

Wilkin county may convey to the city of Breckenridge for no consideration the tax-forfeited lands bordering public water in the city of Breckenridge that are described in paragraph (c).

(b) The conveyances must be in a form approved by the attorney general and must provide that the land reverts to the state of Minnesota if it is not used for public purposes.

(c) The land that may be conveyed is legally described as part of Sylvan park, South of Lots 3, 4, and 5, Block 12, Park Addition.

(d) The county has determined that the land is needed by Breckenridge for city sewer purposes.

Presented to the governor April 14, 1994

Signed by the governor April 18, 1994, 3:20 p.m.

CHAPTER 465—H.F.No. 3091

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; 609.749, subdivision 5; and Laws 1992, chapter 513, article 4, section 60; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters

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441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1; 144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections 144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 306, section 26; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

ARTICLE 1

MISCELLANEOUS CORRECTIONS

Section 1. Minnesota Statutes 1993 Supplement, section 16B.122, subdivision 3, is amended to read:

Subd. 3. **PUBLIC ENTITY PURCHASING.** (a) Notwithstanding section 365.37, 375.21, ~~412.331~~ 412.311, or 473.705, a public entity may purchase recycled materials when the price of the recycled materials does not exceed the price of nonrecycled materials by more than ten percent. In order to maximize the quantity and quality of recycled materials purchased, a public entity also may use other appropriate procedures to acquire recycled materials at the most economical cost to the public entity.

(b) When purchasing commodities and services, a public entity shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. A public entity, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the applicable local or regional recycling program and the extent to which the commodity or product contains postconsumer material.

Sec. 2. Minnesota Statutes 1993 Supplement, section 62A.31, subdivision 1n, is amended to read:

Subd. 1n. **TERMINATION OF COVERAGE.** Termination by an issuer of

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a Medicare supplement policy or certificate shall be without prejudice to any continuous loss that began while the policy or certificate was in force, but the extension of benefits beyond the period during which the policy or certificate was in force may be conditioned on the continuous total disability of the insured, limited to the duration of the policy or certificate benefit period, if any, or payment of the maximum benefits. The extension of benefits does not apply when the termination is based on fraud, misrepresentation, or nonpayment of premium. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner in writing its decision at least 30 days before discontinuing the availability of the form of the policy or certificate. An issuer that discontinues the availability of a policy form or certificate form shall not file for approval a new policy form or certificate form of the same type for the same Medicare supplement benefit plan as the discontinued form for five years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this section. A change in the rating structure or methodology shall be considered a discontinuance under this section unless the issuer complies with the following requirements:

(1) the issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resulting rates differ from the existing rating methodology and resulting rates; and

(2) the issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential that is in the public interest.

Sec. 3. Minnesota Statutes 1993 Supplement, section 62N.075, is amended to read:

62N.075 COVERED SERVICES.

(a) An integrated service network must provide to each person enrolled a set of appropriate and necessary health services. For purposes of this chapter, "appropriate and necessary" means services needed to maintain the enrollee in good health including as a minimum, but not limited to, emergency care, inpatient hospital and physician care, outpatient health services, and preventive health services. The commissioner may modify this definition to reflect changes in community standards, development of practice parameters, new technology assessments, and other medical innovations. These services must be delivered by authorized practitioners acting within their scope of practice. An integrated service network is not responsible for health services that are not appropriate and necessary.

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(b) A network may define benefit levels through the use of consumer cost sharing but remains financially accountable for the cost of the set of required health services.

(c) A network may offer any Medicare supplement, Medicare select, or other Medicare-related product otherwise permitted for any type of health carrier in this state. Each Medicare-related product may be offered only in full compliance with the requirements in chapters 62A, 62D, and 62E that apply to that category of product.

(d) Networks must comply with all continuation and conversion of coverage requirements applicable to health maintenance organizations under state or federal law.

