

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **972**

02/28/2013 Authored by Yarusso and Scott

The bill was read for the first time and referred to the Committee on Civil Law

03/20/2013 Adoption of Report: Pass as Amended and Read Second Time

## A bill for an act

relating to legislative enactments; correcting erroneous, ambiguous, and omitted text and obsolete references; removing redundant, conflicting, and superseded provisions; making miscellaneous corrections to laws, statutes, and rules; amending Minnesota Statutes 2012, sections 13.08, subdivision 4; 13.3806, by adding a subdivision; 13.383, subdivision 11a; 13.461, subdivision 2; 13.7191, subdivision 14; 13.7905, by adding a subdivision; 13.7931, by adding a subdivision; 13.82, subdivision 5; 13B.06, subdivisions 4, 7; 13B.07, subdivision 7; 14.57; 14.63; 15A.0815, subdivision 1; 15B.155, subdivision 4; 16A.727; 16A.965, subdivision 2; 28.04; 28A.0752, subdivision 1; 28A.085, subdivision 1; 29.21, subdivision 1; 29.22, subdivision 5; 31.02; 31.095; 31.15; 31.51, subdivision 1; 31.56, subdivision 1; 31.59, subdivision 1; 31.632; 31.671; 82.67, subdivision 1; 116.182, subdivision 5; 124D.111, subdivision 1; 126C.05, subdivision 15; 144.10; 144.125, subdivision 7; 144.56, subdivision 2; 148.65, subdivision 4; 148.741; 148B.591; 148D.061, subdivision 1; 150A.06, subdivision 2c; 169.011, by adding a subdivision; 216B.16, subdivision 6b; 216B.164, subdivision 9; 232.20; 232.21, subdivision 1; 232.24; 243.1606, subdivision 1; 245D.03, subdivision 2; 252.27, subdivision 2a; 256B.055, subdivision 1; 256B.0595, subdivision 4; 256J.21, subdivision 2; 256J.24, subdivision 3; 257.0755, subdivision 3; 257.0769, subdivision 1; 259.22, subdivision 4; 259.35, subdivision 1; 259.85, subdivision 1; 260C.007, subdivisions 6, 8; 260C.178, subdivision 1; 260C.503, subdivision 2; 272.488, subdivision 2; 275.066; 297E.021, subdivision 4; 299A.642, subdivision 4; 299A.78, subdivision 1; 299L.02, by adding a subdivision; 308A.931, subdivision 2; 336.9-313; 360.046, subdivision 1; 383A.13, subdivision 4; 390.32, subdivision 9; 463.04; 465.05; 469.169, subdivisions 12, 14, 15, 16, 17, 18; 469.1763, subdivision 2; 471.982, subdivision 3; 473J.14; 504B.285, subdivision 1c; 518B.02, subdivision 3; 524.3-803; 580.041, subdivision 2a; 609.233, subdivision 1a; 609B.445; 611A.02, subdivisions 2, 3; 611A.201, subdivisions 1, 2, 5; 611A.37, subdivisions 2, 3; 611A.373; 611A.46; 611A.77, subdivisions 1, 2, 3; 626.556, subdivision 2; 626.9517, subdivision 1; 629.341, subdivision 4; Laws 2010, chapter 375, section 11; Laws 2012, chapter 199, section 6; Laws 2012, chapter 293, section 13, subdivision 3; repealing Minnesota Statutes 2012, sections 2.031, subdivision 2; 2.444; 2.484; 13.717, subdivisions 6, 7; 260C.301, subdivision 3; 325E.3161; 473.618; Laws 2007, chapter 85, section 3; Laws 2012, chapter 216, article 9, section 4; Minnesota Rules, part 7200.0100, subpart 3a.

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

**ARTICLE 1****MISCELLANEOUS CORRECTIONS**

Section 1. Minnesota Statutes 2012, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

(1) designated a responsible authority under section 13.02, subdivision 16;

(2) designated a data practices compliance official under section 13.05, subdivision 13;

(3) prepared the ~~public document~~ data inventory that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section ~~13.05~~ 13.025, subdivision 1;

(4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

(5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 2. Minnesota Statutes 2012, section 13.82, subdivision 5, is amended to read:

Subd. 5. **Domestic abuse data.** The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 6 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to the victim of domestic abuse, the victim's attorney, or an organization designated by ~~the Minnesota Center for Crime Victims Services, the Department of Corrections, or the~~ Office of Justice Programs in the Department of Public Safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the Advisory Council on Battered Women and Domestic Abuse.

Sec. 3. Minnesota Statutes 2012, section 13B.06, subdivision 4, is amended to read:

Subd. 4. **Method to provide data.** To comply with the requirements of this section, a financial institution may either:

(1) provide to the public authority a list containing only the names and other necessary personal identifying information of all account holders for the public authority to compare against its list of child support obligors for the purpose of identifying which obligors maintain an account at the financial institution; the names of the obligors who maintain an account at the institution shall then be transmitted to the financial institution which shall provide the public authority with account information on those obligors; or

(2) obtain a list of child support obligors from the public authority and compare that data to the data maintained at the financial institution to identify which of the identified obligors maintains an account at the financial institution.

4.1 A financial institution shall elect either method in writing upon written request of the  
4.2 public authority, and the election remains in effect unless the public authority agrees in  
4.3 writing to a change.

4.4 ~~The commissioner shall keep track of the number of financial institutions that elect~~  
4.5 ~~to report under clauses (1) and (2) respectively and shall report this information to the~~  
4.6 ~~legislature by December 1, 1999.~~

4.7 Sec. 4. Minnesota Statutes 2012, section 13B.06, subdivision 7, is amended to read:

4.8 Subd. 7. **Fees.** A financial institution may charge and collect a fee from the public  
4.9 authority for providing account information to the public authority. The commissioner  
4.10 may pay a financial institution up to \$150 each quarter if the commissioner and the  
4.11 financial institution have entered into a signed agreement that complies with federal law.  
4.12 The commissioner shall develop procedures for the financial institutions to charge and  
4.13 collect the fee. Payment of the fee is limited by the amount of the appropriation for this  
4.14 purpose. If the appropriation is insufficient, or if fund availability in the fourth quarter  
4.15 would allow payments for actual costs in excess of \$150, the commissioner shall prorate  
4.16 the available funds among the financial institutions that have submitted a claim for the  
4.17 fee. No financial institution shall charge or collect a fee that exceeds its actual costs  
4.18 of complying with this section. ~~The commissioner, together with an advisory group~~  
4.19 ~~consisting of representatives of the financial institutions in the state, shall evaluate whether~~  
4.20 ~~the fee paid to financial institutions compensates them for their actual costs, including~~  
4.21 ~~start-up costs, of complying with this section and shall submit a report to the legislature by~~  
4.22 ~~July 1, 2002, with a recommendation for retaining or modifying the fee.~~

4.23 Sec. 5. Minnesota Statutes 2012, section 13B.07, subdivision 7, is amended to read:

4.24 Subd. 7. **Fees.** A financial institution may charge and collect a fee from the  
4.25 commissioner for providing account information to the commissioner. The commissioner  
4.26 may pay a financial institution up to \$150 each quarter. The commissioner shall develop  
4.27 procedures for the financial institutions to charge and collect the fee. Payment of the fee  
4.28 is limited by the amount of the appropriation for this purpose. If the appropriation is  
4.29 insufficient, or if fund availability in the fourth quarter would allow payments for actual  
4.30 costs in excess of \$150, the commissioner shall prorate the available funds among the  
4.31 financial institutions that have submitted a claim for the fee. No financial institution  
4.32 shall charge or collect a fee that exceeds its actual costs of complying with this section.  
4.33 ~~The commissioner, together with an advisory group consisting of representatives of~~  
4.34 ~~the financial institutions in the state, shall evaluate whether the fees paid to financial~~

institutions compensate them for their actual costs, including start-up costs, of complying with this section, and shall evaluate whether the amount appropriated to the commissioner for the costs of administering the data match system compensates the commissioner for the costs incurred by the department. The advisory group shall submit a report to the legislature by February 1, 2009, with a recommendation for retaining or modifying the fee.

Sec. 6. Minnesota Statutes 2012, section 14.57, is amended to read:

**14.57 INITIATION; DECISION; AGREEMENT TO ARBITRATE.**

(a) An agency shall initiate a contested case proceeding when one is required by law. Unless otherwise provided by law, an agency shall decide a contested case only in accordance with the contested case procedures of the Administrative Procedure Act. Upon initiation of a contested case proceeding, an agency may, by order, provide that the report or order of the administrative law judge constitutes the final decision in the case.

(b) As an alternative to initiating or continuing with a contested case proceeding, the parties, subsequent to agency approval, may enter into a written agreement to submit the issues raised to arbitration by an administrative law judge according to sections ~~572.08~~ 572B.01 to 572.30 572B.31.

Sec. 7. Minnesota Statutes 2012, section 14.63, is amended to read:

**14.63 APPLICATION.**

Any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under the provisions of sections 14.63 to 14.68, but nothing in sections 14.63 to 14.68 shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law. A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the Court of Appeals and served on the agency not more than 30 days after the party receives the final decision and order of the agency. Sections ~~572.08~~ 572B.01 to 572.30 572B.31 govern judicial review of arbitration awards entered under section 14.57.

Sec. 8. Minnesota Statutes 2012, section 15A.0815, subdivision 1, is amended to read:

Subdivision 1. **Salary limits.** The governor or other appropriate appointing authority shall set the salary rates for positions listed in this section within the salary limits listed in subdivisions 2 to 4, subject to approval of the Legislative Coordinating Commission and the legislature as provided by subdivision 5 and ~~sections~~ section 3.855 ~~and 15A.081, subdivision 7b.~~

6.1 Sec. 9. Minnesota Statutes 2012, section 15B.155, subdivision 4, is amended to read:

6.2 Subd. 4. **Duties of commissioner.** (a) By January 15, 2013, the commissioner  
6.3 of administration shall submit a space recommendation report to the majority leader  
6.4 of the senate, the speaker of the house, and the chairs of the legislative committees  
6.5 with primary jurisdiction over the Capitol Area Architectural and Planning Board. The  
6.6 space recommendation report shall identify appropriate and required functions of the  
6.7 Capitol building and make recommendations to address space requirements for the  
6.8 tenants currently located in the Capitol building for the effective and efficient function  
6.9 of state government. In preparing the report, the commissioner shall consult with the  
6.10 Capitol Preservation Commission and representatives designated by the governor, the  
6.11 secretary of the senate, the chief clerk of the house of representatives, the director of the  
6.12 Minnesota Historical Society, and the state court administrator. Before the appropriations  
6.13 in ~~subdivision 2~~ Laws 2012, chapter 293, section 13, subdivision 3, paragraph (a), clauses  
6.14 (4) and (5), may be spent, the recommendations in the report must be approved by the  
6.15 governor, the secretary of the senate, and the chief clerk of the house of representatives.

6.16 (b) By July 15, 2013, the commissioner shall submit a report describing final plans  
6.17 and specifications for the restoration of the Capitol building to the majority leader of the  
6.18 senate, the speaker of the house, and to the chairs of the committees in the senate and  
6.19 house of representatives with primary jurisdiction over the Capitol Area Architectural and  
6.20 Planning Board. Before the appropriations in ~~subdivision 2~~ Laws 2012, chapter 293,  
6.21 section 13, subdivision 3, paragraph (a), clauses (4) and (5), may be spent, the plans and  
6.22 specifications must be approved by the governor, the secretary of the senate, and the  
6.23 chief clerk of the house of representatives.

6.24 (c) Notwithstanding sections 16C.05, subdivision 2, paragraph (b); and 16C.08,  
6.25 subdivision 3, clause (5), the commissioner of administration may enter into consultant  
6.26 and construction contracts on the Capitol restoration and repair project with a term of  
6.27 up to ten years.

6.28 (d) Notwithstanding section 16B.31, subdivision 2, the commissioner of  
6.29 administration may proceed with the Capitol restoration and repair project before  
6.30 obtaining an appropriation to complete the entire project.

6.31 (e) On or before December 1 of each year until final completion of the restoration  
6.32 project, the commissioner of administration shall submit in writing to the governor, chairs  
6.33 of the senate Finance and Capital Investment Committees, and chairs of the house of  
6.34 representatives Ways and Means and Capital Investment Committees the estimated annual  
6.35 amount needed for the restoration project for the upcoming fiscal year. The construction  
6.36 manager and the commissioner shall enter into a guaranteed maximum price contract. In

the absence of an appropriation sufficient for the continued performance of work on an annual basis as determined by the commissioner of administration, the construction manager shall not be bound to complete the remaining work within the guaranteed maximum price in the contract.

(f) With the approval of the commissioner of administration, the construction manager may bid trade work in accordance with section 16C.34, subdivision 3, before the enactment of an appropriation sufficient to fully fund the trade work for completion of the full project described in the Comprehensive Master Plan. The construction manager shall enter into guaranteed maximum price contracts with subcontractors for the trade work. In the event the legislature fails to appropriate money sufficient for the continued performance of work on an annual basis as determined by the commissioner of administration, the subcontractors shall not be bound to complete the remaining work within the guaranteed maximum price in the contract. Contracts with subcontractors for trade work under this paragraph must include terms consistent with this paragraph.

Sec. 10. Minnesota Statutes 2012, section 16A.727, is amended to read:

**16A.727 BACKUP REVENUES; FOOTBALL STADIUM FUNDING.**

(a) If the commissioner of management and budget determines that the amount of revenues under section 297E.021, subdivision 2, for the next fiscal year will be less than the amounts specified in section 297E.021, subdivision 3, ~~paragraph (a)~~, clause (1), items (i) to (iii), for that fiscal year, the commissioner may implement the revenue options authorized in Laws 2012, chapter 299, article 6; provided that this section does not constitute a pledge of tax revenues as security for the payment of principal and interest on appropriation bonds issued under section 16A.695. If the commissioner determines to exercise the authority under this section for a fiscal year, the commissioner must implement the revenue options, as necessary, in the following order:

(1) a sports-themed lottery game under section 349A.20; and

(2) a tax on suites as provided under section 473J.14.

(b) Revenue raised under the authority granted by this section must be deposited in the general fund.

(c) If the commissioner determines to implement one or more of the revenue options authorized by this section, each subsequent year the commissioner must determine if the revenue is needed and will be imposed and collected for the next fiscal year. If the commissioner determines that one or more revenue options implemented for a fiscal year are not needed for a subsequent fiscal year, the commissioner must terminate them in the

reverse order they were required to be implemented by paragraph (a) with the last option implemented terminated first and so forth.

(d) Before implementing a revenue source authorized under this section, the commissioner must report the intent to do so to the Legislative Commission on Planning and Fiscal Policy. The commissioner must inform the commission of determinations to continue or discontinue each revenue source for a subsequent fiscal year.

(e) The provisions of this section no longer apply after the Minnesota Sports Facilities Authority certifies to the commissioner that it has determined that the revenues of the general fund under section 297A.994, the increased revenues under chapter 297E, and other available resources of the authority provide adequate financial security for the state and the authority.

Sec. 11. Minnesota Statutes 2012, section 16A.965, subdivision 2, is amended to read:

Subd. 2. **Authorization to issue appropriation bonds.** (a) Subject to the limitations of this subdivision, the commissioner may sell and issue appropriation bonds of the state under this section for public purposes as provided by law, including, in particular, the financing of all or a portion of the acquisition, construction, improving, and equipping of the stadium project of the Minnesota Sports Facilities Authority as provided by chapter 473J. Proceeds of the appropriation bonds must be credited to a special appropriation stadium bond proceeds fund in the state treasury. Net income from investment of the proceeds, as estimated by the commissioner, must be credited to the special appropriation stadium bond proceeds fund.

(b) Appropriation bonds may be sold and issued in amounts that, in the opinion of the commissioner, are necessary to provide sufficient funds, not to exceed \$498,000,000 net of costs of issuance, revenue generated under section ~~16A.6455~~ 297E.021, and allocated by the commissioner of management and budget for this purpose and costs of credit enhancement for achieving the purposes authorized as provided under paragraph (a), and pay debt service including capitalized interest, pay costs of issuance, make deposits to reserve funds, pay the costs of credit enhancement, or make payments under other agreements entered into under paragraph (d); provided, however, that appropriation bonds issued and unpaid shall not exceed \$600,000,000 in principal amount, excluding refunding bonds sold and issued under subdivision 4.

(c) Appropriation bonds may be issued from time to time in one or more series on the terms and conditions the commissioner determines to be in the best interests of the state, but the term on any series of appropriation bonds may not exceed 30 years. The appropriation bonds of each issue and series thereof shall be dated and bear interest,



and may be includable in or excludable from the gross income of the owners for federal income tax purposes.

(d) At the time of, or in anticipation of, issuing the appropriation bonds, and at any time thereafter, so long as the appropriation bonds are outstanding, the commissioner may enter into agreements and ancillary arrangements relating to the appropriation bonds, including but not limited to trust indentures, grant agreements, lease or use agreements, operating agreements, management agreements, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest exchange agreements. Any payments made or received according to the agreement or ancillary arrangement shall be made from or deposited as provided in the agreement or ancillary arrangement. The determination of the commissioner included in an interest exchange agreement that the agreement relates to an appropriation bond shall be conclusive.

(e) The commissioner may enter into written agreements or contracts relating to the continuing disclosure of information necessary to comply with, or facilitate the issuance of appropriation bonds in accordance with federal securities laws, rules, and regulations, including Securities and Exchange Commission rules and regulations in Code of Federal Regulations, title 17, section 240.15c 2-12. An agreement may be in the form of covenants with purchasers and holders of appropriation bonds set forth in the order or resolution authorizing the issuance of the appropriation bonds, or a separate document authorized by the order or resolution.

(f) The appropriation bonds are not subject to chapter 16C.

Sec. 12. Minnesota Statutes 2012, section 28.04, is amended to read:

**28.04 RECORDS; REPORTS.**

Every person, firm or corporation operating a cold storage warehouse under sections 28.01 to ~~28.15~~ 28.13 shall keep accurate records of the articles of food received in, and of the articles of food withdrawn from, the cold storage warehouse and the commissioner shall have free access to such records at any time. Said person, firm or corporation shall submit a monthly report to the commissioner setting forth its itemized particulars and the quantity and kinds of articles of food in the cold storage warehouse. These monthly reports shall be filed pursuant to the rules of the commissioner and a summary only of these reports if prepared by the commissioner be open to public inspection.

Sec. 13. Minnesota Statutes 2012, section 28A.0752, subdivision 1, is amended to read:

Subdivision 1. **Agreements to perform duties of the commissioner.** (a)

Agreements to delegate licensing and inspection duties pertaining to retail grocery or convenience stores shall include licensing, inspection, reporting, and enforcement duties authorized under sections 17.04, ~~28A.13~~, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, ~~29.28~~, 30.003, 30.01, 30.099, 30.103, 30.104, 30.15, 30.19, 30.49, 30.55, 30.56, 30.57, 30.58, and 30.59, appropriate sections of the Minnesota Food Law, ~~chapter~~ chapters 31 and 34A, and applicable Minnesota food rules.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under section 28A.075 or current cooperative agreements which base inspections and licensing responsibility on the firm's most predominant mode of business.

