. Minnesota Statutes 2008, section 327B.041, is amended to read:

40.2 **327B.041 MANUFACTURED HOME INSTALLERS.**

40.3 (a) Manufactured home installers are subject to all of the requirements of sections
40.4 326B.802 to 326B.885, except for the following:

40.5 (1) manufactured home installers are not subject to the continuing education
40.6 requirements of section 326B.821, but are subject to the continuing education requirements
40.7 established in rules adopted under section 327B.10;

40.8 (2) the examination requirement of section 326B.83, subdivision 3, for manufactured
40.9 home installers shall be satisfied by successful completion of a written examination
40.10 administered and developed specifically for the examination of manufactured home
40.11 installers. The examination must be administered and developed by the commissioner. The
40.12 commissioner and the state building official shall seek advice on the grading, monitoring,
40.13 and updating of examinations from the Minnesota Manufactured Housing Association;

40.14 (3) a local government unit may not place a surcharge on a license fee, and may not
40.15 charge a separate fee to installers;

40.16 (4) a dealer or distributor who does not install or repair manufactured homes is
40.17 exempt from licensure under sections 326B.802 to 326B.885;

40.18 (5) the exemption under section 326B.805, subdivision 6, clause (5), does not
40.19 apply; and

40.20 (6) manufactured home installers are not subject to the contractor recovery fund in
40.21 section ~~326.975~~ 326B.89.

40.22 (b) The commissioner may waive all or part of the requirements for licensure
40.23 as a manufactured home installer for any individual who holds an unexpired license or
40.24 certificate issued by any other state or other United States jurisdiction if the licensing
40.25 requirements of that jurisdiction meet or exceed the corresponding licensing requirements
40.26 of the department.

40.27 Sec. 59. Minnesota Statutes 2008, section 336.10-105, is amended to read:

40.28 **336.10-105 EFFECTIVE DATE.**

40.29 ~~Except as otherwise provided for in section 336.10-101,~~ This chapter shall become
40.30 effective July 1, 1966. It applies to transactions entered into and occurring on and after
40.31 that date.

40.32 Sec. 60. Minnesota Statutes 2008, section 349.31, subdivision 1, is amended to read:

40.33 Subdivision 1. **Intentional possession; willful keeping.** The intentional possession
40.34 or willful keeping of a gambling device on a licensed premises is cause for the suspension

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41.1 or revocation of any license under which the licensed business is carried on upon the
41.2 premises where the gambling device is found, provided that possession of gambling
41.3 equipment as defined in section 349.12, subdivision 18, which is used for lawful
41.4 gambling authorized by this chapter, and the manufacture of gambling devices for use in
41.5 jurisdictions where use of the gambling device is legal as provided for by section ~~349.40~~
41.6 299L.07 shall not be cause for revocation of a license.

41.7 Sec. 61. Minnesota Statutes 2008, section 352.017, subdivision 1, is amended to read:

41.8 Subdivision 1. **Application.** Except for leaves or breaks in service covered by
41.9 section 352.27 ~~or 352.275~~, this section applies to all plans specified in this chapter for
41.10 any period of authorized leave of absence without pay that does not exceed one year
41.11 and for which the employee obtains credit for allowable service by making payment as
41.12 specified in this section to the applicable fund.

41.13 Sec. 62. Minnesota Statutes 2008, section 357.18, subdivision 1, is amended to read:

41.14 Subdivision 1. **County recorder fees.** The fees to be charged by the county recorder
41.15 shall be and not exceed the following:

41.16 (1) for indexing and recording any deed or other instrument a fee of \$46; \$10.50
41.17 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited
41.18 in the technology fund pursuant to subdivision ~~3~~4; and \$25.50 shall be deposited in
41.19 the county general fund;

41.20 (2) for documents containing multiple assignments, partial releases or satisfactions a
41.21 fee of \$46; if the document cites more than four recorded instruments, an additional fee of
41.22 \$10 for each additional instrument cited over the first four citations;

41.23 (3) for certified copies of any records or papers, \$10;

41.24 (4) for a noncertified copy of any instrument or writing on file or recorded in the
41.25 office of the county recorder, or any specified page or part of it, an amount as determined
41.26 by the county board for each page or fraction of a page specified. If computer or microfilm
41.27 printers are used to reproduce the instrument or writing, a like amount per image;

41.28 (5) for an abstract of title, the fees shall be determined by resolution of the county
41.29 board duly adopted upon the recommendation of the county recorder, and the fees shall
41.30 not exceed \$10 for every entry, \$100 for abstract certificate, \$1 per page for each exhibit
41.31 included within an abstract as a part of an abstract entry, and \$5 per name for each
41.32 required name search certification;

41.33 (6) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$10
41.34 and an additional \$5 shall be charged for the certification of each plat;

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42.1 (7) for filing an amended floor plan in accordance with chapter 515, an amended
42.2 condominium plat in accordance with chapter 515A, or a common interest community
42.3 plat or amendment complying with section 515B.2-110, subsection (c), the fee shall be 50
42.4 cents per apartment or unit with a minimum fee of \$56;

42.5 (8) for a copy of a floor plan filed pursuant to chapter 515, a copy of a condominium
42.6 plat filed in accordance with chapter 515A, or a copy of a common interest community
42.7 plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page
42.8 of the floor plan, condominium plat or common interest community plat with a minimum
42.9 fee of \$10;

42.10 (9) for recording any plat, a fee of \$56, of which \$10.50 must be paid to the state
42.11 treasury and credited to the general fund, \$10 must be deposited in the technology fund
42.12 pursuant to subdivision ~~3~~4, and \$35.50 must be deposited in the county general fund; and

42.13 (10) for a noncertified copy of any document submitted for recording, if the original
42.14 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
42.15 or duplicate original and payment of the fee, a county recorder shall return it marked
42.16 "copy" or "duplicate," showing the recording date and, if available, the document number
42.17 assigned to the original.

42.18 Sec. 63. Minnesota Statutes 2008, section 360.0426, subdivision 5, is amended to read:

42.19 Subd. 5. **Compensation; meetings; officers.** Commissioners shall receive no
42.20 compensation for services, but are entitled to payment for necessary expenses, including
42.21 travel expenses, incurred in the discharge of the commissioners' duties.

42.22 The commission shall establish a regular meeting schedule. A majority of the
42.23 commissioners of the authority constitutes a quorum for purposes of conducting business
42.24 of the authority. Action may be taken by a ~~majority~~ vote of not less than a majority of
42.25 the commissioners present, providing there is a quorum.

42.26 The commission shall elect a chair, a vice-chair, a secretary, and a treasurer at its
42.27 organizational meeting. The authority may hire an executive director, a legal advisor,
42.28 technical experts, and other employees, permanent and temporary, as it may require.

42.29 Sec. 64. Minnesota Statutes 2008, section 365A.08, subdivision 2, is amended to read:

42.30 Subd. 2. **Bonds.** At any time after the requirements of section ~~356A.06~~ 365A.06
42.31 have been met and the subordinate service district created, the town board may issue
42.32 obligations in an amount it deems necessary to defray in whole or in part the expense
42.33 incurred and estimated to be incurred in making capital improvements necessary to operate
42.34 the subordinate service district and provide the special services in the district, including

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43.1 every item of cost from inception to completion and all fees and expenses incurred in
43.2 connection with the capital improvements or the financing. The obligations are payable
43.3 primarily out of the proceeds of the taxes and service charges imposed under subdivision
43.4 1, net revenues as described in section 444.075, and special assessments under chapter
43.5 429. The town board may by resolution pledge the full faith credit and taxing power of the
43.6 town to ensure payment of the principal and interest on the obligations if the proceeds of
43.7 the taxes and service charges are insufficient to pay the principal and interest. Obligations
43.8 must be issued in accordance with chapter 475, except that an election is not required, and
43.9 the amount of the obligations is not included in determining the net indebtedness of the
43.10 town under the provisions of any law limiting indebtedness.

