

CHAPTER 370—H.F.No. 4166

An act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2006, sections 3.7394, subdivision 3, as added; 16B.335, subdivision 2, as amended; 169.865, as added; 260C.007, subdivision 18; Minnesota Statutes 2007 Supplement, sections 16A.531, subdivision 1a; 341.25, as amended; Laws 2005, First Special Session chapter 1, article 4, section 39, as amended; Laws 2008, chapter 154, article 3, section 3; Laws 2008, chapter 179, sections 3, subdivision 12; 5, subdivision 5; 11; 15, subdivision 7; 21, subdivision 15; 2008 H.F. No. 1724, section 14, if enacted; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Section 1. Minnesota Statutes 2006, section 260C.007, subdivision 18, is amended to read:

Subd. 18. **Foster care.** "Foster care" means 24 hour substitute care for children placed away from their parents or guardian and for whom a responsible social services agency has placement and care responsibility. "Foster care" includes, but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities not excluded in this subdivision, child care institutions, and ~~preadoptive~~ preadoptive homes. A child is in foster care under this definition regardless of whether the facility is licensed and payments are made for the cost of care. Nothing in this definition creates any authority to place a child in a home or facility that is required to be licensed which is not licensed. "Foster care" does not include placement in any of the following facilities: hospitals, in-patient chemical dependency treatment facilities, facilities that are primarily for delinquent children, any corrections facility or program within a particular correction's facility not meeting requirements for Title IV-E facilities as determined by the commissioner, facilities to which a child is committed under the provision of chapter 253B, forestry camps, or jails.

Sec. 2. [CORR08-1] Minnesota Statutes 2006, section 16B.335, subdivision 2, as amended by Laws 2008, chapter 179, section 31, is amended to read:

Subd. 2. **Other projects.** All other capital projects for which a specific appropriation is made must not proceed until the recipient undertaking the project has notified the chair of the senate Finance Committee, the chair of the house Capital Investment Committee, and the chair of the house Ways and Means Committee that the work is ready to begin. Notice is not required for capital projects needed to comply with the Americans with Disabilities Act, for asset preservation projects to which section ~~16A.307~~ 16B.307 applies, or for projects funded by an agency's operating budget or by a capital asset preservation and replacement account under section 16A.632, or a higher education asset preservation and replacement account under section 135A.046.

Sec. 3. [CORR08-1A] Minnesota Statutes 2007 Supplement, section 16A.531, subdivision 1a, is amended to read:

Subd. 1a. **Revenues.** The following revenues must be deposited in the environmental fund:

(1) ~~all~~ revenue from the motor vehicle transfer fee ~~imposed under~~ as provided in section 115A.908, subdivision 2;

(2) all fees collected under section 116.07, subdivision 4d;

(3) all money collected by the Pollution Control Agency in enforcement matters as provided in section 115.073;

(4) all revenues from license fees for individual sewage treatment systems under section 115.56;

(5) all loan repayments deposited under section 115A.0716;

(6) all revenue from pollution prevention fees imposed under section 115D.12;

(7) all loan repayments deposited under section 116.994;

(8) all fees collected under section 116C.834;

(9) revenue collected from the solid waste management tax pursuant to chapter 297H;

(10) fees collected under section 473.844;

(11) interest accrued on the fund; and

(12) money received in the form of gifts, grants, reimbursement, or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Sec. 4. [CORR08-1B] Laws 2008, chapter 179, section 11, is amended to read:

Sec. 11. MINNESOTA ZOOLOGICAL GARDEN

\$ 2,500,000

To the Minnesota Zoological Garden for capital asset preservation improvements and betterments, to be spent in accordance with Minnesota Statutes, section 16B.307.

~~\$1,526,000~~ is Priority for use of these funds must be given to design and construct improvements to its water management system. The project must be designed to address inflow and infiltration problems associated with the Minnesota Zoo's water discharge flow to the city of Eagan.