(e) Networks must comply with sections 62A.047, 62A.27, and any other coverage of newborn infants, dependent children who do not reside with a covered person, handicapped children and dependents, and adopted children. A network providing dependent coverage must comply with section 62A.302.

(f) Networks must comply with the equal access requirements of section 62A.15, subdivision 2.

Sec. 4. Minnesota Statutes 1993 Supplement, section 82.195, subdivision 2, is amended to read:

Subd. 2. **CONTENTS.** All listing agreements must be in writing and must include:

- (1) a definite expiration date;
- (2) a description of the real property involved;
- (3) the list price and any terms required by the seller;
- (4) the amount of any compensation or commission or the basis for computing the commission;
- (5) a clear statement explaining the events or conditions that will entitle a broker to a commission;
- (6) information regarding an override clause, if applicable, including a statement to the effect that the override clause will not be effective unless the licensee supplies the seller with a protective list within 72 hours after the expiration of the listing agreement;
- (7) the following notice in not less than ten point boldface type immediately preceding any provision of the listing agreement relating to compensation of the licensee:

"NOTICE: THE COMMISSION RATE FOR THE SALE, LEASE, RENTAL, OR MANAGEMENT OF REAL PROPERTY SHALL BE DETERMINED BETWEEN EACH INDIVIDUAL BROKER AND ITS CLIENT.";

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(8) if the broker chooses to represent both buyers and sellers in connection with residential property transactions, a "dual agency" disclosure statement;

(9) a notice requiring the seller to indicate in writing whether it is acceptable to the seller to have the licensee arrange for closing services or whether the seller wishes to arrange for others to conduct the closing. The notice must also include the disclosure of any controlled business arrangement, as the term is defined in United States Code, title 12, section ~~1602~~ 2602, between the licensee and the real estate closing agent through which the licensee proposes to arrange closing services; and

(10) for residential listings, a notice stating that after the expiration of the listing agreement, the seller will not be obligated to pay the licensee a fee or commission if the seller has executed another valid listing agreement pursuant to which the seller is obligated to pay a fee or commission to another licensee for the sale, lease, or exchange of the real property in question. This notice may be used in the listing agreement for any other type of real estate.

Sec. 5. Minnesota Statutes 1992, section 115.41, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** The definitions given in this section shall obtain for the purposes of ~~Laws 1963, chapter 874 sections 115.41 to 115.54,~~ except as otherwise expressly provided or indicated by the context.

Sec. 6. Minnesota Statutes 1992, section 115.41, subdivision 2, is amended to read:

Subd. 2. **ADDITIONAL TERMS.** The definitions given in ~~Minnesota Statutes 1961, section 115.01; as now in force or hereby or hereafter amended,~~ shall govern for the purposes of ~~Laws 1963, chapter 874 sections 115.41 to 115.54,~~ except as otherwise expressly provided or indicated by the context.

Sec. 7. Minnesota Statutes 1992, section 115.42, is amended to read:

115.42 POLICY; LONG-RANGE PLAN; PURPOSE.

It is the policy of the state to provide for the prevention, control, and abatement of pollution of all waters of the state, so far as feasible and practical, in furtherance of conservation of such waters and protection of the public health and in furtherance of the development of the economic welfare of the state. The agency shall prepare a long-range plan and program for the effectuation of said policy, and shall make a report of progress thereon to the legislature by November 15 of each even numbered year, with recommendations for action in furtherance of such program during the ensuing biennium. It is the purpose of ~~Laws 1963, chapter 874, sections 115.41 to 115.54~~ to safeguard the waters of the state from pollution by: (a) preventing any new pollution; and (b) abating pollution existing when ~~Laws 1963, chapter 874, sections 115.41 to 115.54~~ become effective, under a program consistent with the declaration of policy above stated.

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Sec. 8. Minnesota Statutes 1992, section 115.43, subdivision 2, is amended to read:

Subd. 2. Acting within the scope of the policy and purposes of ~~Laws 1963, chapter 874~~ sections 115.41 to 115.54, the agency may adopt, promulgate, amend, or rescind rules in the manner provided by law, as may be necessary or proper to carry into effect the provisions of ~~Laws 1963, chapter 874~~ sections 115.41 to 115.54.