43.11 Sec. 65. Minnesota Statutes 2008, section 401.025, subdivision 3, is amended to read:

43.12 Subd. 3. **Offenders under Department of Corrections commitment.** CCA
43.13 counties shall comply with the policies prescribed by the commissioner when providing
43.14 supervision and other correctional services to persons conditionally released pursuant
43.15 to sections 241.26, 242.19, 243.05, ~~243.16~~ 243.1605, 244.05, and 244.065, including
43.16 intercounty transfer of persons on conditional release and the conduct of presentence
43.17 investigations.

43.18 Sec. 66. Minnesota Statutes 2008, section 414.02, subdivision 4, is amended to read:

43.19 Subd. 4. **Effective date of incorporation.** The incorporation shall be effective upon
43.20 the election and qualification of new municipal officers or on such later date as is fixed by
43.21 the ~~director's~~ chief administrative law judge's order.

43.22 Sec. 67. Minnesota Statutes 2008, section 423A.01, subdivision 2, is amended to read:

43.23 Subd. 2. **Operation of local relief association upon modification of retirement**
43.24 **coverage for newly hired police officers and firefighters.** (a) The following provisions
43.25 shall govern the operation of a local relief association upon the modification of retirement
43.26 coverage for newly hired police officers or firefighters:

43.27 (1) The minimum obligation of a municipality in which the retirement coverage
43.28 for newly hired police officers or salaried firefighters has been modified pursuant to
43.29 subdivision 1 with respect to the local relief association shall be determined and governed
43.30 in accordance with the provisions of sections 69.77, 356.215, and 356.216, except that
43.31 the normal cost calculation for the relief association shall be computed as a percentage of
43.32 the compensation paid to the active members of the relief association. The compensation
43.33 paid to persons with retirement coverage modified pursuant to subdivision 1 shall not

44.1 be included in any of the computations made in determining the obligation of the
44.2 municipality with respect to the local relief association.

44.3 (2) The contribution rate of members of the local relief association shall be governed
44.4 by section 69.77, unless a special law establishing a greater member contribution rate
44.5 is applicable whereupon it shall continue to govern. The member contribution rate of
44.6 persons with retirement coverage modified pursuant to subdivision 1 shall be governed
44.7 by section 353.65.

44.8 (3) Unless otherwise provided for by law, when every active member of the local
44.9 relief association retires or terminates from active duty, the local relief association shall
44.10 cease to exist as a legal entity and the assets of the special fund of the relief association
44.11 shall be transferred to a trust fund to be established by the appropriate municipality for
44.12 the purpose of paying service pensions and retirement benefits to recipient beneficiaries.
44.13 Recipient beneficiaries who are competent to act on their own behalf shall be entitled to
44.14 select the prescribed number of trustees of the trust fund as provided in this clause, subject
44.15 to the approval of the governing body of the municipality. If there are at least five recipient
44.16 beneficiaries, the trust fund shall be managed by a board of trustees composed of five
44.17 persons selected by the recipient beneficiaries of the fund. When there are fewer than five
44.18 recipient beneficiaries, the number of trustees selected by the recipient beneficiaries shall
44.19 be equal to the number of the remaining recipient beneficiaries. The governing body of the
44.20 municipality shall select the additional trustees. The term of the elected members of the
44.21 board of trustees shall be indefinite and shall continue until a vacancy occurs in one of the
44.22 board of trustee member positions. Board of trustee members shall not be compensated for
44.23 their services, but shall be reimbursed for any expenses actually and necessarily incurred
44.24 as a result of the performance of their duties in their capacity as board of trustee members.
44.25 The municipality shall perform whatever services are necessary to administer the trust
44.26 fund. When all obligations of the trust fund are paid, the balance of the assets remaining
44.27 in the trust fund shall revert to the municipality for expenditure for law enforcement or
44.28 firefighting purposes, whichever is applicable.

44.29 (4) The financial requirements of the trust fund and the minimum obligation of
44.30 the municipality with respect to the trust fund shall be determined in accordance with
44.31 sections 69.77, 356.215, and 356.216 until the unfunded accrued liability of the trust fund
44.32 is fully amortized in accordance with section 69.77, subdivision 4. The municipality
44.33 shall provide in its annual budget for at least the aggregate amount of service pensions,
44.34 disability benefits, survivorship benefits, and refunds which are projected as payable for
44.35 the following calendar year, as determined by the board of trustees of the trust fund, less
44.36 the amount of assets in the trust fund as of the end of the most current calendar year for

45.1 which figures are available, valued pursuant to section 356.20, subdivision 4, ~~clause (1)(a)~~,
45.2 if the difference between those two figures is a positive number.

45.3 (5) In calculating the amount of service pensions and other retirement benefits
45.4 payable from the local relief association and in calculating the amount of any automatic
45.5 postretirement increases in those service pensions and retirement benefits based on the
45.6 salary paid or payable to active members or escalated in any fashion, the salary for use as
45.7 the base for the service pension or retirement benefit calculation and the postretirement
45.8 increase calculation for the local relief association shall be the salary for the applicable
45.9 position as specified in the articles of incorporation or bylaws of the relief association as of
45.10 the date immediately prior to the effective date of the modification of retirement coverage
45.11 for newly hired personnel pursuant to subdivision 1, as the applicable salary is reset by the
45.12 municipality periodically, irrespective of whether retirement coverage for persons holding
45.13 the applicable position used in calculations is provided by the relief association or by the
45.14 public employees police and fire fund. If for a local salaried firefighters relief association,
45.15 the specified position no longer exists because of a reorganization of the fire department
45.16 as a volunteer fire department, the percentage increase in the salary of the position of a
45.17 top grade patrol officer in the police department of the municipality must be the basis for
45.18 service pension and retirement benefit postretirement increase calculations.

45.19 (6) If the modification of retirement coverage implemented pursuant to subdivision
45.20 1 is applicable to a local police relief association, the police state aid received by the
45.21 municipality shall be disbursed pursuant to section 69.031, subdivision 5, clause (2)(c).
45.22 If the modification of retirement coverage implemented pursuant to subdivision 1 is
45.23 applicable to a local firefighters' relief association, the fire state aid received by the
45.24 applicable municipality other than a city of the first class with a population of more than
45.25 300,000 shall be disbursed as the municipality at its option may elect. The municipality
45.26 may elect: (a) to transmit the total fire state aid to the treasurer of the local relief
45.27 association for immediate deposit in the special fund of the relief association; or (b) to
45.28 apply the total fire state aid toward the employer contribution of the municipality to the
45.29 public employees police and fire fund pursuant to section 353.65, subdivision 3; or (c) to
45.30 allocate the total fire state aid proportionately between the special fund of the local relief
45.31 association and employer contribution of the municipality to the public employees police
45.32 and fire fund on the basis of the respective number of active full-time salaried firefighters
45.33 receiving retirement coverage from each.

45.34 (b) For a city of the first class with a population of more than 300,000, in addition,
45.35 the city may elect to allot the appropriate portion of the total fire state aid to apply toward
45.36 the employer contribution of the city to the public employees police and fire fund based on

46.1 the covered salary of firefighters covered by the fund each payroll period and to transmit
46.2 the balance to the firefighters relief association.

46.3 Sec. 68. Minnesota Statutes 2008, section 473.167, subdivision 2, is amended to read:

46.4 Subd. 2. **Loans for acquisition.** (a) The council may make loans to counties, towns,
46.5 and statutory and home rule charter cities within the metropolitan area for the purchase
46.6 of property within the right-of-way of a state trunk highway shown on an official map
46.7 adopted pursuant to section 394.361 or 462.359 or for the purchase of property within
46.8 the proposed right-of-way of a principal or intermediate arterial highway designated
46.9 by the council as a part of the metropolitan highway system plan and approved by the
46.10 council pursuant to section 473.166. The loans shall be made by the council, from the
46.11 fund established pursuant to this subdivision, for purchases approved by the council.
46.12 The loans shall bear no interest.

46.13 (b) The council shall make loans only:

46.14 (1) to accelerate the acquisition of primarily undeveloped property when there
46.15 is a reasonable probability that the property will increase in value before highway
46.16 construction, and to update an expired environmental impact statement on a project for
46.17 which the right-of-way is being purchased;

46.18 (2) to avert the imminent conversion or the granting of approvals which would allow
46.19 the conversion of property to uses which would jeopardize its availability for highway
46.20 construction;

46.21 (3) to advance planning and environmental activities on highest priority major
46.22 metropolitan river crossing projects, under the transportation development guide
46.23 chapter/policy plan; or

46.24 (4) to take advantage of open market opportunities when developed properties
46.25 become available for sale, provided all parties involved are agreeable to the sale and
46.26 funds are available.