Sec. 14. Minnesota Statutes 2012, section 28A.085, subdivision 1, is amended to read:

Subdivision 1. **Violations; prohibited acts.** The commissioner may charge a reinspection fee for each reinspection of a food handler that:

(1) is found with a major violation of requirements in chapter 28, 29, 30, 31, 31A, 32, 33, or 34, or rules adopted under one of those chapters;

(2) is found with a violation of section 31.02, 31.161, or 31.165, and requires a follow-up inspection after an administrative meeting held pursuant to section ~~31.14~~ 34A.06; or

(3) fails to correct equipment and facility deficiencies as required in rules adopted under chapter 28, 29, 30, 31, 31A, 32, or 34. The first reinspection of a firm with gross food sales under \$1,000,000 must be assessed at \$150. The fee for a firm with gross food sales over \$1,000,000 is \$200. The fee for a subsequent reinspection of a firm for the same violation is 50 percent of their current license fee or \$300, whichever is greater. The establishment must be issued written notice of violations with a reasonable date for compliance listed on the notice. An initial inspection relating to a complaint is not a reinspection.

Sec. 15. Minnesota Statutes 2012, section 29.21, subdivision 1, is amended to read:

Subdivision 1. **Person.** The word "person" when used in sections 29.21 to ~~29.28~~ 29.27 means any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any officer, employee, agent, trustee, receiver, assignee, or other similar representative thereof, provided that neither a producer of eggs when selling shell eggs produced on a farm occupied and cultivated by the producer, nor a hatchery which produces or purchases shell eggs solely for hatching shall be deemed a "person."

11.1 Sec. 16. Minnesota Statutes 2012, section 29.22, subdivision 5, is amended to read:

11.2 Subd. 5. **Disposition of fees.** All fees collected and all fines paid for a violation of  
11.3 sections 29.21 to ~~29.28~~ 29.27 or rules promulgated under those sections, as well as all  
11.4 license fees and penalties must be deposited in the agricultural fund, and credited to a  
11.5 separate account to be known as the egg law inspection account, which is hereby created,  
11.6 set aside, and appropriated as a revolving account to be used by the department to help  
11.7 defray the expense of inspection, supervision, and enforcement of sections 29.21 to ~~29.28~~  
11.8 29.27 and is in addition to and not in substitution for the sums regularly appropriated or  
11.9 otherwise made available for this purpose to the department.

11.10 Sec. 17. Minnesota Statutes 2012, section 31.02, is amended to read:

11.11 **31.02 PROHIBITED ACTS.**

11.12 The following acts set out in this section and the causing of such acts within this  
11.13 state are prohibited.

11.14 (a) The manufacture, sale, or delivery, holding or offering for sale of any food  
11.15 that is adulterated or misbranded;

11.16 (b) The adulteration or misbranding of any food;

11.17 (c) The receipt in commerce of any food that is adulterated or misbranded, and the  
11.18 delivery or proffered delivery thereof for pay or otherwise;

11.19 (d) The distribution in commerce of a consumer commodity, as defined in section  
11.20 31.01, subdivision 20, if such commodity is contained in a package, or if there is affixed  
11.21 to that commodity a label, which does not conform to the provisions of law and of rules  
11.22 promulgated pursuant to section 31.101; provided, however, that this prohibition shall  
11.23 not apply to persons engaged in business as wholesale or retail distributors of consumer  
11.24 commodities except to the extent that such persons are engaged in the packaging or  
11.25 labeling of such commodities, or prescribe or specify by any means the manner in which  
11.26 such commodities are packaged or labeled;

11.27 (e) The sale, delivery for sale, holding for sale, or offering for sale of any article in  
11.28 violation of section 31.131;

11.29 (f) The dissemination of any false advertisement;

11.30 (g) The refusal to permit entry or inspection, or to permit the taking of a sample, or  
11.31 to permit access to or copying of any record as authorized by section 31.04;

11.32 (h) The giving of a guaranty or undertaking which guaranty or undertaking is false,  
11.33 except by a person who relied on a guaranty or undertaking to the same effect signed by,  
11.34 and containing the name and address of the person residing in the state of Minnesota from  
11.35 whom the relying person received in good faith the food;

12.1 (i) The removal or disposal of a detained or embargoed article in violation of section  
12.2 ~~31.05~~ 34A.11;

12.3 (j) The alteration, mutilation, destruction, obliteration, or removal of the whole or any  
12.4 part of the labeling of, or the doing of any other act with respect to a food if such act is done  
12.5 while such article is held for sale and results in such article being adulterated or misbranded;

12.6 (k) Forging, counterfeiting, simulating, or falsely representing, or without proper  
12.7 authority using any mark, stamp, tag, label, or other identification device authorized or  
12.8 required by rules promulgated under the provisions of section 31.101 or of the federal act;

12.9 (l) The using by any person to the person's own advantage, or revealing, other than  
12.10 to the commissioner or the commissioner's authorized representative or to the courts  
12.11 when relevant in any judicial proceeding of any information acquired under authority of  
12.12 the Minnesota Food Law concerning any method or process which as a trade secret is  
12.13 entitled to protection; and

12.14 (m) The identification or sale as food for human consumption of any product which  
12.15 has previously been labeled or otherwise identified as animal food or seed which has  
12.16 received a seed treatment.

12.17 Sec. 18. Minnesota Statutes 2012, section 31.095, is amended to read:

12.18 **31.095 DENATURING AND LABELING.**

12.19 All food originally designated as food for human consumption which is diverted to  
12.20 animal food channels or to seed must be labeled in compliance with animal food or seed  
12.21 laws and rules, and any which has been embargoed pursuant to section ~~31.05~~ 34A.11 must  
12.22 be denatured in a manner approved by the Minnesota Department of Agriculture.

12.23 Sec. 19. Minnesota Statutes 2012, section 31.15, is amended to read:

12.24 **31.15 DISPOSAL OF RECEIPTS.**

12.25 In all prosecutions under section ~~31.14~~ 34A.04, save as therein specifically provided,  
12.26 the fine or fines collected by and under the same shall be forthwith transmitted by the  
12.27 officer collecting the same to the commissioner of management and budget, to the credit  
12.28 of the general fund, and all other fees and payments made to the commissioner, except as  
12.29 aforesaid, shall be accounted for and disposed of in the same manner.

12.30 Sec. 20. Minnesota Statutes 2012, section 31.51, subdivision 1, is amended to read:

12.31 Subdivision 1. **Scope.** For the purpose of sections 31.51 to ~~31.58~~ 31.56, the terms  
12.32 defined in this section have the meaning ascribed to them.

13.1 Sec. 21. Minnesota Statutes 2012, section 31.56, subdivision 1, is amended to read:

13.2 Subdivision 1. **Farmer's own animals.** Sections 31.51 to ~~31.58~~ 31.56 do not apply to  
13.3 a farmer slaughtering the farmer's own rabbits or poultry on the farmer's own farm for: (1)  
13.4 personal use, (2) the use of the farmer's immediate family, or (3) sale directly to the ultimate  
13.5 consumer; or to the farmer slaughtering the farmer's own animals on the farmer's own farm  
13.6 for personal use or the use of the farmer's household and nonpaying guests and employees.

13.7 Sec. 22. Minnesota Statutes 2012, section 31.59, subdivision 1, is amended to read:

13.8 Subdivision 1. **Scope.** For the purposes of sections 31.59 to ~~31.592~~ 31.591 the  
13.9 following terms have the meanings given them.

13.10 Sec. 23. Minnesota Statutes 2012, section 31.632, is amended to read:

13.11 **31.632 MINNESOTA APPROVED MEATS AND POULTRY; USE OF LABEL.**

13.12 The commissioner may authorize, pursuant to rules promulgated in the manner  
13.13 provided by law, the use of the label "Minnesota Approved" on meats, meat products,  
13.14 poultry, and poultry products processed by persons licensed under sections 31.51 to ~~31.58~~  
13.15 31.56, or by establishments under the inspection program of the United States Department  
13.16 of Agriculture, if the ingredients of the poultry, poultry products, meats, and meat  
13.17 products are meat, meat by-products, poultry, poultry products, or meat food products  
13.18 which have been inspected and passed by the United States Department of Agriculture,  
13.19 or the Minnesota Department of Agriculture and further if the poultry, poultry products,  
13.20 meats, and meat products, after such processing, are sound, healthful, wholesome, and fit  
13.21 for human food. A person or establishment desiring to label poultry, poultry products,  
13.22 meats, and meat products as provided in this section shall apply to the commissioner for  
13.23 authority to do so. The commissioner shall grant this authority to the applicant if the  
13.24 applicant complies with the provisions of this section and rules promulgated pursuant to  
13.25 this section. A person using the label "Minnesota Approved" on poultry, poultry products,  
13.26 meat, or meat products contrary to law is guilty of a misdemeanor.

13.27 Sec. 24. Minnesota Statutes 2012, section 31.671, is amended to read:

13.28 **31.671 RULES.**

13.29 The commissioner of agriculture shall have the power to promulgate rules for the  
13.30 purpose of carrying out the provisions of sections 31.651 to ~~31.681~~ 31.661.

13.31 Sec. 25. Minnesota Statutes 2012, section 82.67, subdivision 1, is amended to read:

Subdivision 1. **Agency disclosure.** A real estate broker or salesperson shall provide to a consumer in the sale and purchase of a residential real property transaction at the first substantive contact with the consumer an agency disclosure form in substantially the form set forth in subdivision 4 3. The agency disclosure form shall be intended to provide a description of available options for agency and facilitator relationships, and a description of the role of a licensee under each option. The agency disclosure form shall provide a signature line for acknowledgment of receipt by the consumer. The disclosures required by this subdivision apply only to residential real property transactions.

Sec. 26. Minnesota Statutes 2012, section 116.182, subdivision 5, is amended to read:

Subd. 5. **Rules.** (a) The agency shall adopt rules for the administration of the financial assistance program. For wastewater treatment projects, the rules must include:

(1) application requirements;

(2) criteria for the ranking of projects in order of priority based on factors including the type of project and the degree of environmental impact, and scenic and wild river standards; and

(3) criteria for determining essential project components.

~~(b) Notwithstanding Minnesota Rules, chapter 7077, the agency shall apply the following criteria to Minnesota Rules, part 7077.0119:~~

~~(1) ten points shall be assigned if the municipality proposing the project holds a NPDES permit for a municipal separate storm sewer system and is implementing a storm water pollution prevention plan pursuant to Code of Federal Regulations, title 40, section 122.34, that addresses requirements resulting from a USEPA-approved TMDL for an impaired water listed under United States Code, title 33, section 303(d), of the Clean Water Act; and~~

~~(2) up to ten points shall be assigned to a municipal storm water project by multiplying 20 times the ratio of the project area's impervious surface area to the total project area to be served by the proposed best management practices. A maximum of ten points shall be awarded and any fraction of a point shall be rounded up to the nearest whole number.~~

~~(c) Paragraph (b) expires on June 30, 2012.~~

Sec. 27. Minnesota Statutes 2012, section 124D.111, subdivision 1, is amended to read:

Subdivision 1. **School lunch aid computation.** Each school year, the state must pay participants in the national school lunch program the amount of 12 cents for each full paid, ~~reduced~~ reduced-price, and free student lunch served to students.

15.1 Sec. 28. Minnesota Statutes 2012, section 126C.05, subdivision 15, is amended to read:

15.2 Subd. 15. **Learning year pupil units.** (a) When a pupil is enrolled in a learning  
15.3 year program under section 124D.128, an area learning center or an alternative learning  
15.4 program approved by the commissioner under sections 123A.05 and 123A.06, or a contract  
15.5 alternative program under section 124D.68, subdivision 3, paragraph (d), or subdivision 3a  
15.6 4, for more than 1,020 hours in a school year for a secondary student, more than 935 hours  
15.7 in a school year for an elementary student, or more than 425 hours in a school year for a  
15.8 kindergarten student without a disability, that pupil may be counted as more than one pupil  
15.9 in average daily membership for purposes of section 126C.10, subdivision 2a. The amount  
15.10 in excess of one pupil must be determined by the ratio of the number of hours of instruction  
15.11 provided to that pupil in excess of: (i) the greater of 1,020 hours or the number of hours  
15.12 required for a full-time secondary pupil in the district to 1,020 for a secondary pupil; (ii)  
15.13 the greater of 935 hours or the number of hours required for a full-time elementary pupil  
15.14 in the district to 935 for an elementary pupil in grades 1 through 6; and (iii) the greater of  
15.15 425 hours or the number of hours required for a full-time kindergarten student without a  
15.16 disability in the district to 425 for a kindergarten student without a disability. Hours that  
15.17 occur after the close of the instructional year in June shall be attributable to the following  
15.18 fiscal year. A kindergarten student must not be counted as more than 1.2 pupils in average  
15.19 daily membership under this subdivision. A student in grades 1 through 12 must not be  
15.20 counted as more than 1.2 pupils in average daily membership under this subdivision.

15.21 (b)(i) To receive general education revenue for a pupil in an area learning center  
15.22 or alternative learning program that has an independent study component, a district  
15.23 must meet the requirements in this paragraph. The district must develop, for the pupil,  
15.24 a continual learning plan consistent with section 124D.128, subdivision 3. Each school  
15.25 district that has an area learning center or alternative learning program must reserve  
15.26 revenue in an amount equal to at least 90 percent of the district average general education  
15.27 revenue per pupil unit, minus an amount equal to the product of the formula allowance  
15.28 according to section 126C.10, subdivision 2, times .0485, calculated without basic skills  
15.29 and transportation sparsity revenue, times the number of pupil units generated by students  
15.30 attending an area learning center or alternative learning program. The amount of reserved  
15.31 revenue available under this subdivision may only be spent for program costs associated  
15.32 with the area learning center or alternative learning program. Basic skills revenue  
15.33 generated according to section 126C.10, subdivision 4, by pupils attending the eligible  
15.34 program must be allocated to the program.

15.35 (ii) General education revenue for a pupil in a state-approved alternative program  
15.36 without an independent study component must be prorated for a pupil participating for less

than a full year, or its equivalent. The district must develop a continual learning plan for the pupil, consistent with section 124D.128, subdivision 3. Each school district that has an area learning center or alternative learning program must reserve revenue in an amount equal to at least 90 percent of the district average general education revenue per pupil unit, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills and transportation sparsity revenue, times the number of pupil units generated by students attending an area learning center or alternative learning program. The amount of reserved revenue available under this subdivision may only be spent for program costs associated with the area learning center or alternative learning program. Basic skills revenue generated according to section 126C.10, subdivision 4, by pupils attending the eligible program must be allocated to the program.

(iii) General education revenue for a pupil in a state-approved alternative program that has an independent study component must be paid for each hour of teacher contact time and each hour of independent study time completed toward a credit or graduation standards necessary for graduation. Average daily membership for a pupil shall equal the number of hours of teacher contact time and independent study time divided by 1,020.

(iv) For a state-approved alternative program having an independent study component, the commissioner shall require a description of the courses in the program, the kinds of independent study involved, the expected learning outcomes of the courses, and the means of measuring student performance against the expected outcomes.

Sec. 29. Minnesota Statutes 2012, section 144.10, is amended to read:

**144.10 FEDERAL AID FOR MATERNAL AND CHILD WELFARE SERVICES.**

The commissioner of management and budget is hereby appointed as the custodian of all moneys received, or which may hereafter be received, by the state by reason of any federal aid granted for maternal and child welfare service and for public health services, including the purposes as declared in Public Law 725 enacted by the 79th Congress of the United States, Chapter 958-2d Session and all amendments thereto, which moneys shall be expended in accordance with the purposes expressed in the acts of Congress granting such aid and solely in accordance with plans to be prepared by the state commissioner of health. The plans so to be prepared by the commissioner of health for maternal and child health service shall be approved by the United States Children's Bureau; and the plans of the commissioner of health for public health service shall be approved by the United States Public Health Service. Such plans shall include the training of personnel for both state and local health work and conform with all the requirements governing federal aid for these



purposes. Such plans shall be designed to secure for the state the maximum amount of federal aid which is possible to be secured on the basis of the available state, county, and local appropriations for such purposes. The commissioner of health shall make reports, which shall be in such form and contain such information as may be required by the United States Children's Bureau or the United States Public Health Service, as the case may be; and comply with all the provisions, rules, and regulations which may be prescribed by these federal authorities in order to secure the correction and verification of such reports.

Sec. 30. Minnesota Statutes 2012, section 144.125, subdivision 7, is amended to read:

**Subd. 7. Parental options for extended storage and use.** (a) The parent or legal guardian of an infant otherwise subject to testing under this section may authorize that the infant's blood sample and test results be retained and used by the Department of Health beyond the standard retention periods provided in subdivision 6 ~~or~~ for the purposes described in subdivision 9.

(b) The Department of Health must provide a consent form, with an attached Tennessee warning pursuant to section 13.04, subdivision 2. The consent form must provide the following:

(1) information as to the personal identification and use of samples and test results for studies, including studies used to develop new tests;

(2) information as to the personal identification and use of samples and test results for public health studies or research not related to newborn screening;

(3) information that explains that the Department of Health will not store a blood sample or test result for longer than 18 years from an infant's birth date;

(4) information that explains that, upon approval by the Department of Health's Institutional Review Board, blood samples and test results may be shared with external parties for public health studies or research;

(5) information that explains that blood samples contain various components, including deoxyribonucleic acid (DNA); and

(6) the benefits and risks associated with the department's storage of a child's blood sample and test results.

Sec. 31. Minnesota Statutes 2012, section 144.56, subdivision 2, is amended to read:

**Subd. 2. Content of rules and standards.** In the public interest the commissioner of health, by such rules and standards, may regulate and establish minimum standards as to the construction, equipment, maintenance, and operation of the institutions insofar as they relate to sanitation and safety of the buildings and to the health, treatment, comfort,

18.1 safety, and well-being of the persons accommodated for care. Construction as used in  
18.2 this subdivision means the erection of new buildings or the alterations of or additions to  
18.3 existing buildings commenced after the passage of this act April 7, 1951.

18.4 Sec. 32. Minnesota Statutes 2012, section 148.65, subdivision 4, is amended to read:

18.5 Subd. 4. **Physical therapy aide.** "Physical therapy aide" means a person, working  
18.6 under the direct supervision of a physical therapist, who is not a physical therapist assistant  
18.7 as defined in subdivision 3, who performs tasks as provided under ~~Minnesota Rules,~~  
18.8 ~~part 5601.1400~~ section 148.706.

18.9 Sec. 33. Minnesota Statutes 2012, section 148.741, is amended to read:

18.10 **148.741 APPLICABILITY OF RULES.**

18.11 Minnesota Rules, parts 5601.0100 to 5601.3200, apply both to physical therapists  
18.12 and physical therapist assistants, except parts ~~5601.1200; 5601.1300; 5601.1800;~~  
18.13 ~~5601.1900; 5601.2000; 5601.3200, subpart 2, item D; and 5601.3200, subpart 5, only~~  
18.14 apply to physical therapists.