Sec. 9. Minnesota Statutes 1992, section 115.44, subdivision 2, is amended to read:

Subd. 2. In order to attain the objectives of ~~Laws 1963, chapter 874~~ sections 115.41 to 115.54, the agency after proper study, and after conducting public hearing upon due notice, shall, as soon as practicable, group the designated waters of the state into classes, and adopt classifications and standards of purity and quality therefor. Such classification shall be made in accordance with considerations of best usage in the interest of the public and with regard to the considerations mentioned in subdivision 3 hereof.

Sec. 10. Minnesota Statutes 1992, section 115.45, subdivision 1, is amended to read:

Subdivision 1. It is the duty of every person affected to comply with the provisions of ~~Laws 1963, chapter 874, and of Minnesota Statutes, sections 115.01 to 115.09~~ and 115.41 to 115.54, comprising the state water pollution control act, as now in force or hereafter amended, and all rules, orders, and permits adopted or issued by the agency thereunder, and to do and perform all acts and things within that person's power required to effectuate, carry out, and accomplish the purposes of such provisions, rules, orders, and permits.

Sec. 11. Minnesota Statutes 1992, section 115.50, is amended to read:

115.50 TOWNS, POWERS TO ACT.

For the purposes of carrying out the policy and purposes of ~~Laws 1963, chapter 874, and of Minnesota Statutes, sections 115.01 to 115.09~~ and 115.41 to 115.54, there is hereby conferred upon all towns of this state the power and authority to construct, install, acquire, maintain and operate disposal systems and parts thereof, and to levy taxes, and special assessments, to issue bonds and to do all other things necessary or convenient for such construction, installation, acquisition, maintenance and operation in the same manner and extent and subject to the same limitations as statutory cities.

Sec. 12. Minnesota Statutes 1992, section 115.52, is amended to read:

115.52 SEVERABILITY.

The provisions of ~~Laws 1963, chapter 874~~ sections 115.41 to 115.54 shall be severable and the invalidity of any section or subdivision or part thereof shall not make void any other section or subdivision or part thereof.

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Sec. 13. Minnesota Statutes 1992, section 115.53, is amended to read:

115.53 MODIFICATION OF CLASSIFICATION OR STANDARDS.

In any case where the agency has heretofore adopted and established a classification or standards for any waters as then provided by law, the agency, at any hearing held pursuant to the provisions of this section for the purpose of modification, alteration, or amendment of such classification or standards or the adoption and establishment of any classification or standards for the same waters or any part thereof as required by ~~Laws 1963, chapter 874 sections 115.41 to 115.54~~, may receive and consider for any such purpose any testimony received at such previous hearing, as reported in the stenographic transcript thereof, and any exhibits received at such previous hearing, which are relevant, with like force, and effect and subject to like objections, if any, as if such testimony or exhibits had been produced at the hearing hereunder, together with any further testimony or exhibits which may be submitted and received at the hearing hereunder.

Sec. 14. Minnesota Statutes 1993 Supplement, section 115A.542, is amended to read:

115A.542 COMPOSTING PROJECT GRANTS.

The director of the office of waste management shall award grants to optimize operations at mixed municipal solid waste composting facilities owned by multicounty project boards. Before awarding a grant under this section, the ~~directors~~ director of the ~~offices~~ office of waste management and the commissioner of the pollution control agency must approve a facility optimization plan submitted by the multicounty project board. The plan must include a financial and technical feasibility analysis.

Sec. 15. Minnesota Statutes 1992, section 136.24, subdivision 1, is amended to read:

Subdivision 1. **PROPRIETARY PURCHASES.** Technical educational equipment may be procured for the state universities on request of the state university board either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding the competitive bidding requirements of chapter 16B to the contrary. The procurement is still subject to supervision by the ~~office of information systems management~~ policy office under section 16B.41.