46.27 (c) The council shall not make loans for the purchase of property at a price which
46.28 exceeds the fair market value of the property or which includes the costs of relocating or
46.29 moving persons or property. The eminent domain process may be used to settle differences
46.30 of opinion as to fair market value, provided all parties agree to the process.

46.31 (d) A private property owner may elect to receive the purchase price either in a
46.32 lump sum or in not more than four annual installments without interest on the deferred
46.33 installments. If the purchase agreement provides for installment payments, the council
46.34 shall make the loan in installments corresponding to those in the purchase agreement.
46.35 The recipient of an acquisition loan shall convey the property for the construction of

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47.1 the highway at the same price which the recipient paid for the property. The price may
47.2 include the costs of preparing environmental documents that were required for the
47.3 acquisition and that were paid for with money that the recipient received from the loan
47.4 fund. Upon notification by the council that the plan to construct the highway has been
47.5 abandoned or the anticipated location of the highway changed, the recipient shall sell the
47.6 property at market value in accordance with the procedures required for the disposition of
47.7 the property. All rents and other money received because of the recipient's ownership of
47.8 the property and all proceeds from the conveyance or sale of the property shall be paid
47.9 to the council. If a recipient is not permitted to include in the conveyance price the cost
47.10 of preparing environmental documents that were required for the acquisition, then the
47.11 recipient is not required to repay the council an amount equal to 40 percent of the money
47.12 received from the loan fund and spent in preparing the environmental documents.

47.13 (e) The proceeds of the tax authorized by subdivision 3 ~~and distributed to the~~
47.14 ~~right-of-way acquisition loan fund pursuant to subdivision 3a, paragraph (a),~~ all money
47.15 paid to the council by recipients of loans, and all interest on the proceeds and payments
47.16 shall be maintained as a separate fund. For administration of the loan program, the council
47.17 may expend from the fund each year an amount no greater than three percent of the
47.18 amount of the proceeds ~~distributed to the right-of-way acquisition loan fund pursuant to~~
47.19 ~~subdivision 3a, paragraph (a),~~ for that year.

47.20 Sec. 69. Minnesota Statutes 2008, section 473.384, subdivision 6, is amended to read:

47.21 Subd. 6. **Financial assistance for certain providers.** The council shall provide
47.22 financial assistance to recipients who were receiving assistance by contract with
47.23 the commissioner of transportation under Minnesota Statutes 1982, section 174.24,
47.24 subdivision 3₂ on July 1, 1984, so that the percentage of total operating cost, as defined by
47.25 the council, paid by the recipient from all local sources of revenue, including operating
47.26 revenue, does not exceed the percentage for the recipient's classification as determined
47.27 by the commissioner of transportation under the commissioner's final contract with the
47.28 recipient. ~~The council may include funds received under section 473.446, subdivision~~
47.29 ~~1a, as a local source of revenue.~~ The remainder of the total operating cost ~~will~~ must be
47.30 paid by the council less all assistance received by the recipient for that purpose from
47.31 any federal source.

47.32 If a recipient informs the council in writing prior to the distribution of financial
47.33 assistance for any year that paying its designated percentage of total operating cost from
47.34 local sources will cause undue hardship, the council may adjust the percentage as it deems
47.35 equitable. If for any year the funds available to the council are insufficient to allow the

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48.1 council to pay its share of total operating cost for those recipients, the council shall reduce
48.2 its share in each classification to the extent necessary.

48.3 Sec. 70. Minnesota Statutes 2008, section 473.388, subdivision 2, is amended to read:

48.4 Subd. 2. **Replacement service; eligibility.** The council may provide assistance
48.5 under the program to a statutory or home rule charter city or town or combination thereof,
48.6 that:

48.7 (a) is located in the metropolitan transit taxing district;

48.8 (b) is not served by the council bus service or is served only with council bus routes
48.9 which begin or end within the applying city or town or combination thereof; and

48.10 (c) has fewer than four scheduled runs of council bus service during off-peak hours
48.11 as defined in section 473.408, subdivision 1 by the Metropolitan Council.

48.12 Eligible cities or towns or combinations thereof may apply on behalf of a transit
48.13 operator with whom they propose to contract for service.

48.14 The council may not provide assistance under this section to a statutory or home rule
48.15 charter city or town unless the city or town,

48.16 (i) was receiving assistance under Minnesota Statutes 1982, section 174.265₂ by
48.17 July 1, 1984,

48.18 (ii) had submitted an application for assistance under that section by July 1, 1984, or

48.19 (iii) had submitted a letter of intent to apply for assistance under that section by July
48.20 1, 1984, and submits an application for assistance under this section by July 1, 1988. A
48.21 statutory or home rule charter city or town has an additional 12-month extension if it
48.22 notified the former regional transit board before July 1, 1988, that the city or town is in the
48.23 process of completing a transportation evaluation study that includes an assessment of
48.24 the local transit needs of the city or town.

48.25 Sec. 71. Minnesota Statutes 2008, section 507.24, subdivision 2, is amended to read:

48.26 Subd. 2. **Original signatures required.** (a) Unless otherwise provided by law, an
48.27 instrument affecting real estate that is to be recorded as provided in this section or other
48.28 applicable law must contain the original signatures of the parties who execute it and of the
48.29 notary public or other officer taking an acknowledgment. However, a financing statement
48.30 that is recorded as a filing pursuant to section 336.9-502(b) need not contain: (1) the
48.31 signatures of the debtor or the secured party; or (2) an acknowledgment. An instrument
48.32 acknowledged in a representative capacity as defined in section 358.41 on behalf of a
48.33 corporation, partnership, limited liability company, or trust that is otherwise entitled to
48.34 be recorded shall be recorded if the acknowledgment made in a representative capacity

49.1 is substantially in the form prescribed in chapter 358, without further inquiry into the
49.2 authority of the person making the acknowledgment.

49.3 (b) Any electronic instruments, including signatures and seals, affecting real estate
49.4 may only be recorded in conformance with standards implemented by the Electronic Real
49.5 Estate Recording Commission created under the Minnesota Real Property Electronic
49.6 Recording Act, sections 507.0941 to 507.0948. The Electronic Real Estate Recording
49.7 Commission created under the Minnesota Real Property Electronic Recording Act may
49.8 adopt or amend standards set by the task force created in Laws 2000, chapter 391, and
49.9 the Electronic Real Estate Recording Task Force created under ~~section 507.094~~ Laws
49.10 2005, chapter 156, article 2, section 41, and may set new or additional standards to the
49.11 full extent permitted in section 507.0945. Documents recorded in conformity with the
49.12 standards created as part of a pilot project for the electronic filing of real estate documents
49.13 implemented by the task force created in Laws 2000, chapter 391, or by the Electronic
49.14 Real Estate Recording Task Force created under ~~section 507.094~~ Laws 2005, chapter 156,
49.15 article 2, section 41, are deemed to meet the requirements of this section.

49.16 (c) Notices filed pursuant to section 168A.141, subdivisions 1 and 3, need not
49.17 contain an acknowledgment.

49.18 Sec. 72. Minnesota Statutes 2008, section 508.82, subdivision 1, is amended to read:

49.19 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of
49.20 titles shall be and not exceed the following:

49.21 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3), (4),
49.22 (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury
49.23 pursuant to section 508.75 and credited to the general fund;

49.24 (2) for registering a first certificate of title, including issuing a copy of it, \$46.