18.15 Sec. 34. Minnesota Statutes 2012, section 148B.591, is amended to read:

18.16 **148B.591 PROHIBITION AGAINST UNLICENSED PRACTICE OR USE**  
18.17 **OF TITLES.**

18.18 Subdivision 1. **Practice.** After ~~the effective date of rules adopted by the board~~  
18.19 October 11, 2005, no individual may engage in the practice of licensed professional  
18.20 counseling unless that individual holds a valid license or is exempt from licensure under  
18.21 section 148B.592.

18.22 Subd. 2. **Use of titles.** After ~~the board adopts rules~~ October 11, 2005, no individual  
18.23 may be presented to the public by any title or practice incorporating the words "licensed  
18.24 professional counselor" or "LPC" unless that individual holds a valid license issued under  
18.25 sections 148B.50 to 148B.593.

18.26 Sec. 35. Minnesota Statutes 2012, section 148D.061, subdivision 1, is amended to read:

18.27 Subdivision 1. **Requirements for a provisional license.** An applicant may be  
18.28 issued a provisional license if the applicant:

18.29 (1) was born in a foreign country;

18.30 (2) communicates in English as a second language;

18.31 (3) has taken the applicable examination administered by the Association of Social  
18.32 Work Boards or similar examination body designated by the board;

(4) has met the requirements of section 148E.055, subdivision 2, paragraph (a), clauses (1), (3), (4), (5), and (6); or subdivision 3, paragraph (a), clauses (1), (3), (4), (5), and (6); or subdivision 4, paragraph (a), clauses (1), (2), (4), (5), (6), and (7); or subdivision 5, paragraph (a), clauses (1), (2), ~~(4)~~ (3), (5), (6), ~~and (7), and (8)~~; and (5) complies with the requirements of subdivisions 2 to 7.

Sec. 36. Minnesota Statutes 2012, section 150A.06, subdivision 2c, is amended to read:

Subd. 2c. **Guest license.** (a) The board shall grant a guest license to practice as a dentist, dental hygienist, or licensed dental assistant if the following conditions are met:

(1) the dentist, dental hygienist, or dental assistant is currently licensed in good standing in another United States jurisdiction;

(2) the dentist, dental hygienist, or dental assistant is currently engaged in the practice of that person's respective profession in another United States jurisdiction;

(3) the dentist, dental hygienist, or dental assistant will limit that person's practice to a public health setting in Minnesota that (i) is approved by the board; (ii) was established by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the Internal Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty accessing dental care;

(4) the dentist, dental hygienist, or dental assistant agrees to treat indigent patients who meet the eligibility criteria established by the clinic; and

(5) the dentist, dental hygienist, or dental assistant has applied to the board for a guest license and has paid a nonrefundable license fee to the board not to exceed \$75.

(b) A guest license must be renewed annually with the board and an annual renewal fee not to exceed \$75 must be paid to the board. Guest licenses expire on December 31 of each year.

(c) A dentist, dental hygienist, or dental assistant practicing under a guest license under this subdivision shall have the same obligations as a dentist, dental hygienist, or dental assistant who is licensed in Minnesota and shall be subject to the laws and rules of Minnesota and the regulatory authority of the board. If the board suspends or revokes the guest license of, or otherwise disciplines, a dentist, dental hygienist, or dental assistant practicing under this subdivision, the board shall promptly report such disciplinary action to the dentist's, dental hygienist's, or dental assistant's regulatory board in the jurisdictions in which they are licensed.

(d) The board may grant a guest license to a dentist, dental hygienist, or dental assistant licensed in another United States jurisdiction to provide dental care to patients on

20.1 a voluntary basis without compensation for a limited period of time. The board shall not  
20.2 assess a fee for the guest license for volunteer services issued under this paragraph.

20.3 The board shall issue a guest license for volunteer services ~~license~~ if:

20.4 (1) the board determines that the applicant's services will provide dental care to  
20.5 patients who have difficulty accessing dental care;

20.6 (2) the care will be provided without compensation; and

20.7 (3) the applicant provides adequate proof of the status of all licenses to practice in  
20.8 other jurisdictions. The board may require such proof on an application form developed  
20.9 by the board.

20.10 The guest license for volunteer services shall limit the licensee to providing dental  
20.11 care services for a period of time not to exceed ten days in a calendar year. Guest licenses  
20.12 expire on December 31 of each year.

20.13 The holder of a guest license for volunteer services shall be subject to state laws and  
20.14 rules regarding dentistry and the regulatory authority of the board. The board may revoke  
20.15 the license of a dentist, dental hygienist, or dental assistant practicing under this subdivision  
20.16 or take other regulatory action against the dentist, dental hygienist, or dental assistant. If an  
20.17 action is taken, the board shall report the action to the regulatory board of those jurisdictions  
20.18 where an active license is held by the dentist, dental hygienist, or dental assistant.

20.19 Sec. 37. Minnesota Statutes 2012, section 169.011, is amended by adding a subdivision  
20.20 to read:

20.21 Subd. 83a. **Tow truck or towing vehicle.** "Tow truck" or "towing vehicle" has the  
20.22 meaning given in section 168B.011, subdivision 12a.

20.23 Sec. 38. Minnesota Statutes 2012, section 216B.16, subdivision 6b, is amended to read:

20.24 Subd. 6b. **Energy conservation improvement.** (a) Except as otherwise provided  
20.25 in this subdivision, all investments and expenses of a public utility as defined in  
20.26 section 216B.241, subdivision 1, paragraph (†) (h), incurred in connection with energy  
20.27 conservation improvements shall be recognized and included by the commission in the  
20.28 determination of just and reasonable rates as if the investments and expenses were directly  
20.29 made or incurred by the utility in furnishing utility service.

20.30 (b) The commission shall not include investments and expenses for energy  
20.31 conservation improvements in determining (i) just and reasonable electric rates for retail  
20.32 electric service provided to large customer facilities whose electric utilities have been  
20.33 exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b),  
20.34 with respect to those large customer facilities; or (ii) just and reasonable gas rates for

large energy facilities, large customer facilities whose natural gas utilities have been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b), or commercial gas customer facilities whose natural gas utilities have been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (c).

(c) The commission may permit a public utility to file rate schedules providing for annual recovery of the costs of energy conservation improvements. These rate schedules may be applicable to less than all the customers in a class of retail customers if necessary to reflect the requirements of section 216B.241. The commission shall allow a public utility, without requiring a general rate filing under this section, to reduce the electric rates applicable to large customer facilities that have been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b), and to reduce the gas rate applicable to a large energy facility, a large customer facility or commercial customer facility that has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b) or (c), or by the commission under section 216B.241, subdivision 2, by an amount that reflects the elimination of energy conservation improvement investments or expenditures for those facilities. In the event that the commission has set electric or gas rates based on the use of an accounting methodology that results in the cost of conservation improvements being recovered from utility customers over a period of years, the rate reduction may occur in a series of steps to coincide with the recovery of balances due to the utility for conservation improvements made by the utility on or before December 31, 2007.

(d) Investments and expenses of a public utility shall not include electric utility infrastructure costs as defined in section 216B.1636, subdivision 1, paragraph (b).

Sec. 39. Minnesota Statutes 2012, section 216B.164, subdivision 9, is amended to read:

Subd. 9. **Municipal electric utility.** For purposes of this section only, except ~~subdivisions~~ subdivision 5 and 7, and with respect to municipal electric utilities only, the term "commission" means the governing body of each municipal electric utility that adopts and has in effect rules implementing this section which are consistent with the rules adopted by the Minnesota Public Utilities Commission under subdivision 6. As used in this subdivision, the governing body of a municipal electric utility means the city council of that municipality; except that, if another board, commission, or body is empowered by law or resolution of the city council or by its charter to establish and regulate rates and days for the distribution of electric energy within the service area of the city, that board, commission, or body shall be considered the governing body of the municipal electric utility.

22.1 Sec. 40. Minnesota Statutes 2012, section 232.20, is amended to read:

22.2 **232.20 GRAIN STORAGE ACT; CITATION.**

22.3 Sections 232.20 to ~~232.25~~ 232.24 may be cited as the Grain Storage Act.

22.4 Sec. 41. Minnesota Statutes 2012, section 232.21, subdivision 1, is amended to read:

22.5 Subdivision 1. **Applicability.** For the purpose of sections 232.20 to ~~232.25~~ 232.24,  
22.6 the terms defined in this section have the meanings given them.

22.7 Sec. 42. Minnesota Statutes 2012, section 232.24, is amended to read:

22.8 **232.24 SCHEDULE OF INSPECTION, FINANCIAL REPORTS.**

22.9 Subdivision 1. **Schedule of examination.** A licensee under sections 232.20 to  
22.10 ~~232.25~~ 232.24 is subject to two examinations annually conducted by the commissioner  
22.11 or the Agricultural Marketing Service of the United States Department of Agriculture.  
22.12 The commissioner may, by rule, authorize one examination to be conducted by a qualified  
22.13 nongovernmental unit.

22.14 Subd. 2. **Financial reports.** A licensee under sections 232.20 to ~~232.25~~ 232.24  
22.15 upon request must provide to the commissioner a copy of the financial reports of an audit  
22.16 conducted by a qualified nongovernmental unit containing information the commissioner  
22.17 requires.

22.18 Sec. 43. Minnesota Statutes 2012, section 243.1606, subdivision 1, is amended to read:

22.19 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender  
22.20 Supervision consists of the following individuals or their designees:

22.21 (1) the governor;

22.22 (2) the chief justice of the Supreme Court;

22.23 (3) two senators, one from the majority and the other from the minority party, selected  
22.24 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

22.25 (4) two representatives, one from the majority and the other from the minority  
22.26 party, selected by the house speaker;

22.27 (5) the compact administrator, selected as provided in section 243.1607;

22.28 (6) the executive director of the ~~Center for Crime Victim Services~~ Office of Justice  
22.29 Programs in the Department of Public Safety; and

22.30 (7) other members as appointed by the commissioner of corrections.

22.31 The council may elect a chair from among its members.

22.32 Sec. 44. Minnesota Statutes 2012, section 245D.03, subdivision 2, is amended to read:

Subd. 2. **Relationship to other standards governing home and community-based services.** (a) A license holder governed by this chapter is also subject to the licensure requirements under chapter 245A.

(b) A license holder concurrently providing child foster care services licensed according to Minnesota Rules, chapter 2960, to the same person receiving a service licensed under this chapter is exempt from section 245D.04 as it applies to the person.

(c) A license holder concurrently providing home care services registered according to sections 144A.43 to ~~144A.49~~ 144A.47 to the same person receiving home management services licensed under this chapter is exempt from section 245D.04 as it applies to the person.

(d) A license holder identified in subdivision 1, clauses (1), (5), and (9), is exempt from compliance with sections 245A.65, subdivision 2, paragraph (a), and 626.557, subdivision 14, paragraph (b).

(e) Notwithstanding section 245D.06, subdivision 5, a license holder providing structured day, prevocational, or supported employment services under this chapter and day training and habilitation or supported employment services licensed under chapter 245B within the same program is exempt from compliance with this chapter when the license holder notifies the commissioner in writing that the requirements under chapter 245B will be met for all persons receiving these services from the program. For the purposes of this paragraph, if the license holder has obtained approval from the commissioner for an alternative inspection status according to section 245B.031, that approval will apply to all persons receiving services in the program.

Sec. 45. Minnesota Statutes 2012, section 252.27, subdivision 2a, is amended to read:

Subd. 2a. **Contribution amount.** (a) The natural or adoptive parents of a minor child, including a child determined eligible for medical assistance without consideration of parental income, must contribute to the cost of services used by making monthly payments on a sliding scale based on income, unless the child is married or has been married, parental rights have been terminated, or the child's adoption is subsidized according to ~~section 259.67~~ chapter 259A or through title IV-E of the Social Security Act. The parental contribution is a partial or full payment for medical services provided for diagnostic, therapeutic, curing, treating, mitigating, rehabilitation, maintenance, and personal care services as defined in United States Code, title 26, section 213, needed by the child with a chronic illness or disability.

24.1 (b) For households with adjusted gross income equal to or greater than 100 percent  
24.2 of federal poverty guidelines, the parental contribution shall be computed by applying the  
24.3 following schedule of rates to the adjusted gross income of the natural or adoptive parents:

24.4 (1) if the adjusted gross income is equal to or greater than 100 percent of federal  
24.5 poverty guidelines and less than 175 percent of federal poverty guidelines, the parental  
24.6 contribution is \$4 per month;

24.7 (2) if the adjusted gross income is equal to or greater than 175 percent of federal  
24.8 poverty guidelines and less than or equal to 545 percent of federal poverty guidelines,  
24.9 the parental contribution shall be determined using a sliding fee scale established by the  
24.10 commissioner of human services which begins at one percent of adjusted gross income  
24.11 at 175 percent of federal poverty guidelines and increases to 7.5 percent of adjusted  
24.12 gross income for those with adjusted gross income up to 545 percent of federal poverty  
24.13 guidelines;

24.14 (3) if the adjusted gross income is greater than 545 percent of federal poverty  
24.15 guidelines and less than 675 percent of federal poverty guidelines, the parental  
24.16 contribution shall be 7.5 percent of adjusted gross income;

24.17 (4) if the adjusted gross income is equal to or greater than 675 percent of federal  
24.18 poverty guidelines and less than 975 percent of federal poverty guidelines, the parental  
24.19 contribution shall be determined using a sliding fee scale established by the commissioner  
24.20 of human services which begins at 7.5 percent of adjusted gross income at 675 percent of  
24.21 federal poverty guidelines and increases to ten percent of adjusted gross income for those  
24.22 with adjusted gross income up to 975 percent of federal poverty guidelines; and

24.23 (5) if the adjusted gross income is equal to or greater than 975 percent of federal  
24.24 poverty guidelines, the parental contribution shall be 12.5 percent of adjusted gross income.

24.25 If the child lives with the parent, the annual adjusted gross income is reduced by  
24.26 \$2,400 prior to calculating the parental contribution. If the child resides in an institution  
24.27 specified in section 256B.35, the parent is responsible for the personal needs allowance  
24.28 specified under that section in addition to the parental contribution determined under this  
24.29 section. The parental contribution is reduced by any amount required to be paid directly to  
24.30 the child pursuant to a court order, but only if actually paid.

24.31 (c) The household size to be used in determining the amount of contribution under  
24.32 paragraph (b) includes natural and adoptive parents and their dependents, including the  
24.33 child receiving services. Adjustments in the contribution amount due to annual changes  
24.34 in the federal poverty guidelines shall be implemented on the first day of July following  
24.35 publication of the changes.



25.1 (d) For purposes of paragraph (b), "income" means the adjusted gross income of the  
25.2 natural or adoptive parents determined according to the previous year's federal tax form,  
25.3 except, effective retroactive to July 1, 2003, taxable capital gains to the extent the funds  
25.4 have been used to purchase a home shall not be counted as income.

25.5 (e) The contribution shall be explained in writing to the parents at the time eligibility  
25.6 for services is being determined. The contribution shall be made on a monthly basis  
25.7 effective with the first month in which the child receives services. Annually upon  
25.8 redetermination or at termination of eligibility, if the contribution exceeded the cost of  
25.9 services provided, the local agency or the state shall reimburse that excess amount to  
25.10 the parents, either by direct reimbursement if the parent is no longer required to pay a  
25.11 contribution, or by a reduction in or waiver of parental fees until the excess amount is  
25.12 exhausted. All reimbursements must include a notice that the amount reimbursed may be  
25.13 taxable income if the parent paid for the parent's fees through an employer's health care  
25.14 flexible spending account under the Internal Revenue Code, section 125, and that the  
25.15 parent is responsible for paying the taxes owed on the amount reimbursed.

25.16 (f) The monthly contribution amount must be reviewed at least every 12 months;  
25.17 when there is a change in household size; and when there is a loss of or gain in income  
25.18 from one month to another in excess of ten percent. The local agency shall mail a written  
25.19 notice 30 days in advance of the effective date of a change in the contribution amount.  
25.20 A decrease in the contribution amount is effective in the month that the parent verifies a  
25.21 reduction in income or change in household size.

25.22 (g) Parents of a minor child who do not live with each other shall each pay the  
25.23 contribution required under paragraph (a). An amount equal to the annual court-ordered  
25.24 child support payment actually paid on behalf of the child receiving services shall be  
25.25 deducted from the adjusted gross income of the parent making the payment prior to  
25.26 calculating the parental contribution under paragraph (b).

25.27 (h) The contribution under paragraph (b) shall be increased by an additional five  
25.28 percent if the local agency determines that insurance coverage is available but not  
25.29 obtained for the child. For purposes of this section, "available" means the insurance is a  
25.30 benefit of employment for a family member at an annual cost of no more than five percent  
25.31 of the family's annual income. For purposes of this section, "insurance" means health  
25.32 and accident insurance coverage, enrollment in a nonprofit health service plan, health  
25.33 maintenance organization, self-insured plan, or preferred provider organization.

25.34 Parents who have more than one child receiving services shall not be required  
25.35 to pay more than the amount for the child with the highest expenditures. There shall  
25.36 be no resource contribution from the parents. The parent shall not be required to pay

a contribution in excess of the cost of the services provided to the child, not counting payments made to school districts for education-related services. Notice of an increase in fee payment must be given at least 30 days before the increased fee is due.

(i) The contribution under paragraph (b) shall be reduced by \$300 per fiscal year if, in the 12 months prior to July 1:

(1) the parent applied for insurance for the child;

(2) the insurer denied insurance;

(3) the parents submitted a complaint or appeal, in writing to the insurer, submitted a complaint or appeal, in writing, to the commissioner of health or the commissioner of commerce, or litigated the complaint or appeal; and

(4) as a result of the dispute, the insurer reversed its decision and granted insurance.

For purposes of this section, "insurance" has the meaning given in paragraph (h).

A parent who has requested a reduction in the contribution amount under this paragraph shall submit proof in the form and manner prescribed by the commissioner or county agency, including, but not limited to, the insurer's denial of insurance, the written letter or complaint of the parents, court documents, and the written response of the insurer approving insurance. The determinations of the commissioner or county agency under this paragraph are not rules subject to chapter 14.