Sec. 16. Minnesota Statutes 1992, section 136.622, subdivision 1, is amended to read:

Subdivision 1. **PROPRIETARY PURCHASES.** Technical educational equipment may be procured for the state community colleges on request of the state board for community colleges either by brand designation or in accordance with standards and specifications the board may promulgate, notwithstanding

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the competitive bidding requirements of chapter 16B. The procurement is still subject to supervision by the ~~office of information systems management~~ policy office under section 16B.41.

Sec. 17. Minnesota Statutes 1993 Supplement, section 138.96, subdivision 2, is amended to read:

Subd. 2. **COOPERATION.** The historical society shall coordinate collecting activities relating to this act section with other Minnesota archives and libraries.

Sec. 18. Minnesota Statutes 1993 Supplement, section 144.991, subdivision 3, is amended to read:

Subd. 3. **CORRECTIVE ORDER.** (a) The commissioner may issue an order assessing a penalty and requiring the violations cited in the order to be corrected within 30 calendar days from the date the order is received.

(b) The person to whom the order was issued shall provide information to the commissioner before the 31st day after the order was received demonstrating that the violation has been corrected or that the person has developed a corrective plan acceptable to the commissioner. The commissioner shall determine whether the violation has been corrected and notify the person subject to the order of the commissioner's determination.

Sec. 19. Minnesota Statutes 1993 Supplement, section 144.991, subdivision 4, is amended to read:

Subd. 4. **PENALTY.** (a) Except as provided in paragraph (b), if the commissioner determines that the violation has been corrected or the person to whom the order was issued has developed a corrective plan acceptable to the commissioner, the penalty must be forgiven. Unless the person requests review of the order under subdivision 5 before the penalty is due, the penalty in the order is due and payable:

(1) on the 31st day after the order was received, if the person subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation; or

(2) on the 20th day after the person receives the commissioner's determination under paragraph (b), if the person subject to the order has provided information to the commissioner that the commissioner determines is not sufficient to show the violation has been corrected or that appropriate steps have been taken toward correcting the violation.

(b) For repeated or serious violations, the commissioner may issue an order with a penalty that will not be forgiven after the corrective action is taken. The penalty is due by 31 days after the order was received unless review of the order under subdivision 5 has been sought.

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(c) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received.

Sec. 20. Minnesota Statutes 1992, section 152.02, subdivision 9, is amended to read:

Subd. 9. The state board of pharmacy may by rule except any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivision 4, clauses (1) and (2) or in subdivisions 5 and 6 from the application of all or any part of ~~Laws 1971, this~~ chapter 937, if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system; provided, that such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.

Sec. 21. Minnesota Statutes 1992, section 152.02, subdivision 12, is amended to read:

Subd. 12. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state board of pharmacy, the state board of pharmacy shall similarly control the substance under ~~Laws 1973, this~~ chapter 693, after the expiration of 30 days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed pursuant to section 14.38. If within that 30-day period, the state board of pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state board of pharmacy shall publish its decision, which shall be subject to the provisions of ~~Minnesota Statutes 1971, chapter 15~~ 14.

In exercising the authority granted by ~~Laws 1971, this~~ chapter 937, the state board of pharmacy shall be subject to the provisions of ~~Minnesota Statutes 1969, chapter 15~~ 14. The state board of pharmacy shall provide copies of any proposed rule under ~~Laws 1971, this~~ chapter 937, to the advisory council on controlled substances at least 30 days prior to any hearing required by section 14.14, subdivision 1. The state board of pharmacy shall consider the recommendations of the advisory council on controlled substances, which may be made prior to or at the hearing.

Sec. 22. Minnesota Statutes 1992, section 152.02, subdivision 13, is amended to read:

Subd. 13. The state board of pharmacy shall study the implementation of ~~Laws 1971, this~~ chapter 937 in relation to the problems of drug abuse in Minnesota and shall report to the legislature annually on or before December 1, their recommendations concerning amendments to ~~Laws 1971, this~~ chapter 937.

