

Sec. 2. PROVIDING STATE-PAID INSURANCE FOR CERTAIN RETIRED EMPLOYEES.

Notwithstanding other provisions of law, employees of the livestock weighing and licensing and grain inspection divisions of the department of agriculture who are eligible for retirement under the rule of 85 and who voluntarily retire before age 65 shall be eligible for state-paid insurance coverages to which they were entitled at the time of their voluntary retirement. To be eligible under this provision, employees who were eligible to retire under the rule of 85 prior to the effective date of this section and had not retired must exercise their option to retire within 30 days of final enactment of this section. Employees who become eligible between the effective date of final enactment of this section and June 30, 1986, must exercise their option to retire within 30 days of the date they become eligible for retirement under the rule of 85. State paid insurance coverage shall cease when the employee reaches age 65 or becomes eligible for similar paid benefits under other employment. This section is effective the day following final enactment. This section is repealed June 30, 1986.

Approved May 28, 1985

CHAPTER 242 — S.F.No. 281

An act relating to criminal justice; permitting certain individuals to make claims against the state; clarifying the procedure for making certain claims against the state; providing limitations on the payment of claims; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 1, 2, and 2a; and 609.135, subdivision 1.

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

Section 1. Minnesota Statutes 1984, section 3.739, subdivision 1, is amended to read:

Subdivision 1. **PERMISSIBLE CLAIMS.** Claims and demands arising out of the circumstances described in this subdivision shall be presented to, heard, and determined as provided in subdivision 2:

(1) An injury to or death of an inmate of a state, regional, or local correctional facility or county jail who has been conditionally released and ordered to perform uncompensated work for a state agency, a political subdivision or public corporation of this state, a nonprofit educational, medical, or social service agency, or a private business or individual, as a condition of his release, while performing the work;

(2) An injury to or death of a person sentenced by a court, granted a suspended sentence by a court, or subject to a court disposition order, and who,

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pursuant to court order, is performing work (a) in restitution, (b) in lieu of or to work off fines or court ordered costs, (c) in lieu of incarceration, or (d) as a term or condition of a sentence, suspended sentence, or disposition order, while performing the work; ~~or~~

(3) An injury to or death of a person, who has been diverted from the court system and who is performing work as described in paragraph (1) or (2) pursuant to a written agreement signed by himself, and if a juvenile, by his parent or guardian; or

(4) An injury to or death of any person caused by an individual who was performing work as described in paragraph (1), (2), or (3).

Sec. 2. Minnesota Statutes 1984, section 3.739, subdivision 2, is amended to read:

Subd. 2. **EVALUATION AND PAYMENT OF CLAIMS.** Claims not to exceed \$500 arising out of this section shall be investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by the claimant's insurance. The investigating agency shall submit all appropriate claims to the department of corrections. The department shall pay the portion of any approved claim that is not covered by the claimant's insurance within a reasonable period of time. On or before the first day of each legislative session, the department shall submit to the appropriate committees of the senate and the house of representatives a list of the claims paid by it during the preceding calendar year, and shall be reimbursed pursuant to legislative appropriation for the claims paid. For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's insurance" includes the insurance policy of the juvenile's parents if the juvenile is covered by the policy.

Any claim in excess of \$500, and any claim that was not paid by the department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

No juvenile claimant receiving payment pursuant to this section may be identified by name either in the list of claimants submitted by the department or in the legislative appropriation.

Sec. 3. Minnesota Statutes 1984, section 3.739, subdivision 2a, is amended to read:

Subd. 2a. **LIMITATIONS.** Compensation paid under this section is limited to reimbursement for medical expenses and compensation for permanent

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total or partial disability or death. No compensation shall be paid pursuant to this section for pain and suffering. Payments made pursuant to this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B, or the general assistance medical care program authorized under chapter 256D.

Sec. 4. Minnesota Statutes 1984, section 609.135, subdivision 1, is amended to read:

Subdivision 1. **TERMS AND CONDITIONS.** Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. No noninstitutional sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them. For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121.

Approved May 28, 1985

CHAPTER 243 — S.F.No. 863

An act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Statutes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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