(j) Notwithstanding paragraph (b), for the period from July 1, 2010, to June 30, 2015, the parental contribution shall be computed by applying the following contribution schedule to the adjusted gross income of the natural or adoptive parents:

(1) if the adjusted gross income is equal to or greater than 100 percent of federal poverty guidelines and less than 175 percent of federal poverty guidelines, the parental contribution is \$4 per month;

(2) if the adjusted gross income is equal to or greater than 175 percent of federal poverty guidelines and less than or equal to 525 percent of federal poverty guidelines, the parental contribution shall be determined using a sliding fee scale established by the commissioner of human services which begins at one percent of adjusted gross income at 175 percent of federal poverty guidelines and increases to eight percent of adjusted gross income for those with adjusted gross income up to 525 percent of federal poverty guidelines;

(3) if the adjusted gross income is greater than 525 percent of federal poverty guidelines and less than 675 percent of federal poverty guidelines, the parental contribution shall be 9.5 percent of adjusted gross income;

(4) if the adjusted gross income is equal to or greater than 675 percent of federal poverty guidelines and less than 900 percent of federal poverty guidelines, the parental

contribution shall be determined using a sliding fee scale established by the commissioner of human services which begins at 9.5 percent of adjusted gross income at 675 percent of federal poverty guidelines and increases to 12 percent of adjusted gross income for those with adjusted gross income up to 900 percent of federal poverty guidelines; and

(5) if the adjusted gross income is equal to or greater than 900 percent of federal poverty guidelines, the parental contribution shall be 13.5 percent of adjusted gross income. If the child lives with the parent, the annual adjusted gross income is reduced by \$2,400 prior to calculating the parental contribution. If the child resides in an institution specified in section 256B.35, the parent is responsible for the personal needs allowance specified under that section in addition to the parental contribution determined under this section. The parental contribution is reduced by any amount required to be paid directly to the child pursuant to a court order, but only if actually paid.

Sec. 46. Minnesota Statutes 2012, section 256B.055, subdivision 1, is amended to read:

Subdivision 1. **Children eligible for subsidized adoption assistance.** Medical assistance may be paid for a child eligible for or receiving adoption assistance payments under title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676, and to any child who is not title IV-E eligible but who was determined eligible for adoption assistance under section ~~259.67, subdivision 4, paragraphs (a) to (e)~~ 259A.10, subdivision 2, and has a special need for medical or rehabilitative care.

Sec. 47. Minnesota Statutes 2012, section 256B.0595, subdivision 4, is amended to read:

Subd. 4. **Other exceptions to transfer prohibition.** (a) An institutionalized person, as defined in subdivision 1, paragraph (h), who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of the following conditions applies:

(1) the assets were transferred to the individual's spouse or to another for the sole benefit of the spouse; or

(2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or

(3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or

(4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for long-term care services would work an undue hardship and grants a waiver of a period of ineligibility resulting from a transfer for less than fair market value based on an imminent threat to the individual's health and well-being. Imminent threat to the individual's health and well-being means that imposing a period of ineligibility would endanger the individual's health or life or cause serious deprivation of food, clothing, or shelter. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the period of ineligibility if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006; or

(6) for transfers occurring after August 10, 1993, the assets were transferred by the person or the person's spouse: (i) into a trust established for the sole benefit of a son or daughter of any age who is blind or disabled as defined by the Supplemental Security Income program; or (ii) into a trust established for the sole benefit of an individual who is under 65 years of age who is disabled as defined by the Supplemental Security Income program. "For the sole benefit of" has the meaning found in section 256B.059, subdivision 1.

(b) Subject to paragraph (c), when evaluating a hardship waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship.

(c) In the case of an imminent threat to the individual's health and well-being, the local agency shall approve a hardship waiver of the portion of an individual's period of ineligibility resulting from a transfer of assets for less than fair market value by or to a person:

(1) convicted of financial exploitation, fraud, or theft upon the individual for the transfer of assets; or

(2) against whom a report of financial exploitation upon the individual has been substantiated. For purposes of this paragraph, "financial exploitation" and "substantiated" have the meanings given in section 626.5572.

(d) The local agency shall make a determination within 30 days of the receipt of all necessary information needed to make such a determination. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of long-term care services provided within:

(1) 30 months of a transfer made on or before August 10, 1993;

(2) 60 months of a transfer if the assets were transferred after August 30, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;

(3) 36 months of a transfer if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or

(4) 60 months of any transfer made on or after February 8, 2006, or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action; ~~or.~~

~~(5) for transfers occurring after August 10, 1993, the assets were transferred by the person or person's spouse: (i) into a trust established for the sole benefit of a son or daughter of any age who is blind or disabled as defined by the Supplemental Security Income program; or (ii) into a trust established for the sole benefit of an individual who is under 65 years of age who is disabled as defined by the Supplemental Security Income program.~~

~~"For the sole benefit of" has the meaning found in section 256B.059, subdivision 1.~~

Sec. 48. Minnesota Statutes 2012, section 256J.21, subdivision 2, is amended to read:

Subd. 2. **Income exclusions.** The following must be excluded in determining a family's available income:

(1) payments for basic care, difficulty of care, and clothing allowances received for providing family foster care to children or adults under Minnesota Rules, parts 9555.5050 to 9555.6265, 9560.0521, and 9560.0650 to 9560.0655, and payments received and used for care and maintenance of a third-party beneficiary who is not a household member;

(2) reimbursements for employment training received through the Workforce Investment Act of 1998, United States Code, title 20, chapter 73, section 9201;

(3) reimbursement for out-of-pocket expenses incurred while performing volunteer services, jury duty, employment, or informal carpooling arrangements directly related to employment;

(4) all educational assistance, except the county agency must count graduate student teaching assistantships, fellowships, and other similar paid work as earned income and, after allowing deductions for any unmet and necessary educational expenses, shall count scholarships or grants awarded to graduate students that do not require teaching or research as unearned income;

(5) loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;

(6) loans from private individuals, regardless of purpose, provided an applicant or participant documents that the lender expects repayment;

(7)(i) state income tax refunds; and

(ii) federal income tax refunds;

(8)(i) federal earned income credits;

(ii) Minnesota working family credits;

(iii) state homeowners and renters credits under chapter 290A; and

(iv) federal or state tax rebates;

(9) funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made by public agencies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency, state or local government, or disaster assistance organizations, subsequent to a presidential declaration of disaster;

(10) the portion of an insurance settlement that is used to pay medical, funeral, and burial expenses, or to repair or replace insured property;

(11) reimbursements for medical expenses that cannot be paid by medical assistance;

(12) payments by a vocational rehabilitation program administered by the state under chapter 268A, except those payments that are for current living expenses;

(13) in-kind income, including any payments directly made by a third party to a provider of goods and services;

(14) assistance payments to correct underpayments, but only for the month in which the payment is received;

(15) payments for short-term emergency needs under section 256J.626, subdivision 2;

(16) funeral and cemetery payments as provided by section 256.935;

(17) nonrecurring cash gifts of \$30 or less, not exceeding \$30 per participant in a calendar month;

(18) any form of energy assistance payment made through Public Law 97-35, Low-Income Home Energy Assistance Act of 1981, payments made directly to energy providers by other public and private agencies, and any form of credit or rebate payment issued by energy providers;

- 31.1 (19) Supplemental Security Income (SSI), including retroactive SSI payments and  
31.2 other income of an SSI recipient, except as described in section 256J.37, subdivision 3b;
- 31.3 (20) Minnesota supplemental aid, including retroactive payments;
- 31.4 (21) proceeds from the sale of real or personal property;
- 31.5 (22) state adoption assistance payments under ~~section 259.67~~ chapter 259A, and up  
31.6 to an equal amount of county adoption assistance payments;
- 31.7 (23) state-funded family subsidy program payments made under section 252.32 to  
31.8 help families care for children with developmental disabilities, consumer support grant  
31.9 funds under section 256.476, and resources and services for a disabled household member  
31.10 under one of the home and community-based waiver services programs under chapter 256B;
- 31.11 (24) interest payments and dividends from property that is not excluded from and  
31.12 that does not exceed the asset limit;
- 31.13 (25) rent rebates;
- 31.14 (26) income earned by a minor caregiver, minor child through age 6, or a minor  
31.15 child who is at least a half-time student in an approved elementary or secondary education  
31.16 program;
- 31.17 (27) income earned by a caregiver under age 20 who is at least a half-time student in  
31.18 an approved elementary or secondary education program;
- 31.19 (28) MFIP child care payments under section 119B.05;
- 31.20 (29) all other payments made through MFIP to support a caregiver's pursuit of  
31.21 greater economic stability;
- 31.22 (30) income a participant receives related to shared living expenses;
- 31.23 (31) reverse mortgages;
- 31.24 (32) benefits provided by the Child Nutrition Act of 1966, United States Code, title  
31.25 42, chapter 13A, sections 1771 to 1790;
- 31.26 (33) benefits provided by the women, infants, and children (WIC) nutrition program,  
31.27 United States Code, title 42, chapter 13A, section 1786;
- 31.28 (34) benefits from the National School Lunch Act, United States Code, title 42,  
31.29 chapter 13, sections 1751 to 1769e;
- 31.30 (35) relocation assistance for displaced persons under the Uniform Relocation  
31.31 Assistance and Real Property Acquisition Policies Act of 1970, United States Code, title  
31.32 42, chapter 61, subchapter II, section 4636, or the National Housing Act, United States  
31.33 Code, title 12, chapter 13, sections 1701 to 1750jj;
- 31.34 (36) benefits from the Trade Act of 1974, United States Code, title 19, chapter  
31.35 12, part 2, sections 2271 to 2322;

32.1 (37) war reparations payments to Japanese Americans and Aleuts under United  
32.2 States Code, title 50, sections 1989 to 1989d;

32.3 (38) payments to veterans or their dependents as a result of legal settlements  
32.4 regarding Agent Orange or other chemical exposure under Public Law 101-239, section  
32.5 10405, paragraph (a)(2)(E);

32.6 (39) income that is otherwise specifically excluded from MFIP consideration in  
32.7 federal law, state law, or federal regulation;

32.8 (40) security and utility deposit refunds;

32.9 (41) American Indian tribal land settlements excluded under Public Laws 98-123,  
32.10 98-124, and 99-377 to the Mississippi Band Chippewa Indians of White Earth, Leech  
32.11 Lake, and Mille Lacs reservations and payments to members of the White Earth Band,  
32.12 under United States Code, title 25, chapter 9, section 331, and chapter 16, section 1407;

32.13 (42) all income of the minor parent's parents and stepparents when determining the  
32.14 grant for the minor parent in households that include a minor parent living with parents or  
32.15 stepparents on MFIP with other children;

32.16 (43) income of the minor parent's parents and stepparents equal to 200 percent of the  
32.17 federal poverty guideline for a family size not including the minor parent and the minor  
32.18 parent's child in households that include a minor parent living with parents or stepparents  
32.19 not on MFIP when determining the grant for the minor parent. The remainder of income is  
32.20 deemed as specified in section 256J.37, subdivision 1b;

32.21 (44) payments made to children eligible for relative custody assistance under section  
32.22 257.85;

32.23 (45) vendor payments for goods and services made on behalf of a client unless the  
32.24 client has the option of receiving the payment in cash;

32.25 (46) the principal portion of a contract for deed payment; and

32.26 (47) cash payments to individuals enrolled for full-time service as a volunteer under  
32.27 AmeriCorps programs including AmeriCorps VISTA, AmeriCorps State, AmeriCorps  
32.28 National, and AmeriCorps NCCC.

32.29 Sec. 49. Minnesota Statutes 2012, section 256J.24, subdivision 3, is amended to read:

32.30 Subd. 3. **Individuals who must be excluded from an assistance unit.** (a) The  
32.31 following individuals who are part of the assistance unit determined under subdivision 2  
32.32 are ineligible to receive MFIP:

32.33 (1) individuals who are recipients of Supplemental Security Income or Minnesota  
32.34 supplemental aid;



(2) individuals disqualified from the food stamp or food support program or MFIP, until the disqualification ends;

(3) children on whose behalf federal, state or local foster care payments are made, except as provided in sections 256J.13, subdivision 2, and 256J.74, subdivision 2;

(4) children receiving ongoing monthly adoption assistance payments under ~~section 259.67~~ chapter 259A; and

(5) individuals disqualified from the work participation cash benefit program until that disqualification ends.

(b) The exclusion of a person under this subdivision does not alter the mandatory assistance unit composition.

Sec. 50. Minnesota Statutes 2012, section 257.0755, subdivision 3, is amended to read:

Subd. 3. **Appropriation.** Money appropriated for each ombudsperson from the general fund or the special fund authorized by section 256.01, subdivision 2, ~~clause (15)~~ paragraph (o), is under the control of each ombudsperson for which it is appropriated.

Sec. 51. Minnesota Statutes 2012, section 257.0769, subdivision 1, is amended to read:

Subdivision 1. **Appropriations.** (a) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, ~~clause (15)~~ paragraph (o), to the Indian Affairs Council for the purposes of sections 257.0755 to 257.0768.

(b) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, ~~clause (15)~~ paragraph (o), to the council on affairs of Chicano/Latino people for the purposes of sections 257.0755 to 257.0768.

(c) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, ~~clause (15)~~ paragraph (o), to the Council of Black Minnesotans for the purposes of sections 257.0755 to 257.0768.

(d) Money is appropriated from the special fund authorized by section 256.01, subdivision 2, ~~clause (15)~~ paragraph (o), to the Council on Asian-Pacific Minnesotans for the purposes of sections 257.0755 to 257.0768.

Sec. 52. Minnesota Statutes 2012, section 259.22, subdivision 4, is amended to read:

Subd. 4. **Time for filing petition.** A petition shall be filed not later than 12 months after a child is placed in a prospective adoptive home. If a petition is not filed by that time, the agency that placed the child, or, in a direct adoptive placement, the agency that is supervising the placement shall file with the district court in the county where the

34.1 prospective adoptive parent resides a motion for an order and a report recommending  
34.2 one of the following:

34.3 (1) that the time for filing a petition be extended because of the child's special needs as  
34.4 defined under title IV-E of the Social Security Act, United States Code, title 42, section 673;

34.5 (2) that, based on a written plan for completing filing of the petition, including a  
34.6 specific timeline, to which the prospective adoptive parents have agreed, the time for filing  
34.7 a petition be extended long enough to complete the plan because such an extension is in  
34.8 the best interests of the child and additional time is needed for the child to adjust to the  
34.9 adoptive home; or

34.10 (3) that the child be removed from the prospective adoptive home.

34.11 The prospective adoptive parent must reimburse an agency for the cost of preparing  
34.12 and filing the motion and report under this section, unless the costs are reimbursed by the  
34.13 commissioner under section ~~259.67~~ or 259.73 or 259A.70.

34.14 Sec. 53. Minnesota Statutes 2012, section 259.35, subdivision 1, is amended to read:

34.15 Subdivision 1. **Parental responsibilities.** Prior to commencing an investigation  
34.16 of the suitability of proposed adoptive parents, a child-placing agency shall give the  
34.17 individuals the following written notice in all capital letters at least one-eighth inch high:

34.18 "Minnesota Statutes, section 259.59, provides that upon legally adopting a  
34.19 child, adoptive parents assume all the rights and responsibilities of birth parents. The  
34.20 responsibilities include providing for the child's financial support and caring for health,  
34.21 emotional, and behavioral problems. Except for subsidized adoptions under Minnesota  
34.22 Statutes, ~~section 259.67~~ chapter 259A, or any other provisions of law that expressly apply  
34.23 to adoptive parents and children, adoptive parents are not eligible for state or federal  
34.24 financial subsidies besides those that a birth parent would be eligible to receive for a child.  
34.25 Adoptive parents may not terminate their parental rights to a legally adopted child for a  
34.26 reason that would not apply to a birth parent seeking to terminate rights to a child. An  
34.27 individual who takes guardianship of a child for the purpose of adopting the child shall,  
34.28 upon taking guardianship from the child's country of origin, assume all the rights and  
34.29 responsibilities of birth and adoptive parents as stated in this paragraph."

34.30 Sec. 54. Minnesota Statutes 2012, section 259.85, subdivision 1, is amended to read:

34.31 Subdivision 1. **Purpose.** The commissioner of human services shall establish and  
34.32 supervise a postadoption service grants program to be administered by local social service  
34.33 agencies for the purpose of preserving and strengthening adoptive families. The program  
34.34 will provide financial assistance to adoptive parents who are not receiving adoption

35.1 assistance under ~~section 259.67~~ chapter 259A to meet the special needs of an adopted  
35.2 child that cannot be met by other resources available to the family.

35.3 Sec. 55. Minnesota Statutes 2012, section 260C.007, subdivision 6, is amended to read:

35.4 Subd. 6. **Child in need of protection or services.** "Child in need of protection or  
35.5 services" means a child who is in need of protection or services because the child:

35.6 (1) is abandoned or without parent, guardian, or custodian;

35.7 (2)(i) has been a victim of physical or sexual abuse as defined in section 626.556,  
35.8 subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in  
35.9 subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
35.10 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or  
35.11 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment  
35.12 as defined in subdivision 15;

35.13 (3) is without necessary food, clothing, shelter, education, or other required care  
35.14 for the child's physical or mental health or morals because the child's parent, guardian,  
35.15 or custodian is unable or unwilling to provide that care;

35.16 (4) is without the special care made necessary by a physical, mental, or emotional  
35.17 condition because the child's parent, guardian, or custodian is unable or unwilling to  
35.18 provide that care;

35.19 (5) is medically neglected, which includes, but is not limited to, the withholding of  
35.20 medically indicated treatment from a disabled infant with a life-threatening condition. The  
35.21 term "withholding of medically indicated treatment" means the failure to respond to the  
35.22 infant's life-threatening conditions by providing treatment, including appropriate nutrition,  
35.23 hydration, and medication which, in the treating physician's or physicians' reasonable  
35.24 medical judgment, will be most likely to be effective in ameliorating or correcting all  
35.25 conditions, except that the term does not include the failure to provide treatment other  
35.26 than appropriate nutrition, hydration, or medication to an infant when, in the treating  
35.27 physician's or physicians' reasonable medical judgment:

35.28 (i) the infant is chronically and irreversibly comatose;

35.29 (ii) the provision of the treatment would merely prolong dying, not be effective in  
35.30 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
35.31 futile in terms of the survival of the infant; or

35.32 (iii) the provision of the treatment would be virtually futile in terms of the survival  
35.33 of the infant and the treatment itself under the circumstances would be inhumane;

35.34 (6) is one whose parent, guardian, or other custodian for good cause desires to be  
35.35 relieved of the child's care and custody, including a child who entered foster care under a

36.1 voluntary placement agreement between the parent and the responsible social services  
36.2 agency under section 260C.227;

36.3 (7) has been placed for adoption or care in violation of law;

36.4 (8) is without proper parental care because of the emotional, mental, or physical  
36.5 disability, or state of immaturity of the child's parent, guardian, or other custodian;

36.6 (9) is one whose behavior, condition, or environment is such as to be injurious or  
36.7 dangerous to the child or others. An injurious or dangerous environment may include, but  
36.8 is not limited to, the exposure of a child to criminal activity in the child's home;

36.9 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
36.10 have been diagnosed by a physician and are due to parental neglect;

36.11 (11) has engaged in prostitution as defined in section 609.321, subdivision 9;

36.12 (12) has committed a delinquent act or a juvenile petty offense before becoming  
36.13 ten years old;

36.14 (13) is a runaway;

36.15 (14) is a habitual truant;

36.16 (15) has been found incompetent to proceed or has been found not guilty by reason  
36.17 of mental illness or mental deficiency in connection with a delinquency proceeding, a  
36.18 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
36.19 proceeding involving a juvenile petty offense;

36.20 (16) has a parent whose parental rights to one or more other children were  
36.21 involuntarily terminated or whose custodial rights to another child have been involuntarily  
36.22 transferred to a relative and there is a case plan prepared by the responsible social services  
36.23 agency documenting a compelling reason why filing the termination of parental rights  
36.24 petition under section ~~260C.301, subdivision 3~~ 260C.503, subdivision 2, is not in the best  
36.25 interests of the child; or

36.26 (17) is a sexually exploited youth.