49.25 Pursuant to clause (1), distribution of this fee is as follows:

49.26 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

49.27 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
49.28 subdivision ~~3~~ 4; and

49.29 (iii) \$25.50 shall be deposited in the county general fund;

49.30 (3) for registering each instrument transferring the fee simple title for which a new
49.31 certificate of title is issued and for the registration of the new certificate of title, including
49.32 a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

49.33 (i) \$12 shall be paid to the state treasury and credited to the general fund;

49.34 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
49.35 subdivision ~~3~~ 4; and

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- 50.1 (iii) \$24 shall be deposited in the county general fund;
- 50.2 (4) for the entry of each memorial on a certificate, \$46. For multiple certificate
50.3 entries, \$20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:
- 50.4 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 50.5 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
50.6 subdivision ~~3~~ 4;
- 50.7 (iii) \$24 shall be deposited in the county general fund; and
- 50.8 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;
- 50.9 (5) for issuing each residue certificate and each additional new certificate, \$40;
- 50.10 (6) for exchange certificates, \$20 for each certificate canceled and \$20 for each
50.11 new certificate issued;
- 50.12 (7) for each certificate showing condition of the register, \$50;
- 50.13 (8) for any certified copy of any instrument or writing on file or recorded in the
50.14 registrar of titles' office, \$10;
- 50.15 (9) for a noncertified copy of any certificate of title, other than the copies issued
50.16 under clauses (2) and (3), any instrument or writing on file or recorded in the office of
50.17 the registrar of titles, or any specified page or part of it, an amount as determined by the
50.18 county board for each page or fraction of a page specified. If computer or microfilm
50.19 printers are used to reproduce the instrument or writing, a like amount per image;
- 50.20 (10) for a noncertified copy of any document submitted for recording, if the original
50.21 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
50.22 or duplicate original and payment of the fee, a registrar of titles shall return it marked
50.23 "copy" or "duplicate," showing the recording date and, if available, the document number
50.24 assigned to the original;
- 50.25 (11) for filing two copies of any plat, other than a CIC plat complying with section
50.26 515B.2-110, paragraph (c), in the office of the registrar, \$56. Pursuant to clause (1),
50.27 distribution of this fee is as follows:
- 50.28 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 50.29 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
50.30 subdivision ~~3~~ 4; and
- 50.31 (iii) \$34 shall be deposited in the county general fund;
- 50.32 (12) for any other service under this chapter, such fee as the court shall determine;
- 50.33 (13) for filing any document affecting two or more units in a condominium governed
50.34 by chapter 515, \$46 for the first certificate upon which the document is registered, and for
50.35 multiple certificate entries, \$20 for each additional certificate upon which the document
50.36 is registered. For purposes of this paragraph, an amendment to the declaration of a

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51.1 condominium governed by chapter 515 and a related amendment to the condominium
51.2 floor plans shall be considered a single document, and the filing fee shall be \$56 for the
51.3 first certificate upon which the document is registered, and for multiple certificate entries,
51.4 \$20 for each additional certificate upon which the document is registered. Pursuant to
51.5 clause (1), distribution of this fee is as follows:

51.6 (i) \$12 shall be paid to the state treasury and credited to the general fund;

51.7 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
51.8 subdivision ~~3~~ 4;

51.9 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

51.10 (iv) \$20 shall be deposited in the county general fund for each multiple entry
51.11 used; and

51.12 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

51.13 (14) for issuance of a CECT pursuant to section 508.351, \$40;

51.14 (15) for filing a common interest community declaration and a CIC plat complying

51.15 with section 515B.2-110, paragraph (c); an amendment to a common interest community

51.16 declaration and a related amendment to a CIC plat complying with section 515B.2-110,

51.17 paragraph (c); or a supplemental declaration and a related supplemental CIC plat

51.18 complying with section 515B.2-110, paragraph (c), each of which related documents

51.19 shall be considered a single document, the filing fee shall be \$56 for the first certificate

51.20 upon which the document is registered, and for multiple certificate entries, \$20 for each

51.21 additional certificate upon which the document is registered. For filing any other document

51.22 affecting two or more units in a common interest community, the filing fee shall be \$46

51.23 for the first certificate upon which the document is registered, and for multiple certificate

51.24 entries, \$20 for each additional certificate upon which the document is registered. The

51.25 same fees shall apply to filing any document affecting two or more units or other parcels

51.26 subject to a master declaration. Pursuant to clause (1), distribution of this fee is as follows:

51.27 (i) \$12 shall be paid to the state treasury and credited to the general fund;

51.28 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
51.29 subdivision ~~3~~ 4;

51.30 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
51.31 complying with section 515B.2-110, subsection (c);

51.32 (iv) \$20 shall be deposited in the county general fund for each multiple entry
51.33 used; and

51.34 (v) \$34 shall be deposited in the county general fund for the filing of a condominium
51.35 or CIC plat or amendment;

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52.1 (16) for a copy of a condominium floor plan filed in accordance with chapter 515,
52.2 or a copy of a common interest community plat complying with section 515B.2-110,
52.3 subsection (c), the fee shall be \$1 for each page of the floor plan or common interest
52.4 community plat with a minimum fee of \$10;

52.5 (17) for the filing of a certified copy of a plat of the survey pursuant to section
52.6 508.23 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:

52.7 (i) \$12 shall be paid to the state treasury and credited to the general fund;

52.8 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
52.9 subdivision ~~3~~ 4; and

52.10 (iii) \$24 shall be deposited in the county general fund;

52.11 (18) for filing a registered land survey in triplicate in accordance with section
52.12 508.47, subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:

52.13 (i) \$12 shall be paid to the state treasury and credited to the general fund;

52.14 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
52.15 subdivision ~~3~~ 4; and

52.16 (iii) \$34 shall be deposited in the county general fund; and

52.17 (19) for furnishing a certified copy of a registered land survey in accordance with
52.18 section 508.47, subdivision 4, \$15.

52.19 Sec. 73. Minnesota Statutes 2008, section 508A.82, subdivision 1, is amended to read:

52.20 Subdivision 1. **Standard documents.** The fees to be charged by the registrar of
52.21 titles shall be and not exceed the following:

52.22 (1) of the fees provided herein, \$1.50 of the fees collected under clauses (2), (3),
52.23 (5), (12), (14), (16), and (19) for filing or memorializing shall be paid to the state treasury
52.24 pursuant to section 508.75 and credited to the general fund;

52.25 (2) for registering a first CPT, including issuing a copy of it, \$46. Pursuant to clause
52.26 (1), distribution of the fee is as follows:

52.27 (i) \$10.50 shall be paid to the state treasury and credited to the general fund;

52.28 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
52.29 subdivision ~~3~~ 4; and

52.30 (iii) \$25.50 shall be deposited in the county general fund;

52.31 (3) for registering each instrument transferring the fee simple title for which a
52.32 new CPT is issued and for the registration of the new CPT, including a copy of it, \$46.

52.33 Pursuant to clause (1), distribution of the fee is as follows:

52.34 (i) \$12 shall be paid to the state treasury and credited to the general fund;

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- 53.1 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
53.2 subdivision ~~3~~ 4; and
- 53.3 (iii) \$24 shall be deposited in the county general fund;
- 53.4 (4) for issuance of a CECT pursuant to section 508A.351, \$40;
- 53.5 (5) for the entry of each memorial on a CPT, \$46; for multiple certificate entries, \$20
53.6 thereafter. Pursuant to clause (1), distribution of the fee is as follows:
- 53.7 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 53.8 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
53.9 subdivision ~~3~~ 4;
- 53.10 (iii) \$24 shall be deposited in the county general fund; and
- 53.11 (iv) \$20 shall be deposited in the county general fund for each multiple entry used;
- 53.12 (6) for issuing each residue CPT, \$40;
- 53.13 (7) for exchange CPTs or combined certificates of title, \$20 for each CPT and
53.14 certificate of title canceled and \$20 for each new CPT or combined certificate of title
53.15 issued;
- 53.16 (8) for each CPT showing condition of the register, \$50;
- 53.17 (9) for any certified copy of any instrument or writing on file or recorded in the
53.18 registrar of titles' office, \$10;
- 53.19 (10) for a noncertified copy of any CPT, other than the copies issued under clauses
53.20 (2) and (3), any instrument or writing on file or recorded in the office of the registrar of
53.21 titles, or any specified page or part of it, an amount as determined by the county board for
53.22 each page or fraction of a page specified. If computer or microfilm printers are used to
53.23 reproduce the instrument or writing, a like amount per image;
- 53.24 (11) for a noncertified copy of any document submitted for recording, if the original
53.25 document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy
53.26 or duplicate original and payment of the fee, a registrar of titles shall return it marked
53.27 "copy" or "duplicate," showing the recording date and, if available, the document number
53.28 assigned to the original;
- 53.29 (12) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to
53.30 clause (1), distribution of the fee is as follows:
- 53.31 (i) \$12 shall be paid to the state treasury and credited to the general fund;
- 53.32 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
53.33 subdivision ~~3~~ 4; and
- 53.34 (iii) \$34 shall be deposited in the county general fund;
- 53.35 (13) for any other service under sections 508A.01 to 508A.85, the fee the court
53.36 shall determine;