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Sec. 23. Minnesota Statutes 1993 Supplement, section 152.11, subdivision 1, is amended to read:

Subdivision 1. No person may dispense a controlled substance included in Schedule II of section 152.02 without a prescription written by a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, or a doctor of veterinary medicine, lawfully licensed to prescribe in this state and having a current federal drug enforcement administration registration number. Provided that in emergency situations, as authorized by federal law, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist. Such prescriptions shall be retained in conformity with section 152.101. No prescription for a Schedule II substance may be refilled.

For the purposes of ~~Laws 1974~~, this chapter 937, a written prescription or oral prescription, which shall be reduced to writing, for a controlled substance in schedule II, III, IV or V is void unless (1) it is written in ink and contains the name and address of the person for whose use it is intended; (2) it states the amount of the controlled substance to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the signature, address and federal registry number of the prescriber and a designation of the branch of the healing art pursued by the prescriber; and if an oral prescription, the name and address of the prescriber and a designation of the prescriber's branch of the healing art; and (4) it shows the date when signed by the prescriber, or the date of acceptance in the pharmacy if an oral prescription. Every licensed pharmacist who compounds any such prescription shall retain such prescription in a file for a period of not less than two years, open to inspection by any officer of the state, county, or municipal government, whose duty it is to aid and assist with the enforcement of this chapter. Every such pharmacist shall distinctly label the container with the directions contained in the prescription for the use thereof.

Sec. 24. Minnesota Statutes 1993 Supplement, section 169.121, subdivision 1c, is amended to read:

Subd. 1c. **CONDITIONAL RELEASE.** A person charged with violating subdivision 1 within ten years of the first of three prior impaired driving convictions or within the person's lifetime after four or more prior impaired driving convictions may be released from detention only upon the following conditions unless maximum bail is imposed:

(1) the impoundment of the registration plates of the vehicle used to commit the violation ~~occurred~~, unless already impounded;

(2) a requirement that the alleged violator report weekly to a probation agent;

(3) a requirement that the alleged violator abstain from consumption of alcohol and controlled substances and submit to random, weekly alcohol tests or urine analyses; and

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(4) a requirement that, if convicted, the alleged violator reimburse the court or county for the total cost of these services.

Sec. 25. Minnesota Statutes 1992, section 169.443, subdivision 8, is amended to read:

Subd. 8. USE FOR RECREATIONAL OR EDUCATIONAL ACTIVITY. A school bus that transports over regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. Notwithstanding section 169.441, subdivision 3, a school bus may provide such transportation only if (1) the "school bus" sign required by section ~~169.443~~ 169.441, subdivision 3, is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used.

Sec. 26. Minnesota Statutes 1993 Supplement, section 214.103, subdivision 6, is amended to read:

Subd. 6. ATTEMPTS AT RESOLUTION. (a) At any time after receipt of a complaint, the executive director or the designated board member may attempt to resolve the complaint with the regulated person. The available means for resolution include a conference or any other written or oral communication with the regulated person. A conference may be held for the purposes of investigation, negotiation, education, or conciliation. The results of attempts at resolution with the regulated person may include a recommendation to the board for disciplinary action, an agreement between the executive director or the designated board member and the regulated person for corrective action, or the dismissal of a complaint. If attempts at resolution are not in the public interest or are not satisfactory to the executive director or the designated board member, then the executive director or the designated board member may initiate a contested case hearing.

(1) The designee of the attorney general shall represent the board in all attempts at resolution which the executive director or the designated board member anticipate may result in disciplinary action. ~~The available remedies for disciplinary action by consent with the regulated person are those listed in section 214.103, subdivision 4.~~ A stipulation between the executive director or the designated board member and the regulated person shall be presented to the board for the board's consideration. An approved stipulation and resulting order shall become public data.