36.27 Sec. 56. Minnesota Statutes 2012, section 260C.007, subdivision 8, is amended to read:

36.28 Subd. 8. **Compelling reasons.** "Compelling reasons" means an individualized  
36.29 determination by the responsible social services agency, which is approved by the court,  
36.30 related to a request by the agency not to initiate proceedings to terminate parental rights or  
36.31 transfer permanent legal and physical custody of a child to the child's relative or former  
36.32 noncustodial parent under section ~~260C.301, subdivision 3~~ 260C.503, subdivision 2.

36.33 Sec. 57. Minnesota Statutes 2012, section 260C.178, subdivision 1, is amended to read:

Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) Unless there is reason to believe that the child would endanger self or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1.

(c) If the court determines there is reason to believe that the child would endanger self or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered if returned to the care of the parent or guardian who has custody and from whom the child was removed, the court shall order the child into foster care under the legal responsibility of the responsible social services agency or responsible probation or corrections agency for the purposes of protective care as that term is used in the juvenile court rules or into the home of a noncustodial parent and order the noncustodial parent to comply with any conditions the court determines to be appropriate to the safety and care of the child, including cooperating with paternity establishment proceedings in the case of a man who has not been adjudicated the child's father. The court shall not give the responsible social services legal custody and order a trial home visit at any time prior to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or guardian who has custody and from whom the child was removed and order the parent or guardian to comply with any conditions the court determines to be appropriate to meet the safety, health, and welfare of the child.

(d) In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse.

(e) The court, before determining whether a child should be placed in or continue in foster care under the protective care of the responsible agency, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts were made to prevent placement or whether reasonable efforts to prevent placement are not required. In the case of an Indian child, the court shall determine whether active efforts, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d),

were made to prevent placement. The court shall enter a finding that the responsible social services agency has made reasonable efforts to prevent placement when the agency establishes either:

(1) that it has actually provided services or made efforts in an attempt to prevent the child's removal but that such services or efforts have not proven sufficient to permit the child to safely remain in the home; or

(2) that there are no services or other efforts that could be made at the time of the hearing that could safely permit the child to remain home or to return home. When reasonable efforts to prevent placement are required and there are services or other efforts that could be ordered which would permit the child to safely return home, the court shall order the child returned to the care of the parent or guardian and the services or efforts put in place to ensure the child's safety. When the court makes a prima facie determination that one of the circumstances under paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement and to return the child to the care of the parent or guardian are not required.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

(f) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child and that placement is in the best interest of the child.

(g) At the emergency removal hearing, or at any time during the course of the proceeding, and upon notice and request of the county attorney, the court shall determine whether a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been involuntarily terminated;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parents' custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e), clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

(5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2, against the child or another child of the parent;

(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

(7) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable.

(h) When a petition to terminate parental rights is required under section 260C.301, subdivision 3 ~~or 4~~, or 260C.503, subdivision 2, but the county attorney has determined not to proceed with a termination of parental rights petition, and has instead filed a petition to transfer permanent legal and physical custody to a relative under section 260C.507, the court shall schedule a permanency hearing within 30 days of the filing of the petition.

(i) If the county attorney has filed a petition under section 260C.307, the court shall schedule a trial under section 260C.163 within 90 days of the filing of the petition except when the county attorney determines that the criminal case shall proceed to trial first under section 260C.503, subdivision 2, paragraph (c).

(j) If the court determines the child should be ordered into foster care and the child's parent refuses to give information to the responsible social services agency regarding the child's father or relatives of the child, the court may order the parent to disclose the names, addresses, telephone numbers, and other identifying information to the responsible social services agency for the purpose of complying with sections 260C.151, 260C.212, 260C.215, and 260C.221.

(k) If a child ordered into foster care has siblings, whether full, half, or step, who are also ordered into foster care, the court shall inquire of the responsible social services agency of the efforts to place the children together as required by section 260C.212, subdivision 2, paragraph (d), if placement together is in each child's best interests, unless a child is in placement for treatment or a child is placed with a previously noncustodial parent who is not a parent to all siblings. If the children are not placed together at the time of the hearing, the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place the siblings together, as required under section 260.012. If any sibling is not placed with another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing contact among the siblings as required under section 260C.212, subdivision 1, unless it is contrary to the safety or well-being of any of the siblings to do so.

(l) When the court has ordered the child into foster care or into the home of a noncustodial parent, the court may order a chemical dependency evaluation, mental health evaluation, medical examination, and parenting assessment for the parent as necessary to support the development of a plan for reunification required under subdivision 7 and

40.1 section 260C.212, subdivision 1, or the child protective services plan under section  
40.2 626.556, subdivision 10, and Minnesota Rules, part 9560.0228.

40.3 Sec. 58. Minnesota Statutes 2012, section 260C.503, subdivision 2, is amended to read:

40.4 Subd. 2. **Termination of parental rights.** (a) The responsible social services  
40.5 agency must ask the county attorney to immediately file a termination of parental rights  
40.6 petition when:

40.7 (1) the child has been subjected to egregious harm as defined in section 260C.007,  
40.8 subdivision 14;

40.9 (2) the child is determined to be the sibling of a child who was subjected to  
40.10 egregious harm;

40.11 (3) the child is an abandoned infant as defined in section ~~260C.301, subdivision 3,~~  
40.12 ~~paragraph (b), clause (2)~~ 260C.301, subdivision 2, paragraph (a), clause (2);

40.13 (4) the child's parent has lost parental rights to another child through an order  
40.14 involuntarily terminating the parent's rights;

40.15 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision  
40.16 2, against the child or another child of the parent;

40.17 (6) the parent has committed an offense that requires registration as a predatory  
40.18 offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

40.19 (7) another child of the parent is the subject of an order involuntarily transferring  
40.20 permanent legal and physical custody of the child to a relative under this chapter or a  
40.21 similar law of another jurisdiction;

40.22 The county attorney shall file a termination of parental rights petition unless the conditions  
40.23 of paragraph (d) are met.

40.24 (b) When the termination of parental rights petition is filed under this subdivision,  
40.25 the responsible social services agency shall identify, recruit, and approve an adoptive  
40.26 family for the child. If a termination of parental rights petition has been filed by another  
40.27 party, the responsible social services agency shall be joined as a party to the petition.

40.28 (c) If criminal charges have been filed against a parent arising out of the conduct  
40.29 alleged to constitute egregious harm, the county attorney shall determine which matter  
40.30 should proceed to trial first, consistent with the best interests of the child and subject  
40.31 to the defendant's right to a speedy trial.

40.32 (d) The requirement of paragraph (a) does not apply if the responsible social services  
40.33 agency and the county attorney determine and file with the court:

40.34 (1) a petition for transfer of permanent legal and physical custody to a relative under  
40.35 sections 260C.505 and 260C.515, subdivision 3, including a determination that adoption



41.1 is not in the child's best interests and that transfer of permanent legal and physical custody  
41.2 is in the child's best interests; or

41.3 (2) a petition under section 260C.141 alleging the child, and where appropriate,  
41.4 the child's siblings, to be in need of protection or services accompanied by a case plan  
41.5 prepared by the responsible social services agency documenting a compelling reason why  
41.6 filing a termination of parental rights petition would not be in the best interests of the child.

41.7 Sec. 59. Minnesota Statutes 2012, section 272.488, subdivision 2, is amended to read:

41.8 Subd. 2. **Central database.** County recorders and the secretary of state shall enter  
41.9 information relative to lien notices, releases, revocations of release, and refilings of any of  
41.10 those items into the computerized database system of the secretary of state. For notices  
41.11 transmitted electronically for filing with the county recorders, the date and time of filing of  
41.12 the notice and county recorder's file number, and for notices transmitted electronically  
41.13 for filing with the secretary of state, the secretary of state's filing information, must be  
41.14 entered by the filing officer into the computerized database system before the close of the  
41.15 fifth working day following the day of the original data transmission to the filing officer.  
41.16 When notices are transmitted electronically, the filing officer must file the notices no later  
41.17 than 5:00 p.m. on the business day after they were transmitted to the filing officer. All  
41.18 other processing by the county recorder of lien notices, releases, revocations of release  
41.19 and refilings of any of those items must occur within the time period allowed in section  
41.20 ~~386.30~~ 357.182.

41.21 Sec. 60. Minnesota Statutes 2012, section 275.066, is amended to read:

41.22 **275.066 SPECIAL TAXING DISTRICTS; DEFINITION.**

41.23 For the purposes of property taxation and property tax state aids, the term "special  
41.24 taxing districts" includes the following entities:

- 41.25 (1) watershed districts under chapter 103D;  
41.26 (2) sanitary districts under sections 115.18 to 115.37;  
41.27 (3) regional sanitary sewer districts under sections 115.61 to 115.67;  
41.28 (4) regional public library districts under section 134.201;  
41.29 (5) park districts under chapter 398;  
41.30 (6) regional railroad authorities under chapter 398A;  
41.31 (7) hospital districts under sections 447.31 to 447.38;  
41.32 (8) St. Cloud Metropolitan Transit Commission under sections 458A.01 to 458A.15;  
41.33 (9) Duluth Transit Authority under sections 458A.21 to 458A.37;  
41.34 (10) regional development commissions under sections 462.381 to 462.398;

- 42.1 (11) housing and redevelopment authorities under sections 469.001 to 469.047;  
 42.2 (12) port authorities under sections 469.048 to 469.068;  
 42.3 (13) economic development authorities under sections 469.090 to 469.1081;  
 42.4 (14) Metropolitan Council under sections 473.123 to 473.549;  
 42.5 (15) Metropolitan Airports Commission under sections 473.601 to ~~473.680~~ 473.679;  
 42.6 (16) Metropolitan Mosquito Control Commission under sections 473.701 to 473.716;  
 42.7 (17) Morrison County Rural Development Financing Authority under Laws 1982,  
 42.8 chapter 437, section 1;  
 42.9 (18) Croft Historical Park District under Laws 1984, chapter 502, article 13, section 6;  
 42.10 (19) East Lake County Medical Clinic District under Laws 1989, chapter 211,  
 42.11 sections 1 to 6;  
 42.12 (20) Floodwood Area Ambulance District under Laws 1993, chapter 375, article  
 42.13 5, section 39;  
 42.14 (21) Middle Mississippi River Watershed Management Organization under sections  
 42.15 103B.211 and 103B.241;  
 42.16 (22) emergency medical services special taxing districts under section 144F.01;  
 42.17 (23) a county levying under the authority of section 103B.241, 103B.245, or  
 42.18 103B.251;  
 42.19 (24) Southern St. Louis County Special Taxing District; Chris Jensen Nursing Home  
 42.20 under Laws 2003, First Special Session chapter 21, article 4, section 12;  
 42.21 (25) an airport authority created under section 360.0426; and  
 42.22 (26) any other political subdivision of the state of Minnesota, excluding counties,  
 42.23 school districts, cities, and towns, that has the power to adopt and certify a property tax  
 42.24 levy to the county auditor, as determined by the commissioner of revenue.

42.25 Sec. 61. Minnesota Statutes 2012, section 297E.021, subdivision 4, is amended to read:

42.26 Subd. 4. **Appropriation; general reserve account.** To the extent the commissioner  
 42.27 determines that revenues are available under subdivision 3 for the fiscal year, those  
 42.28 amounts are appropriated from the general fund for deposit in a general reserve account  
 42.29 established by order of the commissioner of management and budget. Amounts in this  
 42.30 reserve are appropriated as necessary for application against any shortfall in the amounts  
 42.31 deposited to the general fund under section 297A.994 or, after consultation with the  
 42.32 Legislative Commission on Planning and Fiscal Policy, amounts in this reserve are  
 42.33 appropriated to the commissioner of management and budget for other uses related to the  
 42.34 stadium authorized under section 473J.03, subdivision ~~7~~ 8, that the commissioner deems  
 42.35 financially prudent including but not limited to reimbursements for capital and operating

costs relating to the stadium, refundings, and prepayment of debt. In no event, shall available revenues be pledged, nor shall the appropriations of available revenues made by this section constitute a pledge of available revenues as security for the prepayment of principal and interest on the appropriation bonds under section 16A.965.

Sec. 62. Minnesota Statutes 2012, section 299A.642, subdivision 4, is amended to read:

**Subd. 4. Duties and authority of commissioner.** (a) The commissioner of public safety shall certify multijurisdictional entities, and their designated fiscal agents, that are established pursuant to this section to combat gang and drug crime and receive grant funding under subdivision 9. To certify an entity and its designated fiscal agent, the commissioner shall require that a multijurisdictional entity:

(1) be subject to the operational command and supervision of one of the participating agencies;

(2) be subject to a biennial operational and financial audit contracted out to an external organization not associated with the multijurisdictional entity and designed to ensure that the entity and its designated fiscal agent are in compliance with applicable legal requirements, proper law enforcement standards and practices, and effective financial controls;

(3) have adequate staffing and funding to support law enforcement, prosecutorial, and financial operations, including bookkeeping, evidence handling, and inventory recording; and

(4) be subject to any other conditions the commissioner deems necessary to carry out the purposes of this section.

The commissioner may use grant funds authorized under subdivision 9 to pay for costs incurred in conducting audits under clause (2).

(b) A multijurisdictional entity, and its designated fiscal agent, must be certified annually by the commissioner and may not operate under this section unless it is certified. If the commissioner revokes an entity's or fiscal agent's certification, the commissioner may order, for purposes relating to this section, any or all of the following:

(1) dissolution of the entity, its governing boards, or both;

(2) transfer of duties of the entity, its governing boards, or both, to the Department of Public Safety; and

(3) any other action deemed necessary by the commissioner.

Notwithstanding any action taken by the commissioner, any outstanding obligations or liabilities of the entity remain with the entity and the parties of the agreement and do not transfer.

(c) An agreement entered into pursuant to section 471.59 and this section shall provide that the parties to the agreement are subject to the provisions in this subdivision and shall provide for the disposition of property and allocation of obligations upon voluntary or mandated dissolution of the entity or upon termination of the agreement.

~~(d) Except as provided in Laws 2010, chapter 383, section 5, a multijurisdictional entity that is operating on August 1, 2010, pursuant to section 299A.641 shall have until December 31, 2010, to be certified under this section.~~

Sec. 63. Minnesota Statutes 2012, section 299A.78, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of sections 299A.78 to 299A.7955 299A.795, the following definitions apply:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Nongovernmental organizations" means nonprofit, nongovernmental organizations that provide legal, social, or other community services.

(c) "Blackmail" has the meaning given in section 609.281, subdivision 2.

(d) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

(e) "Forced labor or services" has the meaning given in section 609.281, subdivision 4.

(f) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

(g) "Labor trafficking victim" has the meaning given in section 609.281, subdivision 6.

(h) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

(i) "Sex trafficking victim" has the meaning given in section 609.321, subdivision 7b.

(j) "Trafficking" includes "labor trafficking" and "sex trafficking."

(k) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking victim."

Sec. 64. Minnesota Statutes 2012, section 299L.02, is amended by adding a subdivision to read:

Subd. 5a. Oversight of background checks; new forms of lawful gambling.  
The director shall exercise oversight over all background checks on manufacturers and distributors who supply machines, games, software, or other gambling materials used in electronic pull-tabs, electronic bingo, or professional sports tipboards, to ensure the integrity of new forms of gambling entering the Minnesota market.

Sec. 65. Minnesota Statutes 2012, section 308A.931, subdivision 2, is amended to read:

Subd. 2. **Contents of articles.** The articles of dissolution must state:

(1) that all debts, obligations, and liabilities of the cooperative have been paid or discharged or adequate provisions have been made for them or time periods under section ~~308A.921~~ 308A.925 have run and other claims are not outstanding;

(2) that the remaining property, assets, and claims of the cooperative have been distributed among the members or pursuant to a liquidation authorized by the members; and

(3) that legal, administrative, or arbitration proceedings by or against the cooperative are not pending or adequate provision has been made for the satisfaction of a judgment, order, or decree that may be entered against the cooperative in a pending proceeding.

Sec. 66. Minnesota Statutes 2012, section 336.9-313, is amended to read:

**336.9-313 WHEN POSSESSION BY OR DELIVERY TO SECURED PARTY PERFECTS SECURITY INTEREST WITHOUT FILING.**

(a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b), a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 336.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in section ~~336.9-316(e)~~ 336.9-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) the person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) the person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under section 336.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) the acknowledgment is effective under subsection (c) or section 336.8-301(a), even if the acknowledgment violates the rights of a debtor; and

(2) unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) to hold possession of the collateral for the secured party's benefit; or

(2) to redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h); no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) violates the rights of a debtor. A person to which collateral is delivered under subsection (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this article otherwise provides.

Sec. 67. Minnesota Statutes 2012, section 360.046, subdivision 1, is amended to read:

Subdivision 1. **Definition of municipal airport.** For the purposes of this section, "municipal airport" is an airport owned by a county, city, town, or joint powers board within the meaning of section 360.042, exclusive of an airport formed and operated by the Metropolitan Airports Commission pursuant to sections 473.601 to ~~473.680~~ 473.679.

Sec. 68. Minnesota Statutes 2012, section 383A.13, subdivision 4, is amended to read:

Subd. 4. ~~Pre-clause (c), (d), (e), (f) duty~~ **Instructions from licensed physician.** At all times before undertaking the actions authorized by subdivision 3, clauses (c), (d), (e) and (f), paramedics shall try and, during the course of an emergency, continue to try to establish

47.1 voice communications with and receive instructions from a licensed physician who has  
47.2 been associated with the dispensing of emergency cardiac and noncardiac medical care.

47.3 Sec. 69. Minnesota Statutes 2012, section 390.32, subdivision 9, is amended to read:

47.4 Subd. 9. **Inquest procedure.** If the county attorney elects to conduct an inquest, the  
47.5 county attorney shall promptly notify the judge of the need for an inquest and make all  
47.6 arrangements for it. At the inquest, the judge shall preside and the county attorney shall  
47.7 conduct the inquest on behalf of the state. Upon conclusion of the inquest, the judge shall  
47.8 find the cause of death and sign and file a death record. The judge, upon application  
47.9 of the county attorney, may issue subpoenas for witnesses in the manner provided by  
47.10 section ~~390.15~~ 390.11, subdivision 5, and the judge shall administer the oath to them in  
47.11 the manner provided by section 390.33, subdivision 3.