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54.1 (14) for filing an amendment to a declaration in accordance with chapter 515, \$46
54.2 for each certificate upon which the document is registered and for multiple certificate
54.3 entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter
54.4 515. Pursuant to clause (1), distribution of the fee is as follows:

54.5 (i) \$12 shall be paid to the state treasury and credited to the general fund;

54.6 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
54.7 subdivision ~~3~~ 4;

54.8 (iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

54.9 (iv) \$20 shall be deposited in the county general fund for each multiple entry
54.10 used; and

54.11 (v) \$34 shall be deposited in the county general fund for an amended floor plan;

54.12 (15) for issuance of a CECT pursuant to section 508.351, \$40;

54.13 (16) for filing an amendment to a common interest community declaration, including
54.14 a supplemental declaration, and plat or amendment complying with section 515B.2-110,
54.15 subsection (c), and issuing a CECT if required, \$46 for each certificate upon which the
54.16 document is registered and for multiple certificate entries, \$20 thereafter; \$56 for the filing
54.17 of the condominium or common interest community plat or amendment. See section
54.18 515B.1-116 for special requirement relating to a common interest community. Pursuant to
54.19 clause (1), distribution of the fee is as follows:

54.20 (i) \$12 shall be paid to the state treasury and credited to the general fund;

54.21 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
54.22 subdivision ~~3~~ 4;

54.23 (iii) \$24 shall be deposited in the county general fund for the filing of an amendment
54.24 complying with section 515B.2-110, subsection (c);

54.25 (iv) \$20 shall be deposited in the county general fund for each multiple entry
54.26 used; and

54.27 (v) \$34 shall be deposited in the county general fund for the filing of a condominium
54.28 or CIC plat or amendment;

54.29 (17) for a copy of a condominium floor plan filed in accordance with chapter 515,
54.30 or a copy of a common interest community plat complying with section 515B.2-110,
54.31 subsection (c), the fee shall be \$1 for each page of the floor plan, or common interest
54.32 community plat with a minimum fee of \$10;

54.33 (18) in counties in which the compensation of the examiner of titles is paid in
54.34 the same manner as the compensation of other county employees, for each parcel of
54.35 land contained in the application for a CPT, as the number of parcels is determined by
54.36 the examiner, a fee which is reasonable and which reflects the actual cost to the county,

55.1 established by the board of county commissioners of the county in which the land is
55.2 located;

55.3 (19) for filing a registered land survey in triplicate in accordance with section
55.4 508A.47, subdivision 4, \$56. Pursuant to clause (1), distribution of the fee is as follows:

55.5 (i) \$12 shall be paid to the state treasury and credited to the general fund;

55.6 (ii) \$10 shall be deposited in the technology fund pursuant to section 357.18,
55.7 subdivision ~~3~~ 4; and

55.8 (iii) \$34 shall be deposited in the county general fund; and

55.9 (20) for furnishing a certified copy of a registered land survey in accordance with
55.10 section 508A.47, subdivision 4, \$15.

55.11 Sec. 74. Minnesota Statutes 2008, section 524.3-303, is amended to read:

55.12 **524.3-303 INFORMAL PROBATE; PROOF AND FINDINGS REQUIRED.**

55.13 (a) In an informal proceeding for original probate of a will, the registrar shall
55.14 determine whether:

55.15 (1) the application is complete;

55.16 (2) the applicant has made oath or affirmation that the statements contained in the
55.17 application are true to the best of the applicant's knowledge and belief;

55.18 (3) the applicant appears from the application to be an interested person as defined in
55.19 section 524.1-201, clause ~~(19)~~ (24);

55.20 (4) on the basis of the statements in the application, venue is proper;

55.21 (5) an original, duly executed and apparently unrevoked will is in the registrar's
55.22 possession;

55.23 (6) any notice required by section 524.3-204 has been given; and

55.24 (7) it appears from the application that the time limit for original probate has not
55.25 expired.

55.26 (b) The application shall be denied if it indicates that a personal representative has
55.27 been appointed in another county of this state or except as provided in subsection (d), if
55.28 it appears that this or another will of the decedent has been the subject of a previous
55.29 probate order.

55.30 (c) A will which appears to have the required signatures and which contains an
55.31 attestation clause showing that requirements of execution under section 524.2-502 or
55.32 524.2-506 have been met shall be probated without further proof. In other cases, the
55.33 registrar may assume execution if the will appears to have been properly executed, or the
55.34 registrar may accept a sworn statement or affidavit of any person having knowledge of the
55.35 circumstances of execution, whether or not the person was a witness to the will.

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56.1 (d) Informal probate of a will which has been previously probated elsewhere may
56.2 be granted at any time upon written application by any interested person, together with
56.3 deposit of an authenticated copy of the will and of the statement probating it from the
56.4 office or court where it was first probated.

56.5 (e) A will from a place which does not provide for probate of a will after death and
56.6 which is not eligible for probate under subsection (a), may be probated in this state upon
56.7 receipt by the registrar of a duly authenticated copy of the will and a duly authenticated
56.8 certificate of its legal custodian that the copy filed is a true copy and that the will has
56.9 become operative under the law of the other place.

56.10 Sec. 75. Minnesota Statutes 2008, section 524.3-308, is amended to read:

56.11 **524.3-308 INFORMAL APPOINTMENT PROCEEDINGS; PROOF AND**
56.12 **FINDINGS REQUIRED.**

56.13 (a) In informal appointment proceedings, the registrar must determine whether:

56.14 (1) the application for informal appointment of a personal representative is complete;

56.15 (2) the applicant has made oath or affirmation that the statements contained in the
56.16 application are true to the best of the applicant's knowledge and belief;

56.17 (3) the applicant appears from the application to be an interested person as defined in
56.18 section 524.1-201, clause ~~(19)~~ (24);

56.19 (4) on the basis of the statements in the application, venue is proper;

56.20 (5) any will to which the requested appointment relates has been formally or
56.21 informally probated; but this requirement does not apply to the appointment of a special
56.22 administrator;

56.23 (6) any notice required by section 524.3-204 has been given;

56.24 (7) from the statements in the application, the person whose appointment is sought
56.25 has a priority entitlement to the appointment.

56.26 (b) Unless section 524.3-612 controls, the application must be denied if it indicates
56.27 that a personal representative who has not filed a written statement of resignation as
56.28 provided in section 524.3-610(c) has been appointed in this or another county of this state,
56.29 that, unless the applicant is the domiciliary personal representative or the representative's
56.30 nominee, the decedent was not domiciled in this state and that a personal representative
56.31 whose appointment has not been terminated has been appointed by a court in the state of
56.32 domicile, or that other requirements of this section have not been met.

56.33 Sec. 76. Minnesota Statutes 2008, section 524.8-103, is amended to read:

56.34 **524.8-103 EARLY EFFECTIVE DATE.**

57.1 Notwithstanding section 524.8-101, the provisions of Laws 1974, chapter 442
57.2 relating to bonds found at sections 524.3-603 to 524.3-606 and Laws 1974, chapter 442,
57.3 article 9, and that portion of Laws 1974, chapter 442, article 8, section 524.8-102, which
57.4 repeals Minnesota Statutes 1971, sections 525.32 to 525.324, are effective August 1, 1974.