(2) The designee of the attorney general shall represent the board upon the request of the executive director or the designated board member in all attempts at resolution which the executive director or the designated board member

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anticipate may result in corrective action. Any agreement between the executive director or the designated board member and the regulated person for corrective action shall be in writing and shall be reviewed by the designee of the attorney general prior to its execution. The agreement for corrective action shall provide for dismissal of the complaint upon successful completion by the regulated person of the corrective action.

(b) Upon receipt of a complaint alleging sexual contact or sexual conduct with a client, the board must forward the complaint to the designee of the attorney general for an investigation. If, after it is investigated, the complaint appears to provide a basis for disciplinary action, the board shall resolve the complaint by disciplinary action or initiate a contested case hearing. Notwithstanding paragraph (a), clause (2), a board may not take corrective action or dismiss a complaint alleging sexual contact or sexual conduct with a client unless, in the opinion of the executive director, the designated board member, and the designee of the attorney general, there is insufficient evidence to justify disciplinary action.

Sec. 27. REPEALER.

Minnesota Statutes 1992, section 216B.164, subdivision 7, is repealed.

Sec. 28. Minnesota Statutes 1992, section 237.60, subdivision 2, is amended to read:

Subd. 2. EMERGING COMPETITION. (a) A company may decrease the rate for a service subject to emerging competition that is listed in the price list, effective ten days after filing a new price list with the commission and the department, along with an incremental cost study demonstrating that the new price is above incremental cost. The commission shall prevent a proposed price reduction from going into effect or prospectively reinstate the original rate if the reduction has gone into effect if, after receiving a complaint or on its own motion, under section 237.081, the commission finds that the new rate is below incremental cost or that the new rate is not just and reasonable.

(b) A company may increase the rate for a service subject to emerging competition that is listed in the price list effective 30 days after notice is given to affected customers, the commission, and the department. The notice and new price list filing to the commission and the department for a rate increase must include an incremental cost study demonstrating that the proposed price is above incremental cost. The department shall investigate an increase in rates for services subject to emerging competition, and report its findings to the commission within 30 days of the filing. The commission may, within 60 days after the date of the filing, order that the rate increase is interim in nature and subject to refund. If interim rates are not ordered, the rate increase is not refundable. If a rate is subject to refund, the commission, after a contested case hearing or an expedited hearing under section 237.61, must make a final decision regarding the propriety of the rate increase within six months of the date the price change was filed, except that if a contested case hearing before an administrative law

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judge is required the commission shall make a final decision within ten months of the date the price change was filed. If the commission does not do so, the price change is deemed approved.

(c) If language describing a rate, term, or condition of service in a price list is changed without substantially altering the application of the price list, the change may take effect upon one-day notice to the commission.

(d) If a term or condition of service in a price list is changed in a way that results in a substantial change in the application of the price list, but the price is not changed, the change in the price list is effective at the same time as a price decrease under paragraph (a).

(e) If a new pricing plan is proposed for a service that is currently offered by a telephone company, the change in the price list is subject to the same schedules governing a price increase under paragraph (b). For purposes of this paragraph, a new pricing plan is a proposal that bundles rate elements for a service, alters the definition of the rate elements for a service, or includes increases for some rate elements and decreases for other rate elements.

(f) A telephone company may offer a new service to its customers ten days after it files a price list and incremental cost study for the service with the department and the commission.

(g) A telephone company may discontinue a telephone service that is subject to emerging competition, as long as the discontinuance is effective for that service throughout the state, effective 60 days after notice to the commission, the department, and affected customers, unless the commission, within 45 days of the notice, orders a hearing on it. If the commission orders a hearing, the commission shall make a final determination on the discontinuance within 180 days of the date that notice of the discontinuance was filed with the commission, except that if a contested case hearing before an administrative law judge is required the commission shall make a final decision within ten months of the date the notice of discontinuance was filed.

