

retirement fund from which the refund was taken, the person shall be entitled to a retirement annuity when otherwise eligible, which shall be based on the applicable provisions of Minnesota Statutes, Section 356.30, Subdivision 1.

Sec. 2. **EFFECTIVE DATE.**

This act is effective on the day following final enactment.

Approved March 9, 1982

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**CHAPTER 392 — S.F.No. 1695**

*An act relating to historic sites; adding the Consumers Pure Ice and Storage Company Building in St. Cloud to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.58, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1980, Section 138.58, is amended by adding a subdivision to read:

Subd. 69. Consumers Pure Ice and Storage Company Building in Benton County, is located abutting the Burlington Northern Railway right-of-way east of Third Street Northeast, in the city of St. Cloud.

Approved March 9, 1982

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**CHAPTER 393 — S.F.No. 272**

*An act relating to public welfare; requiring certain facilities to safeguard the well-being of persons in their care; specifying persons mandated to report; providing penalties; amending Minnesota Statutes 1980, Sections 626.556, by adding a subdivision; 626.557, Subdivisions 2 and 19; Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 2.*

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

Section 1. Minnesota Statutes 1981 Supplement, Section 626.556, Subdivision 2, is amended to read:

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

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. 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 his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(e) "Facility" means a day care facility or a residential facility as defined in section 245.782.

(f) "Operator" means an operator or agency as defined in section 245.782.

Sec. 2. Minnesota Statutes 1980, Section 626.556, is amended by adding a subdivision to read:

Subd. 12. DUTIES OF FACILITY OPERATORS. Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of section 609.23. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23.

Sec. 3. Minnesota Statutes 1980, Section 626.557, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific context indicates otherwise.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed pursuant to sections 245.781 to 245.812; a mental health program receiving funds pursuant to section 245.61; or any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or patient of a facility;

(2) Who receives services at or from a facility required to be licensed pursuant to sections 245.781 to 245.812; or

(3) Who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation of sections 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) The intentional and nontherapeutic infliction of physical pain or injury, or any persistent course of conduct intended to produce mental or emotional distress.

(e) "Neglect" means failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision.

(f) "Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) The commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) The commissioner of public welfare, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) Any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) Any agency responsible for credentialing human services occupations.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1980, Section 626.557, Subdivision 19, is amended to read:

Subd. 19. **PENALTY.** Any caretaker, as defined in subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, knowingly permits conditions to exist which result in the abuse or neglect of a vulnerable adult, may be charged with a violation of section 609.23.

Approved March 10, 1982

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### CHAPTER 394 — S.F.No. 1514

*An act relating to public works; extending the availability of an appropriation to the city of Cloquet for the purpose of constructing a public water facility; repealing Third Special Session Laws 1981, Chapter 2, Article I, Section 76.*

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

#### Section 1. CLOQUET WATER SYSTEM.

Notwithstanding any other law to the contrary, so much of the appropriation made available to the city of Cloquet for use in constructing a water filtration system pursuant to Laws 1975, Chapter 437, Article XI, Section 2, Subdivision 2, as has not been expended shall remain available to the city for that use or for developing an alternative permanent source of drinking water until July 1, 1986.

#### Sec. 2. REPEAL AND REENACTMENT.

Third Special Session Laws 1981, Chapter 2, Article I, Section 76, is repealed and Laws 1981, Chapter 354, Section 3, is reenacted.

#### Sec. 3. EFFECTIVE DATE.

This act is effective the day after final reenactment.

Approved March 10, 1982

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### CHAPTER 395 — S.F.No. 1107

*An act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; removing the preference given to blind operators of vending machines who have resided in the state for a year; amending Minnesota Statutes 1980, Section 248.07, Subdivision 8.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.