57.5 Sec. 77. Minnesota Statutes 2008, section 541.023, subdivision 6, is amended to read:

57.6 Subd. 6. **Limitations; certain titles not affected.** This section shall not affect any
57.7 rights of the federal government; nor increase the effect as notice, actual or constructive, of
57.8 any instrument now of record; nor bar the rights of any person, partnership, or corporation
57.9 in possession of real estate. This section shall not impair the record title or record interest,
57.10 or title obtained by or through any congressional or legislative grant, of any railroad
57.11 corporation or other public service corporation or any trustee or receiver thereof or of any
57.12 educational or religious corporation in any real estate by reason of any failure to record
57.13 further evidence of such title or interest even though the record thereof is now or hereafter
57.14 more than 40 years old; nor shall this section require the recording of any notice as
57.15 provided for in this ~~act~~ section as to any undischarged mortgage or deed of trust executed
57.16 by any such corporation or any trustee or receiver thereof or to any claim or action founded
57.17 upon any such undischarged mortgage or deed of trust. The exceptions of this subdivision
57.18 shall not include (1) reservations or exceptions of land for right-of-way or other railroad
57.19 purposes contained in deeds of conveyance made by a railroad company or by trustees or
57.20 receivers thereof, unless said reserved or excepted land shall have been put to railroad use
57.21 within 40 years after the date of said deeds of conveyance, (2) nor any rights under any
57.22 conditions subsequent or restrictions contained in any such deeds of conveyance.

57.23 Sec. 78. Minnesota Statutes 2008, section 600.24, is amended to read:

57.24 **600.24 FINDING OF PRESUMED DEATH UNDER FEDERAL MISSING**
57.25 **PERSONS ACT.**

57.26 A written finding of presumed death, made by the Secretary of ~~War, the Secretary~~
57.27 ~~of the Navy, Defense~~ or other officer or employee of the United States authorized to
57.28 make such finding, pursuant to the following provisions of the Federal Missing Persons
57.29 Act (~~Statutes at Large, volume 56, pages 143, 1092, and Statutes at Large, volume 58,~~
57.30 ~~page 679~~, United States Code Annotated, Supplement, title 50, section 1001-17), title
57.31 5, section 5565; United States Code, title 10, section 1507; and United States Code, title
57.32 37, section 555, as now or hereafter amended, or a duly certified copy of such finding,
57.33 shall be received in any court, office or other place in this state as prima facie evidence

58.1 of the death of the person therein found to be dead, and the date, circumstances and
58.2 place of disappearance.

58.3 Sec. 79. Minnesota Statutes 2008, section 609.75, subdivision 1, is amended to read:

58.4 Subdivision 1. **Lottery.** (a) A lottery is a plan which provides for the distribution
58.5 of money, property or other reward or benefit to persons selected by chance from among
58.6 participants some or all of whom have given a consideration for the chance of being
58.7 selected. A participant's payment for use of a 900 telephone number or another means of
58.8 communication that results in payment to the sponsor of the plan constitutes consideration
58.9 under this paragraph.

58.10 (b) An in-package chance promotion is not a lottery if all of the following are met:

58.11 (1) participation is available, free and without purchase of the package, from the
58.12 retailer or by mail or toll-free telephone request to the sponsor for entry or for a game piece;

58.13 (2) the label of the promotional package and any related advertising clearly states
58.14 any method of participation and the scheduled termination date of the promotion;

58.15 (3) the sponsor on request provides a retailer with a supply of entry forms or game
58.16 pieces adequate to permit free participation in the promotion by the retailer's customers;

58.17 (4) the sponsor does not misrepresent a participant's chances of winning any prize;

58.18 (5) the sponsor randomly distributes all game pieces and maintains records of
58.19 random distribution for at least one year after the termination date of the promotion;

58.20 (6) all prizes are randomly awarded if game pieces are not used in the promotion; and

58.21 (7) the sponsor provides on request of a state agency a record of the names and
58.22 addresses of all winners of prizes valued at \$100 or more, if the request is made within
58.23 one year after the termination date of the promotion.

58.24 (c) Except as provided by section ~~349.40~~ 299L.07, acts in this state in furtherance of
58.25 a lottery conducted outside of this state are included notwithstanding its validity where
58.26 conducted.

58.27 (d) The distribution of property, or other reward or benefit by an employer to persons
58.28 selected by chance from among participants, all of whom:

58.29 (1) have made a contribution through a payroll or pension deduction campaign to a
58.30 registered combined charitable organization, within the meaning of section 43A.50; or

58.31 (2) have paid other consideration to the employer entirely for the benefit of such
58.32 a registered combined charitable organization, as a precondition to the chance of being
58.33 selected, is not a lottery if:

58.34 (i) all of the persons eligible to be selected are employed by or retirees of the
58.35 employer; and

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59.1 (ii) the cost of the property or other reward or benefit distributed and all costs
59.2 associated with the distribution are borne by the employer.

59.3 Sec. 80. Minnesota Statutes 2008, section 609.76, subdivision 1, is amended to read:

59.4 Subdivision 1. **Gross misdemeanors.** Whoever does any of the following may be
59.5 sentenced to imprisonment for not more than one year or to payment of a fine of not
59.6 more than \$3,000, or both:

59.7 (1) maintains or operates a gambling place or operates a bucket shop;

59.8 (2) intentionally participates in the income of a gambling place or bucket shop;

59.9 (3) conducts a lottery, or, with intent to conduct a lottery, possesses facilities for
59.10 doing so;

59.11 (4) sets up for use for the purpose of gambling, or collects the proceeds of, any
59.12 gambling device or bucket shop;

59.13 (5) except as provided in section 299L.07, manufactures, sells, offers for sale, or
59.14 otherwise provides, in whole or any part thereof, any gambling device including those
59.15 defined in section 349.30, subdivision 2;

59.16 (6) with intent that it be so used, manufactures, sells, or offers for sale any facility
59.17 for conducting a lottery, except as provided by section ~~349.40~~ 299L.07; or

59.18 (7) receives, records, or forwards bets or offers to bet or, with intent to receive,
59.19 record, or forward bets or offers to bet, possesses facilities to do so.

59.20 Sec. 81. Minnesota Statutes 2008, section 609.762, subdivision 1, is amended to read:

59.21 Subdivision 1. **Forfeiture.** The following are subject to forfeiture:

59.22 (1) devices used or intended for use, including those defined in section 349.30,
59.23 subdivision 2, as a gambling device, except as authorized in sections 299L.07 and 349.11
59.24 to 349.23 ~~and 349.40~~;

59.25 (2) all moneys, materials, and other property used or intended for use as payment to
59.26 participate in gambling or a prize or receipt for gambling;

59.27 (3) books, records, and research products and materials, including formulas,
59.28 microfilm, tapes, and data used or intended for use in gambling; and

59.29 (4) property used or intended to be used to illegally influence the outcome of a
59.30 horse race.

59.31 Sec. 82. Minnesota Statutes 2008, section 624.731, subdivision 3, is amended to read:

59.32 Subd. 3. **Prohibited possession; use.** (a) No person under the age of 16 may
59.33 possess or use an authorized tear gas compound except by written permission of a

60.1 parent or guardian, and no person under the age of 18 may possess or use an electronic
60.2 incapacitation device.

60.3 (b) No person prohibited from possessing a pistol pursuant to section 624.713,
60.4 subdivision 1, clause ~~(b)~~ (2), may possess or use an authorized tear gas compound or an
60.5 electronic incapacitation device.

60.6 (c) No person prohibited from possessing a pistol pursuant to section 624.713,
60.7 subdivision 1, clauses ~~(c) to (e)~~ (3) to (5), may possess or use an authorized tear gas
60.8 compound or an electronic incapacitation device, except that the certificate or other proof
60.9 required for possession of a handgun shall not apply.

60.10 (d) No person shall possess or use tear gas or a tear gas compound other than an
60.11 authorized tear gas compound.

60.12 Sec. 83. Minnesota Statutes 2008, section 626.556, subdivision 2, is amended to read:

60.13 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
60.14 given them unless the specific content indicates otherwise:

60.15 (a) "Family assessment" means a comprehensive assessment of child safety, risk
60.16 of subsequent child maltreatment, and family strengths and needs that is applied to a
60.17 child maltreatment report that does not allege substantial child endangerment. Family
60.18 assessment does not include a determination as to whether child maltreatment occurred
60.19 but does determine the need for services to address the safety of family members and the
60.20 risk of subsequent maltreatment.