Sec. 5. [CORR08-1C] Laws 2008, chapter 179, section 3, subdivision 12, is amended to read:

Subd. 12. Metropolitan State University

(a) Smart Classroom Center 4,980,000

To construct, furnish, and equip renovation of two floors of technology-enhanced classrooms and academic offices in the power plant building. This appropriation includes money to demolish the power plant annex to enable the new construction.

(b) Law Enforcement Training Center 13,900,000

To compete design of and to construct, furnish, and equip, in cooperation with Minneapolis Community and Technical College, a colocated Law Enforcement Training Center on the campus of Hennepin Technical College in Brooklyn Park. The board may use up to \$2,000,000 of college or university money for this project.

Sec. 6. [CORR08-1D] Laws 2008, chapter 179, section 21, subdivision 15, is amended to read:

Subd. 15. St. Cloud State University - National Hockey Center 6,500,000

To the Board of Trustees of the Minnesota State Colleges and Universities to predesign, design, construct, furnish, and equip the renovation of and addition to the National Hockey Center. The board may use university and nonstate money for the remainder of the cost of the construction.

Sec. 7. [CORR08-1E] Laws 2008, chapter 179, section 5, subdivision 5, is amended to read:

Subd. 5. Pollard Hall 200,000

To construct, furnish, and equip the renovation of Pollard Hall to house the Deaf and Hard of Hearing Children's ~~Residential~~ Day Treatment Center.

Sec. 8. [CORR08-1F] Laws 2008, chapter 179, section 15, subdivision 7, is amended to read:

Subd. 7. Scott County Public Safety Training Center 1,000,000

Notwithstanding any law to the contrary, for a grant to Scott County to design, construct, furnish, and equip an expansion of its regional public safety training center in Scott County.

This appropriation is not available until the commissioner has determined that at least an equal amount has been committed from nonstate sources.

Sec. 9. [CORR08-2] Minnesota Statutes, section 169.865, as added by Laws 2008, chapter 239, article 1, section 60, is amended to read:

[169.865] SPECIAL AGRICULTURAL PRODUCTS PERMITS.

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500.

Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1, or the federal bridge formula for axle groups not described in that section;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on trunk highways other than interstate highways, and on local roads designated under section 169.832, subdivision 11;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued under this section must be deposited:

(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account in the special revenue fund; and

(2) in fiscal year 2012 and subsequent years, in the trunk highway fund.

(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight posting signs on local bridges.

Sec. 10. [CORR08-3] **[3.7395] PUBLIC ASSISTANCE.**

Subdivision 1. **Eligibility.** Payments made to survivors under section 3.7393 or from the emergency relief fund shall not be counted as income, assets, or resources for purposes of eligibility for health care and maintenance programs under chapters 256B, 256D, 256J, and 256L. Survivors and their families who would otherwise be eligible for and enrolled in health care programs with federal funding shall be eligible for and enrolled in health care programs paid with state funding until and unless federal approval of this exclusion is granted. The commissioner of human services shall pursue the federal approval necessary to exclude these payments under federally funded health care programs.

Subd. 2. **Subrogation.** For the purpose of medical assistance and MinnesotaCare, the Department of Human Services shall pay the federal financial participation for the portion of any payment that is required to be treated as primary to Medicaid.

EFFECTIVE DATE; APPLICATION. This section is effective retroactive from May 9, 2008, and prevails over 2008 H. F. No. 3955, section 1, if enacted.

Sec. 11. [CORR08-3A] Minnesota Statutes, section 3.7394, subdivision 3, as added by Laws 2008, chapter 288, section 5, is amended to read:

Subd. 3. **Payments from other sources.** (a) Notwithstanding any statutory or common law or agreement to the contrary, a person who is not a third-party tortfeasor and who is required to make payments, including future payments, to a survivor may not eliminate or reduce those payments as a result of compensation paid to the survivor under

section 3.7393 or from the emergency relief fund ~~or as a result of the survivor's release of claims against the state, a municipality, or their employees under section 3.7393 only to the extent those payments represent damages for future losses for which the survivor received compensation under section 3.7393 or from the emergency relief fund.~~ The obligation of any person other than the state to make payments to a survivor is primary as compared to any payment made or to be made under section 3.7393 or from the emergency relief fund. The persons referenced in and covered by this subdivision and subdivision 4 include, without limitation:

- (1) reparation obligors, as defined in section 65B.43, subdivision 9, whether they are insurers or self-insurers;
- (2) health plan companies, as defined in section 62Q.01, subdivision 4, including the Minnesota Comprehensive Health Association created under section 62E.10;
- (3) insurance companies, as defined in section 60A.02, subdivision 4;
- (4) self-insured pools of political subdivisions organized under section 471.617 or 471.981, including service cooperatives pools organized under section 123A.21;
- (5) risk retention groups, as defined in section 60E.02, subdivision 12;
- (6) joint self-insurance plans governed by chapter 60F;
- (7) workers' compensation insurers and private self-insurers, as defined in section 79.01;
- (8) the Minnesota Life and Health Insurance Guaranty Association governed by chapter 61B;
- (9) the Minnesota Insurance Guaranty Association governed by chapter 60C;
- (10) the Minnesota Joint Underwriting Association governed by chapter 62I;
- (11) all insurers providing credit life, credit accident and health, and credit involuntary unemployment insurance under chapter 62B, but also including those coverages written in connection with real estate mortgage loans and those provided to borrowers at no additional cost;
- (12) the Minnesota unemployment insurance program provided under chapter 268;
- (13) coverage offered by the state under medical assistance, general assistance medical care, and MinnesotaCare; and
- (14) any other plan providing health, life, disability income, or long-term care coverage.

(b) A third-party tortfeasor who is required to make payments, including future payments, to a survivor may not eliminate or reduce those payments as a result of compensation paid to a survivor under section 3.7393 or from the emergency relief fund or as a result of the survivor's release of claims against the state, a municipality, or their employees under section 3.7393.

EFFECTIVE DATE; APPLICATION. This section is effective retroactive from May 9, 2008, and prevails over 2008 H. F. No. 3995, section 2, if enacted.

Sec. 12. [CORR08-3B] **REVISOR'S INSTRUCTION.**

In Laws 2008, chapter 288, the revisor shall delete the range reference "sections 3.7391 to 3.7394" and insert "sections 3.7391 to 3.7395."

EFFECTIVE DATE. This section is effective retroactive from May 9, 2008.

Sec. 13. [CORR08-4] Minnesota Statutes 2007 Supplement, section 341.25, as amended by Laws 2008, chapter 300, section 23, is amended to read:

341.25 RULES.

(a) The commission may adopt rules that include standards for the physical examination and condition of combatants and referees.

(b) The commission may adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of all combative sport contests and their manner, supervision, time, and place. ~~Notwithstanding section 14.125, the commission shall publish a notice of intent to adopt rules or a notice of hearing on or before September 1, 2008.~~

(c) The commission must adopt unified rules for mixed martial arts contests.

(d) The commission may adopt the rules of the Association of Boxing Commissions, with amendments.

Sec. 14. [CORR08-5] Laws 2008, chapter 154, article 3, section 3, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective for tax years beginning after December 31, 2007, except that clause (11) and the phrase "to the extent included in federal taxable income," added in clause (12) are effective retroactively for taxable years beginning after December 31, 2004.

Sec. 15. [CORR08-7] 2008 H.F. No. 1724, section 14, if enacted, is amended to read:

Sec. 14. **EFFECTIVE DATE.**

Sections 1 to 11 ~~and 13~~ are effective July 1, 2009.

Sec. 16. [CORR08-9] Laws 2005, First Special Session chapter 1, article 4, section 39, as amended by Laws 2008, chapter 287, article 1, section 113, is amended to read:

EFFECTIVE DATE. This section is effective on the effective date of ~~2007~~ 2008 House File ~~1351~~ 3486, article 1, sections 60 and 61, as amended.

Sec. 17. **EFFECTIVE DATE.**

Unless otherwise provided, each section of this act takes effect at the time the provision being corrected takes effect.

Presented to the governor May 19, 2008

Signed by the governor May 27, 2008, 1:01 p.m.