47.12 Sec. 70. Minnesota Statutes 2012, section 463.04, is amended to read:

47.13 **463.04 CONDEMNATION PROCEEDINGS FOR BUILDING LINE**  
47.14 **EASEMENTS.**

47.15 The easement ~~above~~ specified in section 463.03 may be acquired by proceedings  
47.16 to be conducted in accordance with chapter 117 by the board of park commissioners, in  
47.17 case of parks and parkways controlled by a board of park commissioners, and by the  
47.18 city council in other cases.

47.19 The term "governing body" is used in sections 463.04 to 463.07 to designate  
47.20 the appropriate body in any given case, whether the city council, or board of park  
47.21 commissioners. The governing body shall first designate the easement to be acquired and  
47.22 define the lines by which it is bounded, and shall have power to condemn for the use of the  
47.23 public a building line easement as defined above, and when such condemnation shall have  
47.24 been completed, as in this section provided, the title to such easement shall pass to and be  
47.25 vested in the city for the public use. For the purpose of making the condemnation all the  
47.26 tracts of land required for any improvement may be included in the same proceeding.

47.27 ~~No such~~ An easement ~~shall~~ under this section must not include or take in any portion  
47.28 of a private residence existing at the time of the passage of sections 463.01 to 463.07  
47.29 excepting by purchase or grant.

47.30 Sec. 71. Minnesota Statutes 2012, section 465.05, is amended to read:

47.31 **465.05 TAX LEVY TO PAY INTEREST.**

47.32 When ~~any such~~ a city shall so accept such accepts a gift or donation under section  
47.33 465.04, the governing body ~~thereof shall have the right to~~ of the city may enter such into a

48.1 written contract for the payment of such interest so determined upon, it shall be the duty of  
48.2 as provided under section 465.04. The city council shall annually, levy a tax sufficient to  
48.3 pay the obligation incurred under the contract at the time other taxes are levied, to levy a  
48.4 tax sufficient to pay such obligation so incurred.

48.5 Sec. 72. Minnesota Statutes 2012, section 469.169, subdivision 12, is amended to read:

48.6 Subd. 12. **Additional zone allocations.** (a) ~~In addition to tax reductions authorized~~  
48.7 ~~in subdivisions 7 to 11,~~ The commissioner shall allocate tax reductions to border city  
48.8 enterprise zones located on the western border of the state. The cumulative total amount  
48.9 of tax reductions for all years of the program under sections 469.1731 to 469.1735, is  
48.10 limited to:

- 48.11 (1) for the city of Breckenridge, \$394,000;
- 48.12 (2) for the city of Dilworth, \$118,200;
- 48.13 (3) for the city of East Grand Forks, \$788,000;
- 48.14 (4) for the city of Moorhead, \$591,000; and
- 48.15 (5) for the city of Ortonville, \$78,800.

48.16 Allocations made under this subdivision may be used for tax reductions provided in  
48.17 section 469.1732 or 469.1734 or for reimbursements under section 469.1735, subdivision  
48.18 3, but only if the municipality determines that the granting of the tax reduction or offset is  
48.19 necessary to enable a business to expand within a city or to attract a business to a city.

48.20 ~~Limitations on allocations under subdivision 7 do not apply to this allocation.~~

48.21 (b) The limit in the allocation in paragraph (a) for a municipality may be waived by  
48.22 the commissioner if the commissioner of revenue finds that the municipality must provide  
48.23 an incentive under section 469.1732 or 469.1734 that, by itself or when aggregated with  
48.24 all other tax reductions granted by the municipality under those provisions, exceeds the  
48.25 municipality's maximum allocation under paragraph (a), in order to obtain or retain a  
48.26 business in the city that would not occur in the municipality without the incentive. The  
48.27 limit may be waived only if the commissioner finds that the business for which the tax  
48.28 incentives are to be provided:

- 48.29 (1) requires a private capital investment of at least \$1,000,000 within the city;
- 48.30 (2) employs at least 25 new or additional full-time equivalent employees within the  
48.31 city; and
- 48.32 (3) pays its employees at the location in the city wages that, on the average, will  
48.33 exceed the average wage paid in the county in which the municipality is located.

48.34 Sec. 73. Minnesota Statutes 2012, section 469.169, subdivision 14, is amended to read:



49.1 Subd. 14. **Additional border city allocations.** In addition to tax reductions  
49.2 authorized in ~~subdivisions 7 to~~ subdivision 12, the commissioner may allocate \$1,500,000  
49.3 for tax reductions to border city enterprise zones in cities located on the western border  
49.4 of the state. The commissioner shall make allocations to zones in cities on the western  
49.5 border on a per capita basis. Allocations made under this subdivision may be used for tax  
49.6 reductions as provided in section 469.171, or other offsets of taxes imposed on or remitted  
49.7 by businesses located in the enterprise zone, but only if the municipality determines  
49.8 that the granting of the tax reduction or offset is necessary in order to retain a business  
49.9 within or attract a business to the zone. ~~Limitations on allocations under subdivision 7,~~  
49.10 ~~do not apply to this allocation.~~

49.11 Sec. 74. Minnesota Statutes 2012, section 469.169, subdivision 15, is amended to read:

49.12 Subd. 15. **Additional border city allocations.** In addition to tax reductions  
49.13 authorized in subdivisions ~~7 to~~ 12 and 14, the commissioner shall allocate \$1,500,000 for  
49.14 tax reductions to border city enterprise zones in cities located on the western border of the  
49.15 state. The commissioner shall make allocations to zones in cities on the western border on  
49.16 a per capita basis. Allocations made under this subdivision may be used for tax reductions  
49.17 as provided in section 469.171, or for other offsets of taxes imposed on or remitted by  
49.18 businesses located in the enterprise zone, but only if the municipality determines that the  
49.19 granting of the tax reduction or offset is necessary in order to retain a business within or  
49.20 attract a business to the zone. Any portion of the allocation provided in this section may  
49.21 alternatively be used for tax reductions under section 469.1732 or 469.1734. If, at the end  
49.22 of the biennium, the total amount allowable under this section has not been expended,  
49.23 a city that has expended its allocation may submit a request for an additional allocation  
49.24 for qualifying reductions from the amount remaining. If more than one city exceeds  
49.25 their allocation and the additional qualifying amounts exceed the balance remaining, the  
49.26 commissioner shall allocate the amount remaining to each qualifying city in proportion  
49.27 to its request for additional allocation. ~~Limitations on allocations under subdivision 7~~  
49.28 ~~do not apply to this allocation.~~

49.29 Sec. 75. Minnesota Statutes 2012, section 469.169, subdivision 16, is amended to read:

49.30 Subd. 16. **Additional border city allocations.** (a) In addition to tax reductions  
49.31 authorized in subdivisions ~~7 to~~ 12, 14, and 15, the commissioner shall allocate \$750,000 for  
49.32 tax reductions to border city enterprise zones in cities located on the western border of the  
49.33 state. The commissioner shall make allocations to zones in cities on the western border on  
49.34 a per capita basis. Allocations made under this subdivision may be used for tax reductions

as provided in section 469.171, or for other offsets of taxes imposed on or remitted by businesses located in the enterprise zone, but only if the municipality determines that the granting of the tax reduction or offset is necessary in order to retain a business within or attract a business to the zone. Any portion of the allocation provided in this paragraph may alternatively be used for tax reductions under section 469.1732 or 469.1734.

(b) The commissioner shall allocate \$750,000 for tax reductions under section 469.1732 or 469.1734 to cities with border city enterprise zones located on the western border of the state. The commissioner shall allocate this amount among the cities on a per capita basis. Any portion of the allocation provided in this paragraph may alternatively be used for tax reductions as provided in section 469.171.

Sec. 76. Minnesota Statutes 2012, section 469.169, subdivision 17, is amended to read:

Subd. 17. **Additional border city allocations.** (a) In addition to tax reductions authorized in subdivisions 7 12 and 14 to 16, the commissioner shall allocate \$750,000 for tax reductions to border city enterprise zones in cities located on the western border of the state. The commissioner shall make allocations to zones in cities on the western border on a per capita basis. Allocations made under this subdivision may be used for tax reductions as provided in section 469.171, or for other offsets of taxes imposed on or remitted by businesses located in the enterprise zone, but only if the municipality determines that the granting of the tax reduction or offset is necessary in order to retain a business within or attract a business to the zone. Any portion of the allocation provided in this paragraph may alternatively be used for tax reductions under section 469.1732 or 469.1734.

(b) The commissioner shall allocate \$750,000 for tax reductions under section 469.1732 or 469.1734 to cities with border city enterprise zones located on the western border of the state. The commissioner shall allocate this amount among the cities on a per capita basis. Any portion of the allocation provided in this paragraph may alternatively be used for tax reductions as provided in section 469.171.

Sec. 77. Minnesota Statutes 2012, section 469.169, subdivision 18, is amended to read:

Subd. 18. **Additional border city allocations; 2008.** (a) In addition to tax reductions authorized in subdivisions 7 12 and 14 to 17, the commissioner shall allocate \$352,500 for tax reductions to border city enterprise zones in cities located on the western border of the state. The commissioner shall make allocations to zones in cities on the western border on a per capita basis. Allocations made under this subdivision may be used for tax reductions as provided in section 469.171, or for other offsets of taxes imposed on or remitted by businesses located in the enterprise zone, but only if the municipality

51.1 determines that the granting of the tax reduction or offset is necessary in order to retain a  
51.2 business within or attract a business to the zone. The city alternatively may elect to use  
51.3 any portion of the allocation provided in this paragraph for tax reductions under section  
51.4 469.1732 or 469.1734.

51.5 (b) The commissioner shall allocate \$352,500 for tax reductions under section  
51.6 469.1732 or 469.1734 to cities with border city enterprise zones located on the western  
51.7 border of the state. The commissioner shall allocate this amount among the cities on a per  
51.8 capita basis. The city alternatively may elect to use any portion of the allocation provided  
51.9 in this paragraph for tax reductions as provided in section 469.171.

51.10 Sec. 78. Minnesota Statutes 2012, section 469.1763, subdivision 2, is amended to read:

51.11 Subd. 2. **Expenditures outside district.** (a) For each tax increment financing  
51.12 district, an amount equal to at least 75 percent of the total revenue derived from tax  
51.13 increments paid by properties in the district must be expended on activities in the district  
51.14 or to pay bonds, to the extent that the proceeds of the bonds were used to finance activities  
51.15 in the district or to pay, or secure payment of, debt service on credit enhanced bonds.  
51.16 For districts, other than redevelopment districts for which the request for certification  
51.17 was made after June 30, 1995, the in-district percentage for purposes of the preceding  
51.18 sentence is 80 percent. Not more than 25 percent of the total revenue derived from tax  
51.19 increments paid by properties in the district may be expended, through a development fund  
51.20 or otherwise, on activities outside of the district but within the defined geographic area of  
51.21 the project except to pay, or secure payment of, debt service on credit enhanced bonds.  
51.22 For districts, other than redevelopment districts for which the request for certification was  
51.23 made after June 30, 1995, the pooling percentage for purposes of the preceding sentence is  
51.24 20 percent. The revenue derived from tax increments for the district that are expended on  
51.25 costs under section 469.176, subdivision 4h, paragraph (b), may be deducted first before  
51.26 calculating the percentages that must be expended within and without the district.

51.27 (b) In the case of a housing district, a housing project, as defined in section 469.174,  
51.28 subdivision 11, is an activity in the district.

51.29 (c) All administrative expenses are for activities outside of the district, except that  
51.30 if the only expenses for activities outside of the district under this subdivision are for  
51.31 the purposes described in paragraph (d), administrative expenses will be considered as  
51.32 expenditures for activities in the district.

51.33 (d) The authority may elect, in the tax increment financing plan for the district,  
51.34 to increase by up to ten percentage points the permitted amount of expenditures for  
51.35 activities located outside the geographic area of the district under paragraph (a). As

permitted by section 469.176, subdivision 4k, the expenditures, including the permitted expenditures under paragraph (a), need not be made within the geographic area of the project. Expenditures that meet the requirements of this paragraph are legally permitted expenditures of the district, notwithstanding section 469.176, subdivisions 4b, 4c, and 4j.

To qualify for the increase under this paragraph, the expenditures must:

(1) be used exclusively to assist housing that meets the requirement for a qualified low-income building, as that term is used in section 42 of the Internal Revenue Code; and

(2) not exceed the qualified basis of the housing, as defined under section 42(c) of the Internal Revenue Code, less the amount of any credit allowed under section 42 of the Internal Revenue Code; and

(3) be used to:

(i) acquire and prepare the site of the housing;

(ii) acquire, construct, or rehabilitate the housing; or

(iii) make public improvements directly related to the housing; or

(4) be used to develop housing:

(i) if the market value of the housing does not exceed the lesser of:

(A) 150 percent of the average market value of single-family homes in that municipality; or

(B) \$200,000 for municipalities located in the metropolitan area, as defined in section 473.121, or \$125,000 for all other municipalities; and

(ii) if the expenditures are used to pay the cost of site acquisition, relocation, demolition of existing structures, site preparation, and pollution abatement on one or more parcels, if the parcel contains a residence containing one to four family dwelling units that has been vacant for six or more months and is in foreclosure as defined in section 325N.10, subdivision 7, but without regard to whether the residence is the owner's principal residence, and only after the redemption period ~~stated in the notice provided under section 580.06~~ has expired.

(e) For a district created within a biotechnology and health sciences industry zone as defined in section 469.330, subdivision 6, or for an existing district located within such a zone, tax increment derived from such a district may be expended outside of the district but within the zone only for expenditures required for the construction of public infrastructure necessary to support the activities of the zone, land acquisition, and other redevelopment costs as defined in section 469.176, subdivision 4j. These expenditures are considered as expenditures for activities within the district.

(f) The authority under paragraph (d), clause (4), expires on December 31, 2016. Increments may continue to be expended under this authority after that date, if they are

53.1 used to pay bonds or binding contracts that would qualify under subdivision 3, paragraph  
53.2 (a), if December 31, 2016, is considered to be the last date of the five-year period after  
53.3 certification under that provision.

53.4 Sec. 79. Minnesota Statutes 2012, section 471.982, subdivision 3, is amended to read:

53.5 Subd. 3. **Exemptions.** Self-insurance pools established and open for enrollment on  
53.6 a statewide basis by the Minnesota League of Cities Insurance Trust, the Minnesota School  
53.7 Boards Association Insurance Trust, the Minnesota Association of Townships Insurance  
53.8 and Bond Trust, the Minnesota ~~Association of Counties Insurance~~ Intergovernmental  
53.9 Trust, or the Nonprofit Insurance Trust and the political subdivisions that belong to them  
53.10 are exempt from the requirements of this section and sections 65B.48, subdivision 3, and  
53.11 60A.0811. In addition, the Minnesota Association of Townships Insurance and Bond  
53.12 Trust and the townships that belong to it are exempt from the requirement to hold the  
53.13 certificate of surety authorization issued by the commissioner of commerce as provided  
53.14 in section 574.15.

53.15 Sec. 80. Minnesota Statutes 2012, section 473J.14, is amended to read:

53.16 **473J.14 SUITES TAX.**

53.17 (a) Upon notification by the commissioner of management and budget under section  
53.18 16A.727, the authority shall by resolution impose and maintain a ten percent tax on the  
53.19 gross receipts received for the rental of suites, sky boxes, and similar in the NFL stadium.

53.20 (b) The tax must be imposed in the years specified by the commissioner of  
53.21 management and budget. The suites rental tax under paragraph (a) applies to the gross  
53.22 receipts, as defined under section 297A.61, received by the seller, as defined in section  
53.23 297A.61, and is a debt owed by the seller to the authority. A tax imposed under this  
53.24 section is recoverable at law by the authority from the seller in the same manner as other  
53.25 debts. Every person granting, selling, or renting suites, sky boxes, or similar may be  
53.26 required, as provided in resolutions of the authority, to secure a permit, to file returns, to  
53.27 deposit security for the payment of the tax, and to pay the penalties for nonpayment and  
53.28 interest on late payments, as the authority deems necessary or expedient to assure the  
53.29 prompt and uniform collection of ~~either or both of the taxes~~ tax.

53.30 (c) The authority shall remit the proceeds of a tax imposed under this section to the  
53.31 commissioner of management and budget for deposit in the state's general fund.

53.32 Sec. 81. Minnesota Statutes 2012, section 504B.285, subdivision 1c, is amended to read:

Subd. 1c. **Grounds for evictions on or after January 1, 2015.** For any eviction action commenced on or after January 1, 2015, the person entitled to the premises may recover possession by eviction when any person holds over real property after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property, provided that if the person holding the real property after the expiration of the time for redemption or termination was a tenant during the redemption or termination period under a lease of any duration, and the lease began after the date the mortgage or contract for deed was executed, but prior to the expiration of the time for redemption or termination and the person holding the premises has received:

(1) at least two months' written notice to vacate no sooner than one month after the expiration of the time for redemption or termination, provided that the tenant pays the rent and abides by all terms of the lease; or

(2) at least two months' written notice to vacate no later than the date of the expiration of the ~~term~~ time for redemption or termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premises if the mortgage is redeemed or the contract is reinstated.

Sec. 82. Minnesota Statutes 2012, section 518B.02, subdivision 3, is amended to read:

Subd. 3. **Program accountability.** The ~~Minnesota Center for Crime Victim Services~~ Office of Justice Programs in the Department of Public Safety will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed-upon accountability measures including outcome studies.

Sec. 83. Minnesota Statutes 2012, section 524.3-803, is amended to read:

**524.3-803 LIMITATIONS ON PRESENTATION OF CLAIMS.**

(a) All claims as defined in section 524.1-201 ~~(6)~~ (8), against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) in the case of a creditor who is only entitled, under the United States Constitution and under the Minnesota Constitution, to notice by publication under section 524.3-801,

within four months after the date of the court administrator's notice to creditors which is subsequently published pursuant to section 524.3-801;

(2) in the case of a creditor who was served with notice under section 524.3-801(c), within the later to expire of four months after the date of the first publication of notice to creditors or one month after the service;

(3) within one year after the decedent's death, whether or not notice to creditors has been published or served under section 524.3-801. Claims authorized by section 246.53, 256B.15, or 256D.16 must not be barred after one year as provided in this clause.

(b) All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) a claim based on a contract with the personal representative, within four months after performance by the personal representative is due;

(2) any other claim, within four months after it arises.

(c) Nothing in this section affects or prevents:

(1) any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate;

(2) any proceeding to establish liability of the decedent or the personal representative for which there is protection by liability insurance, to the limits of the insurance protection only;

(3) the presentment and payment at any time within one year after the decedent's death of any claim arising before the death of the decedent that is referred to in section 524.3-715, clause (18), although the same may be otherwise barred under this section; or

(4) the presentment and payment at any time before a petition is filed in compliance with section 524.3-1001 or 524.3-1002 or a closing statement is filed under section 524.3-1003, of:

(i) any claim arising after the death of the decedent that is referred to in section 524.3-715, clause (18), although the same may be otherwise barred hereunder;

(ii) any other claim, including claims subject to clause (3), which would otherwise be barred hereunder, upon allowance by the court upon petition of the personal representative or the claimant for cause shown on notice and hearing as the court may direct.