60.21 (b) "Investigation" means fact gathering related to the current safety of a child
60.22 and the risk of subsequent maltreatment that determines whether child maltreatment
60.23 occurred and whether child protective services are needed. An investigation must be used
60.24 when reports involve substantial child endangerment, and for reports of maltreatment in
60.25 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
60.26 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
60.27 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
60.28 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

60.29 (c) "Substantial child endangerment" means a person responsible for a child's care,
60.30 and in the case of sexual abuse includes a person who has a significant relationship to the
60.31 child as defined in section 609.341, or a person in a position of authority as defined in
60.32 section 609.341, who by act or omission commits or attempts to commit an act against a
60.33 child under their care that constitutes any of the following:

60.34 (1) egregious harm as defined in section 260C.007, subdivision 14;

60.35 (2) sexual abuse as defined in paragraph (d);

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61.1 (3) abandonment under section 260C.301, subdivision 2;

61.2 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the
61.3 child's physical or mental health, including a growth delay, which may be referred to as
61.4 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

61.5 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
61.6 609.195;

61.7 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

61.8 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
61.9 609.223;

61.10 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

61.11 (9) criminal sexual conduct under sections 609.342 to 609.3451;

61.12 (10) solicitation of children to engage in sexual conduct under section 609.352;

61.13 (11) malicious punishment or neglect or endangerment of a child under section
61.14 609.377 or 609.378;

61.15 (12) use of a minor in sexual performance under section 617.246; or

61.16 (13) parental behavior, status, or condition which mandates that the county attorney
61.17 file a termination of parental rights petition under section 260C.301, subdivision 3,
61.18 paragraph (a).

61.19 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
61.20 child's care, by a person who has a significant relationship to the child, as defined in
61.21 section 609.341, or by a person in a position of authority, as defined in section 609.341,
61.22 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
61.23 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
61.24 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
61.25 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
61.26 abuse also includes any act which involves a minor which constitutes a violation of
61.27 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
61.28 threatened sexual abuse.

61.29 (e) "Person responsible for the child's care" means (1) an individual functioning
61.30 within the family unit and having responsibilities for the care of the child such as a
61.31 parent, guardian, or other person having similar care responsibilities, or (2) an individual
61.32 functioning outside the family unit and having responsibilities for the care of the child
61.33 such as a teacher, school administrator, other school employees or agents, or other lawful
61.34 custodian of a child having either full-time or short-term care responsibilities including,
61.35 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
61.36 and coaching.

62.1 (f) "Neglect" means:

62.2 (1) failure by a person responsible for a child's care to supply a child with necessary
62.3 food, clothing, shelter, health, medical, or other care required for the child's physical or
62.4 mental health when reasonably able to do so;

62.5 (2) failure to protect a child from conditions or actions that seriously endanger the
62.6 child's physical or mental health when reasonably able to do so, including a growth delay,
62.7 which may be referred to as a failure to thrive, that has been diagnosed by a physician and
62.8 is due to parental neglect;

62.9 (3) failure to provide for necessary supervision or child care arrangements
62.10 appropriate for a child after considering factors as the child's age, mental ability, physical
62.11 condition, length of absence, or environment, when the child is unable to care for the
62.12 child's own basic needs or safety, or the basic needs or safety of another child in their care;

62.13 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
62.14 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
62.15 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

62.16 (5) nothing in this section shall be construed to mean that a child is neglected solely
62.17 because the child's parent, guardian, or other person responsible for the child's care in
62.18 good faith selects and depends upon spiritual means or prayer for treatment or care of
62.19 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
62.20 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
62.21 if a lack of medical care may cause serious danger to the child's health. This section does
62.22 not impose upon persons, not otherwise legally responsible for providing a child with
62.23 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

62.24 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
62.25 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
62.26 symptoms in the child at birth, results of a toxicology test performed on the mother at
62.27 delivery or the child at birth, or medical effects or developmental delays during the child's
62.28 first year of life that medically indicate prenatal exposure to a controlled substance;

62.29 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

62.30 (8) chronic and severe use of alcohol or a controlled substance by a parent or
62.31 person responsible for the care of the child that adversely affects the child's basic needs
62.32 and safety; or

62.33 (9) emotional harm from a pattern of behavior which contributes to impaired
62.34 emotional functioning of the child which may be demonstrated by a substantial and
62.35 observable effect in the child's behavior, emotional response, or cognition that is not

63.1 within the normal range for the child's age and stage of development, with due regard to
63.2 the child's culture.

63.3 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
63.4 inflicted by a person responsible for the child's care on a child other than by accidental
63.5 means, or any physical or mental injury that cannot reasonably be explained by the child's
63.6 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
63.7 that have not been authorized under section 121A.67 or 245.825.

63.8 Abuse does not include reasonable and moderate physical discipline of a child
63.9 administered by a parent or legal guardian which does not result in an injury. Abuse does
63.10 not include the use of reasonable force by a teacher, principal, or school employee as
63.11 allowed by section 121A.582. Actions which are not reasonable and moderate include,
63.12 but are not limited to, any of the following that are done in anger or without regard to the
63.13 safety of the child:

63.14 (1) throwing, kicking, burning, biting, or cutting a child;

63.15 (2) striking a child with a closed fist;

63.16 (3) shaking a child under age three;

63.17 (4) striking or other actions which result in any nonaccidental injury to a child
63.18 under 18 months of age;

63.19 (5) unreasonable interference with a child's breathing;

63.20 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

63.21 (7) striking a child under age one on the face or head;

63.22 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
63.23 substances which were not prescribed for the child by a practitioner, in order to control or
63.24 punish the child; or other substances that substantially affect the child's behavior, motor
63.25 coordination, or judgment or that results in sickness or internal injury, or subjects the
63.26 child to medical procedures that would be unnecessary if the child were not exposed
63.27 to the substances;

63.28 (9) unreasonable physical confinement or restraint not permitted under section
63.29 609.379, including but not limited to tying, caging, or chaining; or

63.30 (10) in a school facility or school zone, an act by a person responsible for the child's
63.31 care that is a violation under section 121A.58.

63.32 (h) "Report" means any report received by the local welfare agency, police
63.33 department, county sheriff, or agency responsible for assessing or investigating
63.34 maltreatment pursuant to this section.

63.35 (i) "Facility" means:

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64.1 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
64.2 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
64.3 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

64.4 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
64.5 124D.10; or

64.6 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
64.7 subdivision 16, and 256B.0625, subdivision 19a.

64.8 (j) "Operator" means an operator or agency as defined in section 245A.02.

64.9 (k) "Commissioner" means the commissioner of human services.

64.10 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
64.11 not limited to employee assistance counseling and the provision of guardian ad litem and
64.12 parenting time expeditor services.

64.13 (m) "Mental injury" means an injury to the psychological capacity or emotional
64.14 stability of a child as evidenced by an observable or substantial impairment in the child's
64.15 ability to function within a normal range of performance and behavior with due regard to
64.16 the child's culture.

64.17 (n) "Threatened injury" means a statement, overt act, condition, or status that
64.18 represents a substantial risk of physical or sexual abuse or mental injury. Threatened
64.19 injury includes, but is not limited to, exposing a child to a person responsible for the
64.20 child's care, as defined in paragraph (e), clause (1), who has:

64.21 (1) subjected a child to, or failed to protect a child from, an overt act or condition
64.22 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
64.23 similar law of another jurisdiction;

64.24 (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause
64.25 (4), or a similar law of another jurisdiction;

64.26 (3) committed an act that has resulted in an involuntary termination of parental rights
64.27 under section 260C.301, or a similar law of another jurisdiction; or

64.28 (4) committed an act that has resulted in the involuntary transfer of permanent legal
64.29 and physical custody of a child to a relative under section 260C.201, subdivision 11,
64.30 paragraph (d), clause (1), or a similar law of another jurisdiction.

64.31 (o) Persons who conduct assessments or investigations under this section shall take
64.32 into account accepted child-rearing practices of the culture in which a child participates
64.33 and accepted teacher discipline practices, which are not injurious to the child's health,
64.34 welfare, and safety.

64.35 (p) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
64.36 occurrence or event which:

65.1 (1) is not likely to occur and could not have been prevented by exercise of due
65.2 care; and

65.3 (2) if occurring while a child is receiving services from a facility, happens when the
65.4 facility and the employee or person providing services in the facility are in compliance
65.5 with the laws and rules relevant to the occurrence ~~of~~ or event.