(h) A change in a price list not covered by paragraphs (a) to (f) must be reviewed according to the schedule prescribed for a price increase under paragraph (b).

(i) An incremental cost study required by this section, ~~section 216D.01, subdivision 8, and 237.62, and section 237.626~~ must be a long-run incremental cost study unless the commission has allowed the telephone company required to do the study to set rates based on a variable cost study. A telephone company may include a petition to file a variable cost study instead of a long-run incremental cost study with its notice of price change, notice of a promotion, or its filing of a new service. The commission shall grant the petition if the company demonstrates that a long-run incremental cost study is burdensome in relation to its annual revenue from the service involved, that the company has a low market share, that the service is no longer being offered to new customers, or if the com-

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pany shows other good cause. A petition must be accompanied by a variable cost study. If the petition is denied, the company shall withdraw a filing made under this section.

(j) For purposes of this section and section 237.62, (1) long-run incremental cost means the change in total cost associated with a change in volume of the service, expressed on a per-unit basis, and (2) variable cost means the change in total cost, excluding fixed costs, associated with a change in volume of service, expressed on a per-unit basis.

Sec. 29. Minnesota Statutes 1993 Supplement, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. **RECONSIDERATION OF DISQUALIFICATION.** (a) Within 30 days after receiving notice of disqualification under subdivision 3a, the individual who is the subject of the study may request reconsideration of the notice of disqualification. The individual must submit the request for reconsideration to the commissioner in writing. The individual must present information to show that:

(1) the information the commissioner relied upon is incorrect; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner may set aside the disqualification if the commissioner finds that the information the commissioner relied upon is incorrect or the individual does not pose a risk of harm to any person served by the applicant or license holder. The commissioner shall review the consequences of the event or events that could lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, and documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event. In reviewing a disqualification, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual who seeks a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of section 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.21 (criminal vehicular homicide), 609.215 (aiding suicide or aiding attempted suicide), 609.221 to 609.2231 (felony violations of assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), ~~609.285~~

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609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), 609.582 (burglary in the first or second degree), 609.66 (reckless use of a gun or dangerous weapon or intentionally pointing a gun at or towards a human being), 609.665 (setting a spring gun), 609.67 (unlawfully owning, possessing, or operating a machine gun), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), 609.378 (neglect or endangerment of a child), 609.377 (a gross misdemeanor offense of malicious punishment of a child); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), 609.377 (a felony offense of malicious punishment of a child), 609.322 (soliciting, inducement, or promotion of prostitution), 609.323 (receiving profit derived from prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.245 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of abuse of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the

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act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing to all reconsideration requests within 15 working days after receiving the request for reconsideration. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing of the decision.

(e) Except as provided in subdivision 3c, the commissioner's decision to grant or deny a reconsideration of disqualification under this subdivision, or to set aside or uphold the results of the study under subdivision 3, is the final administrative agency action.

Sec. 30. Minnesota Statutes 1992, section 256D.06, subdivision 1b, is amended to read:

Subd. 1b. **EARNED INCOME SAVINGS ACCOUNT.** In addition to the \$50 disregard required under subdivision 1, the county agency shall disregard an additional earned income up to a maximum of \$150 per month for: (1) persons residing in facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690 and 9530.2500 to 9530.4000, and for whom discharge and work are part of a treatment plan; (2) persons living in supervised apartments with services funded under Minnesota Rules, parts 9535.0100 to 9535.1600, and for whom discharge and work are part of a treatment plan; and (3) persons residing in a ~~negotiated rate residence~~ group residential housing, as that term is defined in section 256I.03, subdivision 3, for whom the county agency has approved a discharge plan which includes work. The additional amount disregarded must be placed in a separate savings account by the eligible individual, to be used upon discharge from the residential facility into the community. For individuals residing in a chemical dependency program licensed under Minnesota Rules, part 9530.4100, subpart 22, item D, withdrawals from the savings account require the signature of the individual and for those individuals with an authorized representative payee, the signature of the payee. A maximum of \$1,000, including interest, of the money in the savings account must be excluded from the resource limits established by section 256D.08, subdivision 1, clause (1). Amounts in that account in excess of \$1,000 must be applied to the resident's cost of care. If excluded money is removed from the savings account by the eligible individual at any time before the individual is discharged from the facility into the community, the money is income to the individual in the month of receipt and a resource in subsequent months. If an eligible individual moves