Sec. 84. Minnesota Statutes 2012, section 580.041, subdivision 2a, is amended to read:

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

**"What Happens After the Foreclosure Sale**

After the sheriff's sale, you have the right to "redeem." Redeem means that you pay the amount bid for your house at the sheriff's sale, plus interest and costs, to keep your house. You can keep living in your home for a period of time after the foreclosure sale. This is called a "redemption period." The redemption period is [insert number of months] months after the sheriff's sale.

At the end of the redemption period, if you do not redeem or sell, you will have to leave your home. If you do not leave, the person or company that bid on your home at the sheriff's sale has the right to file an eviction against you in court.

**Be Careful of Foreclosure Scams**

Be careful! After the foreclosure sale, people may approach you to buy your house or ask you to transfer your house to them for little or no money.

Before you give up the rights to your house or sign any documents (including a deed), be sure you know how much the house sold for at the sheriff's sale and decide if you can save the house by paying the amount of the bid, plus interest and costs.

**How to Find Out How Much Your House Sold For at the Foreclosure Sale**

The amount you need to pay to redeem your house may be less than the amount you owed on the mortgage before the sale. You can learn what this amount is (and who the winning bidder at the sale was) by attending the sheriff's sale or by contacting the sheriff's office after the sale.

**You Can Also Sell Your House**

During the redemption period, if you sell your home, you must sell it for enough to pay off the winning bidder from the sheriff's sale and pay interest, fees, and other claims against the property. If there is any money left from the sale of the house after all these debts are paid, you can keep the money. You can also enter into a "short sale." A short sale is an agreement in which the lender agrees to accept less than the full amount you owe on the mortgage.

**Get More Information and Advice**

For more information and advice, contact an attorney or a mortgage foreclosure prevention counselor. You can find a mortgage foreclosure prevention counselor by contacting the Minnesota Home Ownership Center at 651-659-9336 or 866-462-6466 or [www.hocmn.org](http://www.hocmn.org) or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea)



57.1 www.hud.gov to get the phone number and location of the nearest certified counseling  
57.2 organization."

57.3 Sec. 85. Minnesota Statutes 2012, section 609.233, subdivision 1a, is amended to read:

57.4 Subd. 1a. **Felony deprivation.** A caregiver or operator who intentionally deprives a  
57.5 vulnerable adult of necessary food, clothing, shelter, health care, or supervision, when the  
57.6 caregiver or operator is reasonably able to make the necessary provisions, is guilty of a  
57.7 felony and may be sentenced as provided in subdivision 2a 3 if:

57.8 (1) the caregiver or operator knows or has reason to know the deprivation could  
57.9 likely result in substantial bodily harm or great bodily harm to the vulnerable adult; or

57.10 (2) the deprivation occurred over an extended period of time.

57.11 Sec. 86. Minnesota Statutes 2012, section 609B.445, is amended to read:

57.12 **609B.445 CERTAIN CONVICTIONS; PROSPECTIVE ADOPTIVE**  
57.13 **PARENTS; DISQUALIFICATION.**

57.14 Under section ~~259.67, subdivision 1, paragraph (b)~~ 259A.10, subdivision 4, a  
57.15 disqualifying condition for adoption exists if a criminal background check reveals a felony  
57.16 conviction for child or spousal abuse; for a crime against children; for a crime involving  
57.17 violence, including rape, sexual assault, or homicide; or for a felony conviction within the  
57.18 past five years for physical assault, battery, or a drug-related offense.

57.19 Sec. 87. Minnesota Statutes 2012, section 611A.02, subdivision 2, is amended to read:

57.20 Subd. 2. **Victims' rights.** (a) ~~The Crime Victim and Witness Advisory Council~~  
57.21 Office of Justice Programs of the Department of Public Safety shall develop two model  
57.22 notices of the rights of crime victims.

57.23 (b) The initial notice of the rights of crime victims must be distributed by a peace  
57.24 officer to each victim, as defined in section 611A.01, at the time of initial contact with the  
57.25 victim. The notice must inform a victim of:

57.26 (1) the victim's right to apply for reparations to cover losses, not including property  
57.27 losses, resulting from a violent crime and the telephone number to call to request an  
57.28 application;

57.29 (2) the victim's right to request that the law enforcement agency withhold public  
57.30 access to data revealing the victim's identity under section 13.82, subdivision 17,  
57.31 paragraph (d);

57.32 (3) the additional rights of domestic abuse victims as described in section 629.341;

57.33 (4) information on the nearest crime victim assistance program or resource; and

(5) the victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution.

(c) A supplemental notice of the rights of crime victims must be distributed by the city or county attorney's office to each victim, within a reasonable time after the offender is charged or petitioned. This notice must inform a victim of all the rights of crime victims under this chapter.

Sec. 88. Minnesota Statutes 2012, section 611A.02, subdivision 3, is amended to read:

Subd. 3. **Notice of rights of victims in juvenile court.** (a) ~~The Crime-Victim and Witness Advisory Council~~ Office of Justice Programs of the Department of Public Safety shall develop a notice of the rights of victims in juvenile court that explains:

- (1) the rights of victims in the juvenile court;
- (2) when a juvenile matter is public;
- (3) the procedures to be followed in juvenile court proceedings; and
- (4) other relevant matters.

(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.

Sec. 89. Minnesota Statutes 2012, section 611A.201, subdivision 1, is amended to read:

Subdivision 1. **Appointment of director.** The executive director of the ~~Center for Crime-Victim Services~~ Office of Justice Programs in the Department of Public Safety shall appoint a person to serve as director of domestic violence and sexual assault prevention in the ~~center~~ office. The director must have experience in domestic violence and sexual assault prevention issues. The director serves at the executive director's pleasure in the unclassified service. The executive director may appoint, supervise, discipline, and discharge employees to assist the director in carrying out the director's responsibilities under this section.

Sec. 90. Minnesota Statutes 2012, section 611A.201, subdivision 2, is amended to read:

Subd. 2. **Director's responsibilities.** The director shall have the following duties:

- (1) advocate for the rights of victims of domestic violence and sexual assault;
- (2) increase public education and visibility about the prevention of domestic violence and sexual assault;

59.1 (3) encourage accountability regarding domestic violence and sexual assault at all  
59.2 levels of the system, and develop recommendations to improve accountability when  
59.3 the system fails;

59.4 (4) support prosecution and civil litigation efforts regarding domestic violence and  
59.5 sexual assault at the federal and state levels;

59.6 (5) study issues involving domestic violence and sexual assault as they pertain to  
59.7 both men and women and present findings and recommendations resulting from these  
59.8 studies to all branches of government;

59.9 (6) initiate policy changes regarding domestic violence and sexual assault at all  
59.10 levels of government;

59.11 (7) coordinate existing resources and promote coordinated and immediate  
59.12 community responses to better serve victims of domestic violence and sexual assault;

59.13 (8) build partnerships among law enforcement, prosecutors, defenders, advocates,  
59.14 and courts to reduce the occurrence of domestic violence and sexual assault;

59.15 (9) encourage and support the efforts of health care providers, mental health experts,  
59.16 employers, educators, clergy members, and others, in raising awareness of and addressing  
59.17 how to prevent domestic violence and sexual assault;

59.18 (10) coordinate and maximize the use of federal, state, and local resources available  
59.19 to prevent domestic violence and sexual assault and leverage more resources through  
59.20 grants and private funding; and

59.21 (11) serve as a liaison between the executive director of the ~~center for Crime~~  
59.22 ~~Victim Services~~ Office of Justice Programs in the Department of Public Safety and  
59.23 the commissioner of health with regard to the Department of Health's sexual violence  
59.24 prevention program funded by federal block grants, and oversee how this money is spent.

59.25 Sec. 91. Minnesota Statutes 2012, section 611A.201, subdivision 5, is amended to read:

59.26 Subd. 5. **Other responsibilities.** In addition to those described in this section,  
59.27 the executive director of the ~~center~~ office may assign other appropriate responsibilities  
59.28 to the director.

59.29 Sec. 92. Minnesota Statutes 2012, section 611A.37, subdivision 2, is amended to read:

59.30 Subd. 2. **Director.** "Director" means the director of the ~~Minnesota Center for~~  
59.31 ~~Crime Victim Services~~ Office of Justice Programs in the Department of Public Safety  
59.32 or a designee.

59.33 Sec. 93. Minnesota Statutes 2012, section 611A.37, subdivision 3, is amended to read:

Subd. 3. **Center Office.** "Center Office" means the ~~Minnesota Center for Crime~~  
~~Victim Services~~ Office of Justice Programs in the Department of Public Safety.

Sec. 94. Minnesota Statutes 2012, section 611A.373, is amended to read:

**611A.373 PAYMENTS.**

Subdivision 1. **Payment.** Payments to designated shelter facilities must be in the form of a grant. Designated shelter facilities may submit requests for payment monthly based on their expenses. The process for the submission of payments and for the submission of requests may be established by the director. Upon approval of the request for payment by the ~~center office~~, payments shall be made directly to designated shelter facilities from grant funds on behalf of women and their children who reside in the shelter facility. Payments made to a designated shelter facility must not exceed the grant amount for that facility unless approved by the director. These payments must not affect the eligibility of individuals who reside in shelter facilities for public assistance benefits, except when required by federal law or regulation.

Subd. 2. **Reserve grant amount.** The ~~center office~~ shall calculate the grant amount for each designated shelter facility. This calculation may be based upon program type, average occupancy rates, and licensed capacity limits. The total of all grant amounts shall not exceed the legislative appropriation.

Subd. 3. **Accountability.** Shelter facilities must comply with reporting requirements and any other measures imposed by the ~~Minnesota Center for Crime Victim Services~~ Office of Justice Programs in the Department of Public Safety to improve accountability and program outcomes including, but not limited to, information on all restricted or unrestricted fund balances.

Sec. 95. Minnesota Statutes 2012, section 611A.46, is amended to read:

**611A.46 CLASSIFICATION OF DATA.**

(a) Personal history information and other information collected, used, and maintained by a ~~Minnesota Center for Crime Victim Services~~ an Office of Justice Programs in the Department of Public Safety grantee from which the identity and location of any crime victim may be determined are private data on individuals as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

(b) Personal history data and other information collected, used, and maintained by the ~~Minnesota Center for Crime Victim Services~~ Office of Justice Programs in the

61.1 Department of Public Safety from which the identity and location of any victim may be  
61.2 determined are private data on individuals as defined in section 13.02, subdivision 12.

61.3 (c) Internal auditing data shall be classified as provided by section 13.392.

61.4 Sec. 96. Minnesota Statutes 2012, section 611A.77, subdivision 1, is amended to read:

61.5 Subdivision 1. **Grants.** The executive director of the ~~center for Crime Victim~~  
61.6 ~~Services~~ Office of Justice Programs in the Department of Public Safety shall award grants  
61.7 to nonprofit organizations to create or expand mediation programs for crime victims  
61.8 and offenders. For purposes of this section, "offender" means an adult charged with a  
61.9 nonviolent crime or a juvenile who has been referred to a mediation program before or  
61.10 after a petition for delinquency has been filed in connection with a nonviolent offense, and  
61.11 "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a  
61.12 family or household member, as defined in section 518B.01, subdivision 2.

61.13 Sec. 97. Minnesota Statutes 2012, section 611A.77, subdivision 2, is amended to read:

61.14 Subd. 2. **Programs.** The executive director of the ~~center for Crime Victim Services~~  
61.15 Office of Justice Programs in the Department of Public Safety shall award grants to further  
61.16 the following goals:

61.17 (1) to expand existing mediation programs for crime victims and juvenile offenders  
61.18 to also include adult offenders;

61.19 (2) to initiate victim-offender mediation programs in areas that have no  
61.20 victim-offender mediation programs;

61.21 (3) to expand the opportunities for crime victims to be involved in the criminal  
61.22 justice process;

61.23 (4) to evaluate the effectiveness of victim-offender mediation programs in reducing  
61.24 recidivism and encouraging the payment of court-ordered restitution; and

61.25 (5) to evaluate the satisfaction of victims who participate in the mediation programs.

61.26 Sec. 98. Minnesota Statutes 2012, section 611A.77, subdivision 3, is amended to read:

61.27 Subd. 3. **Mediator qualifications.** The executive director of the ~~center for Crime~~  
61.28 ~~Victim Services~~ Office of Justice Programs in the Department of Public Safety shall  
61.29 establish criteria to ensure that mediators participating in the program are qualified.

61.30 Sec. 99. Minnesota Statutes 2012, section 626.556, subdivision 2, is amended to read:

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

62.1 (a) "Family assessment" means a comprehensive assessment of child safety, risk  
62.2 of subsequent child maltreatment, and family strengths and needs that is applied to a  
62.3 child maltreatment report that does not allege substantial child endangerment. Family  
62.4 assessment does not include a determination as to whether child maltreatment occurred  
62.5 but does determine the need for services to address the safety of family members and the  
62.6 risk of subsequent maltreatment.

62.7 (b) "Investigation" means fact gathering related to the current safety of a child  
62.8 and the risk of subsequent maltreatment that determines whether child maltreatment  
62.9 occurred and whether child protective services are needed. An investigation must be used  
62.10 when reports involve substantial child endangerment, and for reports of maltreatment in  
62.11 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to  
62.12 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and  
62.13 13, and 124D.10; or in a nonlicensed personal care provider association as defined in  
62.14 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

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

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

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

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

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

62.26 (5) murder in the first, second, or third degree under section 609.185, 609.19, or  
62.27 609.195;

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

62.29 (7) assault in the first, second, or third degree under section 609.221, 609.222, or  
62.30 609.223;

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

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

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

62.34 (11) malicious punishment or neglect or endangerment of a child under section  
62.35 609.377 or 609.378;

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

(13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section ~~260C.301, subdivision 3,~~ paragraph (a) 260C.503, subdivision 2.

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation which requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

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

(f) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

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

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

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical

condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

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

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

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

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

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

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

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

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as



65.1 allowed by section 121A.582. Actions which are not reasonable and moderate include,  
65.2 but are not limited to, any of the following that are done in anger or without regard to the  
65.3 safety of the child:

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

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

65.6 (3) shaking a child under age three;

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

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

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

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

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

65.18 (9) unreasonable physical confinement or restraint not permitted under section  
65.19 609.379, including but not limited to tying, caging, or chaining; or

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

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

65.25 (i) "Facility" means:

65.26 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,  
65.27 sanitarium, or other facility or institution required to be licensed under sections 144.50 to  
65.28 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

65.29 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and  
65.30 124D.10; or

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

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

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

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

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

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

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

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

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

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

A child is the subject of a report of threatened injury when the responsible social services agency receives birth match data under paragraph (o) from the Department of Human Services.

(o) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under paragraph (n), the Department of Human Services shall send the data to the responsible social services agency. The data is known as "birth match" data. Unless the responsible social services agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under this section. The agency may use either a family assessment or investigation to determine whether the child is safe. All of the provisions of this section apply. If the child is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need

67.1 of protection or services under section 260C.007, subdivision 6, clause (16), in order  
67.2 to deliver needed services. If the child is determined not to be safe, the agency and  
67.3 the county attorney shall take appropriate action as required under section ~~260C.301,~~  
67.4 ~~subdivision 3~~ 260C.503, subdivision 2.

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

67.9 (q) "Accidental" means a sudden, not reasonably foreseeable, and unexpected  
67.10 occurrence or event which:

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

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

67.16 (r) "Nonmaltreatment mistake" means:

67.17 (1) at the time of the incident, the individual was performing duties identified in the  
67.18 center's child care program plan required under Minnesota Rules, part 9503.0045;

67.19 (2) the individual has not been determined responsible for a similar incident that  
67.20 resulted in a finding of maltreatment for at least seven years;

67.21 (3) the individual has not been determined to have committed a similar  
67.22 nonmaltreatment mistake under this paragraph for at least four years;

67.23 (4) any injury to a child resulting from the incident, if treated, is treated only with  
67.24 remedies that are available over the counter, whether ordered by a medical professional or  
67.25 not; and

67.26 (5) except for the period when the incident occurred, the facility and the individual  
67.27 providing services were both in compliance with all licensing requirements relevant to the  
67.28 incident.

67.29 This definition only applies to child care centers licensed under Minnesota  
67.30 Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of  
67.31 substantiated maltreatment by the individual, the commissioner of human services shall  
67.32 determine that a nonmaltreatment mistake was made by the individual.

67.33 Sec. 100. Minnesota Statutes 2012, section 626.9517, subdivision 1, is amended to read:

67.34 Subdivision 1. **Grants; cameras described.** ~~The commissioner of public safety~~  
67.35 ~~shall make~~ Video cameras installed pursuant to grants made by the commissioner of public

68.1 safety to law enforcement agencies participating in the racial profiling study described in  
68.2 Minnesota Statutes 2006, section 626.951, for the purchase, installation, and maintenance  
68.3 of video cameras on police vehicles designed to record traffic stops. ~~A video camera~~  
68.4 ~~installed pursuant to a grant under this section~~ must:

- 68.5 (1) be automatically activated during every traffic stop;  
68.6 (2) contain an audio feature; and  
68.7 (3) be designed and installed so as to record the stop in its entirety.

68.8 Cameras may not be equipped with manual shutoff switches and must be activated  
68.9 for the entirety of a traffic stop.

68.10 Sec. 101. Minnesota Statutes 2012, section 629.341, subdivision 4, is amended to read:

68.11 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that  
68.12 an incident described in subdivision 1 has occurred, whether or not an arrest is made, the  
68.13 officer shall make a written police report of the alleged incident. The report must contain  
68.14 at least the following information: the name, address and telephone number of the victim,  
68.15 if provided by the victim, a statement as to whether an arrest occurred, the name of the  
68.16 arrested person, and a brief summary of the incident. Data that identify a victim who has  
68.17 made a request under section 13.82, subdivision 17, paragraph (d), and that are private  
68.18 data under that subdivision, shall be private in the report required by this section. A  
68.19 copy of this report must be provided upon request, at no cost, to the victim of domestic  
68.20 abuse, the victim's attorney, or organizations designated by ~~the Minnesota Crime Victims~~  
68.21 ~~Services Center,~~ the Office of Justice Programs in the Department of Public Safety; or  
68.22 the commissioner of corrections that are providing services to victims of domestic abuse.  
68.23 The officer shall submit the report to the officer's supervisor or other person to whom the  
68.24 employer's rules or policies require reports of similar allegations of criminal activity to  
68.25 be made.

68.26 Sec. 102. Laws 2010, chapter 375, section 11, the effective date, is amended to read:

68.27 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to sheriff's  
68.28 sales conducted on or after that date. The amendments made by this section, including any  
68.29 subsequent amendments to subdivision 2 or 3, expires on expire December 31, 2012.

68.30 **EFFECTIVE DATE.** This section is effective retroactively from December 31,  
68.31 2012, and applies to sheriff's sales conducted on or after that date.