65.6 Sec. 84. Laws 2001, First Special Session chapter 5, article 3, section 50, the effective
65.7 date, is amended to read:

65.8 **EFFECTIVE DATE.** Clause (22) of this section is effective for taxes levied in
65.9 2002, payable in 2003, through taxes levied in ~~2007~~ 2011, payable in ~~2008~~ 2012. Clause
65.10 (23) of this section is effective for taxes levied in 2001, payable in 2002, and thereafter.

65.11 Sec. 85. Laws 2008, chapter 344, section 56, is amended to read:

65.12 Sec. 56. **REPEALER.**

65.13 (a) Minnesota Statutes 2006, sections 62A.149, subdivision 2; and 65B.29, are
65.14 repealed.

65.15 (b) Laws 2006, chapter 255, section ~~26~~ 56, is repealed.

65.16 **EFFECTIVE DATE; REVIVAL.** This section is effective retroactively from
65.17 August 1, 2008, and Laws 2006, chapter 255, section 26, codified as Minnesota Statutes,
65.18 section 62J.83, is revived as of that date.

65.19 Sec. 86. **REVISOR'S INSTRUCTION; "EMPLOYMENT AND ECONOMIC**
65.20 **DEVELOPMENT."**

65.21 The revisor of statutes shall substitute "employment and economic development"
65.22 for "economic security" where the reference refers to the department or commissioner in
65.23 Minnesota Statutes, sections 116J.0124; 116L.88; 116L.96; 245.491; 245A.03; 256C.233;
65.24 and 474A.045.

65.25 Sec. 87. **REPEALERS; OBSOLETE PROVISIONS; STATUTORY CONFLICTS.**

65.26 Subdivision 1. **Child labor exemptions; conflict.** Laws 2003, chapter 26, is
65.27 repealed.

65.28 Subd. 2. **Housing bond credit program; conflict.** Laws 2005, chapter 152, article
65.29 1, section 18, is repealed.

65.30 Subd. 3. **State Board of Investment data.** Laws 2005, chapter 163, section 2, is
65.31 repealed.

66.1 Subd. 4. **Coroner; arrest warrants.** Laws 2006, chapter 260, article 5, section
66.2 11, is repealed.

66.3 Subd. 5. **Actuarial valuations.** Laws 2008, chapter 204, section 41, is repealed.

66.4 Subd. 6. **Biodiesel fuel.** Laws 2008, chapter 281, section 6, is repealed.

66.5 Subd. 7. **Gasoline blended with ethanol.** Laws 2008, chapter 281, section 12, is
66.6 repealed.

66.7 Subd. 8. **Registration tax; concrete pumpers.** Laws 2008, chapter 287, article
66.8 1, section 21, is repealed.

66.9 Subd. 9. **Spotter trucks; regulations.** Laws 2008, chapter 366, article 9, section
66.10 7, is repealed.

66.11 Subd. 10. **Foreign operating corporation.** Laws 2008, chapter 366, article 12,
66.12 section 2, is repealed.

66.13 **ARTICLE 2**

66.14 **DATA PRACTICES**

66.15 Section 1. Minnesota Statutes 2008, section 13.202, subdivision 3, is amended to read:

66.16 Subd. 3. **Hennepin County.** (a) Data collected by the Hennepin Healthcare System,
66.17 Inc. are governed under section 383B.17, subdivision 1.

66.18 (b) Records of Hennepin County board meetings permitted to be closed under
66.19 section 383B.217, subdivision 7, are classified under that subdivision.

66.20 Sec. 2. Minnesota Statutes 2008, section 13.4967, is amended by adding a subdivision
66.21 to read:

66.22 Subd. 2c. **Senior citizens' property tax deferral program data.** Certain income
66.23 data collected and maintained by the Department of Revenue from an application to the
66.24 senior citizens' property tax deferral program is classified under section 290B.04.

66.25 Sec. 3. Minnesota Statutes 2008, section 13.4967, is amended by adding a subdivision
66.26 to read:

66.27 Subd. 6a. **Iron Range resources and rehabilitation data.** Data collected by the
66.28 commissioner of Iron Range resources and rehabilitation from an application filed under
66.29 section 298.22 are classified under section 298.22, subdivision 12.

66.30 Sec. 4. Minnesota Statutes 2008, section 13.681, is amended by adding a subdivision
66.31 to read:

67.1 Subd. 7. **Business energy use accountability data.** Certain data provided by
67.2 a business for business energy use accountability is classified under section 216C.44,
67.3 subdivision 5.

67.4 Sec. 5. Minnesota Statutes 2008, section 13.871, subdivision 6, is amended to read:

67.5 **Subd. 6. Training; investigation; apprehension; reports.** (a) **Reports of gunshot**
67.6 **wounds.** Disclosure of the name of a person making a report under section 626.52,
67.7 subdivision 2, is governed by section 626.53.

67.8 (b) **Child abuse report records.** Data contained in child abuse report records are
67.9 classified under section 626.556.

67.10 (c) **Interstate data exchange.** Disclosure of child abuse reports to agencies of
67.11 another state is classified under section 626.556, subdivision 10g.

67.12 (d) **Release to family court services.** Release of child abuse data to a court services
67.13 agency is authorized under section 626.556, subdivision 10h.

67.14 (e) **Release of data to mandated reporters.** Release of child abuse data to mandated
67.15 reporters who have an ongoing responsibility for the health, education, or welfare of a
67.16 child affected by the data is authorized under section 626.556, subdivision 10j.

67.17 (f) **Release of child abuse investigative records to other counties.** Release of
67.18 child abuse investigative records to local welfare agencies is authorized under section
67.19 626.556, subdivision 10k.

67.20 (g) **Classifying and sharing records and reports of child abuse.** The classification
67.21 of child abuse data and the sharing of records and reports of child abuse by and between
67.22 local welfare agencies and law enforcement agencies are governed under section 626.556,
67.23 subdivision 11.

67.24 (h) **Disclosure of information not required in certain cases.** Disclosure of certain
67.25 data obtained from interviewing a minor is governed by section 626.556, subdivision 11a.

67.26 (i) **Data received from law enforcement.** Classifying child abuse data received
67.27 by certain agencies from law enforcement agencies is governed under section 626.556,
67.28 subdivision 11b.

67.29 (j) **Disclosure in child fatality cases.** Disclosure of information relating to a child
67.30 fatality is governed under section 626.556, subdivision 11d.

67.31 (k) **Reports of prenatal exposure to controlled substances.** Data on persons
67.32 making reports under section 626.5561 are classified under section 626.5561, subdivision
67.33 3.

67.34 (l) **Vulnerable adult report records.** Data contained in vulnerable adult report
67.35 records are classified under section 626.557, subdivision 12b.

68.1 (m) **Adult protection team information sharing.** Sharing of local welfare agency
68.2 vulnerable adult data with a protection team is governed by section 626.5571, subdivision
68.3 3.

68.4 (n) **Child protection team.** Data acquired by a case consultation committee or
68.5 subcommittee of a child protection team are classified by section 626.558, subdivision 3.

68.6 (o) **Child maltreatment reports peer review panel.** Sharing data of cases reviewed
68.7 by the panel is governed under section 626.5593, subdivision 2.

68.8 (p) **Peace officer discipline procedures.** Access by an officer under investigation
68.9 to the investigating agency's investigative report on the officer is governed by section
68.10 626.89, subdivision 6.

68.11 (q) **Racial profiling study data.** Racial profiling study data is governed by
68.12 Minnesota Statutes 2006, section 626.951.

68.13 Sec. 6. **REVISOR'S INSTRUCTION.**

68.14 The revisor of statutes shall renumber Minnesota Statutes, section 13.7931,
68.15 subdivision 5, as Minnesota Statutes, section 13.7932. The revisor shall make necessary
68.16 cross-reference changes consistent with the renumbering.

APPENDIX
Article locations in 09-1618

ARTICLE 1 GENERAL CORRECTIONS AND CONFLICT RESOLUTIONS Page.Ln 2.1
ARTICLE 2 DATA PRACTICES Page.Ln 66.13