68.32 Sec. 103. Laws 2012, chapter 199, section 6, is amended to read:

69.1           Sec. 6. **PRIOR ACTIVITIES.**

69.2           Sections ~~1, 2, and 3~~ 3, 4, and 5 are, in part, remedial in nature. Actions of  
69.3   Washington County or the Washington County Housing and Redevelopment Authority  
69.4   prior to the effective date of those sections are not invalid or unenforceable for exercising  
69.5   powers that are authorized by sections ~~1, 2, and 3~~ 3, 4, and 5.

69.6           Sec. 104. Laws 2012, chapter 293, section 13, subdivision 3, is amended to read:

69.7   Subd. 3. **Capitol Restoration Appropriation** 44,000,000

69.8   (a) This appropriation may be used for one or  
69.9   more of the following purposes:

69.10   (1) to design, construct, and equip a new  
69.11   tunnel extending from the Capitol building  
69.12   and passing under University Avenue, and  
69.13   associated improvements, in accordance  
69.14   with recommendation number 6 of the  
69.15   Comprehensive Master Plan and the  
69.16   final report of the Committee on Capitol  
69.17   Complex Security, dated April 1, 2011, with  
69.18   construction to be coordinated with light rail  
69.19   construction time frames;

69.20   (2) for predesign and design of the renovation  
69.21   and restoration of the State Capitol building,  
69.22   including preparation of design guidelines  
69.23   and a historic structures report;

69.24   (3) for repairs to exterior stone, window  
69.25   replacement, and preparation of mechanical  
69.26   space in the attic of the State Capitol building;

69.27   (4) for construction to restore and improve  
69.28   the Capitol building and grounds, including  
69.29   exterior stone repair and the construction  
69.30   activities listed as part of sequence A  
69.31   in the 2012 Comprehensive Master Plan  
69.32   dated February 2012, prepared by MOCA,  
69.33   including hazardous materials abatement; and

70.1 (5) up to \$5,000,000 of this appropriation  
70.2 may be used to predesign, design, conduct  
70.3 hazardous materials abatement, construct,  
70.4 renovate and remodel, and furnish and equip  
70.5 the State Office Building, Administration  
70.6 Building, Centennial Office Building, 321  
70.7 Grove Street Buildings, and such other  
70.8 properties located on the Capitol campus as  
70.9 determined by the commissioner to meet  
70.10 temporary and permanent office and other  
70.11 space needs occasioned by and in furtherance  
70.12 of an efficient restoration of the State Capitol  
70.13 building and for the efficient and effective  
70.14 function of the tenants currently located in  
70.15 the Capitol building.

70.16 (b) Money appropriated under paragraph (a),  
70.17 clauses (1) to (3), may be spent as of the  
70.18 effective date.

70.19 (c) Money appropriated under paragraph  
70.20 (a), clauses (4) and (5), may not be spent  
70.21 unless and until the conditions in Minnesota  
70.22 Statutes, section ~~15B.15~~ 15B.155, have been  
70.23 met.

70.24 Sec. 105. **CONFLICT RESOLUTION.**

70.25 The amendments made to Minnesota Statutes 2010, section 260C.212, subdivision  
70.26 5, paragraph (c), by Laws 2012, chapter 216, article 1, section 18, paragraph (c), are  
70.27 void and without effect.

70.28 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2012.

70.29 Sec. 106. **SUPERSEDING ACTS.**

70.30 Any amendments or repeals enacted in the 2013 session of the legislature to sections  
70.31 also amended or repealed in this act supersede the amendments or repeals in this act,  
70.32 regardless of order of enactment.

71.1       Sec. 107. **REVISOR'S INSTRUCTIONS.**

71.2           Subdivision 1. **Terminology change.** In Minnesota Statutes, the revisor of statutes  
71.3 shall delete "ICF/MR" or "ICFs/MR" and insert "ICF/DD" or "ICFs/DD." The revisor  
71.4 shall make related grammatical changes and changes in headnotes.

71.5           Subd. 2. **Correction of range references.** In each of the following sections, the  
71.6 revisor of statutes shall delete the reference to Minnesota Statutes, section 469.134,  
71.7 and insert Minnesota Statutes, section 469.133: 115B.03, subdivision 5; 216B.161,  
71.8 subdivision 1; 469.091, subdivision 1; 469.092, subdivision 1; 469.094, subdivision 2;  
71.9 469.125, subdivision 1; 469.128; 469.130; 469.131; 469.172; 469.174, subdivision 2;  
71.10 469.176, subdivision 4; 469.192; 471.562, subdivision 4; and 473.852, subdivision 6.

71.11           Subd. 3. **Rules reference; action against psychotherapist.** In Minnesota Rules, part  
71.12 9530.6460, subpart 3, item C, the revisor of statutes shall delete "148A" and insert "604."

71.13           Subd. 4. **Rules references; client bill of rights.** In Minnesota Rules, parts  
71.14 9530.6450, subpart 6, 9530.6460, subpart 2, item B, 9530.6470, subpart 1, and 9530.6565,  
71.15 subpart 5, item A, the revisor of statutes shall delete the reference to "part 4747.1500" and  
71.16 insert "Minnesota Statutes, section 148F.165." The revisor shall make related grammatical  
71.17 changes.

71.18           Subd. 5. **Rules reference; child care training requirements.** In Minnesota Rules,  
71.19 part 9530.6490, subpart 4, item B, the revisor of statutes shall delete "part 9502.0385" and  
71.20 insert "Minnesota Statutes, section 245A.50."

71.21       Sec. 108. **REPEALERS.**

71.22           Subdivision 1. **Obsolete sections.** Minnesota Statutes 2012, sections 2.031,  
71.23 subdivision 2; 2.444; and 2.484, are repealed.

71.24           Subd. 2. **Obsolete subdivisions.** Minnesota Statutes 2012, section 13.717,  
71.25 subdivisions 6 and 7, are repealed.

71.26           Subd. 3. **Obsolete subdivision.** Minnesota Statutes 2012, section 260C.301,  
71.27 subdivision 3, is repealed.

71.28           Subd. 4. **Obsolete section.** Minnesota Statutes 2012, section 325E.3161, is repealed.

71.29           Subd. 5. **Obsolete section.** Minnesota Statutes 2012, section 473.618, is repealed.

71.30           Subd. 6. **Conflict resolution.** Laws 2007, chapter 85, section 3, is repealed.

71.31           Subd. 7. **Conflict resolution.** Laws 2012, chapter 216, article 9, section 4, is  
71.32 repealed.

71.33           Subd. 8. **Drafting error.** Minnesota Rules, part 7200.0100, subpart 3a, is repealed.

**ARTICLE 2****DATA PRACTICES**

Section 1. Minnesota Statutes 2012, section 13.3806, is amended by adding a subdivision to read:

Subd. 1b. **Encounter data.** Data on providers required to submit encounter data to a private entity designated by the commissioner of health under section 62U.04, subdivision 4, are classified under section 62U.04, subdivision 4, paragraph (c).

Sec. 2. Minnesota Statutes 2012, section 13.383, subdivision 11a, is amended to read:

Subd. 11a. ~~Alcohol and drug counselor licensing; sharing counselors.~~ (a) **Sharing licensing data.** Sharing of data collected for licensing of alcohol and drug counselors is governed by section 214.10, subdivision 8.

(b) **Investigative data.** Information obtained as part of an investigation or evaluation of a drug and alcohol counselor is governed by section 148F.025, subdivision 4, or 148F.09, subdivision 6.

(c) **Client records.** The privacy and access to client records obtained in the course of alcohol and drug counseling are governed by sections 148F.13 and 148F.135.

(d) **Test results.** Test results and interpretations regarding an individual obtained in the course of alcohol and drug counseling are classified under section 148F.18, subdivision 4.

Sec. 3. Minnesota Statutes 2012, section 13.461, subdivision 2, is amended to read:

Subd. 2. **Adult mental health.** (a) **Client consent.** Consent for release of information needed to bill the county for services provided to clients is governed by section 245.467, subdivision 5.

(b) **Identity disclosure.** Disclosure of the names and addresses of persons receiving mental health services is governed by section 245.467, subdivision 6.

(c) **Release of commitment information for firearms and explosives background check.** The release by the commissioner of human services of commitment information to law enforcement agencies for facilitating a firearms or explosives background check is governed by section 245.041.

Sec. 4. Minnesota Statutes 2012, section 13.7191, subdivision 14, is amended to read:



73.1 Subd. 14. **Requirements for health plan companies.** (a) **Minnesota Risk**  
73.2 **Adjustment Association.** Data privacy issues concerning the Minnesota Risk Adjustment  
73.3 Association are governed by section 62Q.03, subdivision 9.

73.4 (b) **Essential community provider.** Data on applications for designation as an  
73.5 essential community provider are classified under section 62Q.19, subdivision 2.

73.6 ~~(e) **Disclosure of executive compensation.** Disclosure of certain data to consumer~~  
73.7 ~~advisory boards is governed by section 62Q.64.~~

73.8 ~~(d)~~ (c) **Audits conducted by independent organizations.** Data provided by an  
73.9 independent organization related to an audit report are governed by section 62Q.37,  
73.10 subdivision 8.

73.11 Sec. 5. Minnesota Statutes 2012, section 13.7905, is amended by adding a subdivision  
73.12 to read:

73.13 Subd. 4a. **Independent contractor applications.** Data in applications and required  
73.14 documentation submitted to the commissioner of labor and industry by independent  
73.15 contractors are classified under section 181.723, subdivision 16.

73.16 Sec. 6. Minnesota Statutes 2012, section 13.7931, is amended by adding a subdivision  
73.17 to read:

73.18 Subd. 2a. **Game and fish licenses; Social Security numbers.** Social Security  
73.19 numbers obtained on applications for individual noncommercial game and fish licenses  
73.20 are classified, and sharing of the data required by federal law is clarified, under section  
73.21 97A.482, paragraph (b).

APPENDIX  
Article locations in H0972-1

ARTICLE 1 MISCELLANEOUS CORRECTIONS ..... Page.Ln 2.1

ARTICLE 2 DATA PRACTICES ..... Page.Ln 72.1

**2.031 APPORTIONMENT.**

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 section 2.444 or 2.484, mean a geographical area established as such by law and as it existed for purposes of the 2000 federal census.

**2.444 FORTY-FIRST DISTRICT.**

Subdivision 1. **Senate district.** Senate District 41 consists of that district as described in the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. CO-01-160 (March 19, 2002).

Subd. 2. **House of representatives district.** Notwithstanding the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. CO-01-160 (March 19, 2002), Senate District 41, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 41A consists of that portion of the city of Edina lying north of a line described as follows: commencing at the intersection of the western boundary of the city of Edina with Valley View Road, easterly along Valley View Road to the service road east of U.S. 169, southerly along the service road to Braemar Boulevard, easterly and northerly along Braemar Boulevard to Valley View Road, northeasterly along Valley View Road to Antrim Road, southerly along Antrim Road to West 70th Street, easterly along West 70th Street to France Avenue, southerly along France Avenue to Parklawn Avenue, easterly along Parklawn Avenue to York Avenue, northerly along York Avenue to the southern boundary of Independent School District No. 273, Edina, and easterly along the southern boundary of Independent School District No. 273 to the eastern boundary of the city of Edina.

(b) House of Representatives District 41B consists of that portion of Senate District 41 not included in House of Representatives District 41A.

**2.484 FORTY-FIFTH DISTRICT.**

Subdivision 1. **Senate district.** Senate District 45 consists of that district as described in the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. CO-01-160 (March 19, 2002).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. CO-01-160 (March 19, 2002), Senate District 45, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 45A consists of House of Representatives District 45A as described in that order, except for the portion of that House of Representatives District 45A described as follows:

Beginning at the intersection of the center lines of 35th Avenue North and Nevada Avenue North, then south along the center line of Nevada Avenue North to the center line of 34th Avenue North, then west along the center line of 34th Avenue North to the center line of Winpark Drive, then north along the center line of Winpark Drive to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Winnetka Avenue North, then north along the center line of Winnetka Avenue North to the north municipal boundary line of Crystal, then west along that municipal boundary line to the west municipal boundary line of Crystal, then south along that municipal boundary line to the center line of 33rd Avenue North, then east along the center line of 33rd Avenue North to the center line of Wisconsin Avenue North, then north along the center line of Wisconsin Avenue North to the center line of 35th Avenue North, then east along the center line of 35th Avenue North to the center line of Utah Avenue North, then south along the center line of Utah Avenue North to the center line of 33rd Place North, then east along the center line of 33rd Place North to the center line of Winnetka Avenue North, then south along the center line of Winnetka Avenue North to the center line of 32nd Avenue North, then east along the center line of 32nd Avenue North to the center line of Nevada Avenue, then north along the center line of Nevada Avenue to the center line of Valley Place, then east along the center line of Valley Place to the center line of Louisiana Avenue North, then north along the center line of Louisiana Avenue North to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Nevada Avenue North, which was the place of beginning.

## APPENDIX

Repealed Minnesota Statutes: H0972-1

(b) House of Representatives District 45B consists of that portion of Senate District 45 not included in House of Representatives District 45A.

### **13.717 INSURANCE; HEALTH CARE COST CONTAINMENT DATA CODED ELSEWHERE.**

Subd. 6. **Prescription drug disclosure.** Data collected under section 62J.381 are governed by section 62J.321, subdivision 5a.

Subd. 7. **Provider data.** Provider data shared by the commissioner of commerce with the commissioners of revenue and health is governed by section 62J.41, subdivision 2.

### **260C.301 TERMINATION OF PARENTAL RIGHTS.**

Subd. 3. **Required termination of parental rights.** (a) The county attorney shall file a termination of parental rights petition within 30 days of the responsible social services agency determining that a child has been subjected to egregious harm as defined in section 260C.007, subdivision 14, is determined to be the sibling of another child of the parent who was subjected to egregious harm, or is an abandoned infant as defined in subdivision 2, paragraph (a), clause (2), or the parent has lost parental rights to another child through an order involuntarily terminating the parent's rights, or another child of the parent is the subject of an order involuntarily transferring permanent legal and physical custody of the child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction. The responsible social services agency shall concurrently identify, recruit, process, and approve an adoptive family for the child. If a termination of parental rights petition has been filed by another party, the responsible social services agency shall be joined as a party to the petition. If criminal charges have been filed against a parent arising out of the conduct alleged to constitute egregious harm, the county attorney shall determine which matter should proceed to trial first, consistent with the best interests of the child and subject to the defendant's right to a speedy trial.

(b) This requirement does not apply if the county attorney determines and files with the court:

(1) a petition for transfer of permanent legal and physical custody to a relative under section 260C.515, subdivision 4, including a determination that the transfer is in the best interests of the child; or

(2) a petition alleging the child, and where appropriate, the child's siblings, to be in need of protection or services accompanied by a case plan prepared by the responsible social services agency documenting a compelling reason why filing a termination of parental rights petition would not be in the best interests of the child.

### **325E.3161 TELEPHONE SOLICITATIONS; EXPIRATION PROVISION.**

Sections 325E.311 to 325E.316 expire December 31, 2012.

### **473.618 AIRPORT PLANNING AND DEVELOPMENT REPORT.**

Within 180 days after the completion of the actions required by section 473.616, subdivision 3, the Metropolitan Council and the airports commission shall report to the legislature on the long-range planning and development of major airport facilities in the metropolitan area. The report must include the recommendations of the agencies on major airport development in the metropolitan area for a prospective 30-year period and on acquiring a site for a major new airport. The report must include an analysis of the effect of a new airport on present and proposed facilities at the existing airport and on the local, regional, and state economies. The report must contain the recommendations of the agencies on financial planning and financing for a major new airport, including: cost; cost allocation; amortization of major improvements at the existing airport before a transfer of operations; financing methods and sources of public and private funds; lease agreements and user charges at a new airport; and a method of capturing for public uses a portion of the revenue from development around a new airport.

APPENDIX  
Repealed Minnesota Session Laws: H0972-1

***Laws 2007, chapter 85, section 3***

Sec. 3. Minnesota Statutes 2006, section 144.121, subdivision 5, is amended to read:

Subd. 5. **Examination for individual operating x-ray equipment.** After January 1, 1997, an individual in a facility with x-ray equipment for use on humans that is registered under subdivision 1 may not operate, nor may the facility allow the individual to operate, x-ray equipment unless the individual has passed an examination approved by the commissioner of health, or an examination determined to the satisfaction of the commissioner of health to be an equivalent national, state, or regional examination, that demonstrates the individual's knowledge of basic radiation safety, proper use of ionizing radiation-producing equipment, and quality assurance procedures. The commissioner shall establish by rule criteria for the approval of examinations required for an individual operating an x-ray machine in Minnesota.

***Laws 2012, chapter 216, article 9, section 4***

Sec. 4. Minnesota Statutes 2010, section 245A.11, subdivision 2a, is amended to read:

Subd. 2a. **Adult foster care license capacity.** (a) The commissioner shall issue adult foster care licenses with a maximum licensed capacity of four beds, including nonstaff roomers and boarders, except that the commissioner may issue a license with a capacity of five beds, including roomers and boarders, according to paragraphs (b) to (f).

(b) An adult foster care license holder may have a maximum license capacity of five if all persons in care are age 55 or over and do not have a serious and persistent mental illness or a developmental disability.

(c) The commissioner may grant variances to paragraph (b) to allow a foster care provider with a licensed capacity of five persons to admit an individual under the age of 55 if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed foster care provider is located.

(d) The commissioner may grant variances to paragraph (b) to allow the use of a fifth bed for emergency crisis services for a person with serious and persistent mental illness or a developmental disability, regardless of age, if the variance complies with section 245A.04, subdivision 9, and approval of the variance is recommended by the county in which the licensed foster care provider is located.

(e) If the 2009 legislature adopts a rate reduction that impacts providers of adult foster care services, the commissioner may issue an adult foster care license with a capacity of five adults if the fifth bed does not increase the overall statewide capacity of licensed adult foster care beds in homes that are not the primary residence of the license holder, over the licensed capacity in such homes on July 1, 2009, as identified in a plan submitted to the commissioner by the county, when the capacity is recommended by the county licensing agency of the county in which the facility is located and if the recommendation verifies that:

(1) the facility meets the physical environment requirements in the adult foster care licensing rule;

(2) the five-bed living arrangement is specified for each resident in the resident's:

(i) individualized plan of care;

(ii) individual service plan under section 256B.092, subdivision 1b, if required; or

(iii) individual resident placement agreement under Minnesota Rules, part 9555.5105, subpart 19, if required;

(3) the license holder obtains written and signed informed consent from each resident or resident's legal representative documenting the resident's informed choice to living in the home and that the resident's refusal to consent would not have resulted in service termination; and

(4) the facility was licensed for adult foster care before March 1, 2009.

(f) The commissioner shall not issue a new adult foster care license under paragraph (e) after June 30, 2014. The commissioner shall allow a facility with an adult foster care license issued under paragraph (e) before June 30, 2016, to continue with a capacity of five adults if the license holder continues to comply with the requirements in paragraph (e).