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from a community facility to an inpatient hospital setting, the separate savings account is an excluded asset for up to 18 months. During that time, amounts that accumulate in excess of the \$1,000 savings limit must be applied to the patient's cost of care. If the patient continues to be hospitalized at the conclusion of the 18-month period, the entire account must be applied to the patient's cost of care.

Sec. 31. Minnesota Statutes 1993 Supplement, section 256D.44, subdivision 3, is amended to read:

Subd. 3. **STANDARD OF ASSISTANCE FOR BASIC NEEDS.** The state standard of assistance for basic needs provides for the applicant's or recipient's maintenance needs, other than actual shelter costs. Except as provided in subdivision 4, the monthly state standard of assistance for basic needs is as follows:

(a) If an applicant or recipient ~~who~~ does not reside with another person or persons, the state standard of assistance is \$371.

(b) If an applicant married couple or recipient married couple who live together, does not reside with others, the state standard of assistance is \$557.

(c) If an applicant or recipient resides with another person or persons, the state standard of assistance is \$286.

(d) If an applicant married couple or recipient married couple who live together, resides with others, the state standard of assistance is \$371.

(e) Married couples, living together and receiving MSA on January 1, 1994, and whose eligibility has not been terminated a full calendar month, are exempt from the standards in paragraphs (b) and (d).

Sec. 32. Minnesota Statutes 1993 Supplement, section 257.67, subdivision 3, is amended to read:

Subd. 3. Willful failure to obey the judgment or order of the court is a contempt of the court. All remedies for the enforcement of judgments apply including those available under chapters 518 and 518C ~~and sections 256.871 to 256.878.~~

Sec. 33. Minnesota Statutes 1992, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when a child is

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(1) found to be delinquent for violating a provision of chapter 152, or for committing a felony-level violation of a provision of chapter 609 if the probation officer determines that alcohol or drug use was a contributing factor in the commission of the offense, or (2) alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655 and 9530.7000 to 9530.7030. The commissioner of public safety human services shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

Sec. 34. Minnesota Statutes 1993 Supplement, section 268.92, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them.

(a) "~~Certified worker~~" means a lead abatement worker certified by the commissioner of health under section 144.878, subdivision 5.

~~(b)~~ "Certified trainer" means a lead trainer certified by the commissioner of health under section 144.878, subdivision 5.

~~(e)~~ ~~(b)~~ "Certified worker" means a lead abatement worker certified by the commissioner of health under section 144.878, subdivision 5.

~~(d)~~ ~~(c)~~ "Commissioner" means the commissioner of jobs and training.

~~(e)~~ ~~(d)~~ "Eligible organization" means a licensed contractor, certified trainer, city, board of health, community health department, community action agency as defined in section 268.52, or community development corporation.

~~(f)~~ ~~(e)~~ "High risk for toxic lead exposure" has the meaning given in section 144.871, subdivision 7a.

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~~(e)~~ (f) "Licensed contractor" means a contractor licensed by the department of health under section 144.876.

~~(h)~~ (g) "Removal and replacement abatement" means lead abatement on residential property that requires retrofitting and conforms to the rules established under section 144.878.

~~(i)~~ (h) "Swab team" has the meaning given in section 144.871, subdivision 9.

Sec. 35. Minnesota Statutes 1993 Supplement, section 296.035, is amended to read:

296.035 CREDIT FOR REREFINED WASTE OIL.

A licensed distributor or a special fuel dealer, either of which elects to pay the tax under section 296.12, subdivision ~~3a~~ 3, at the time special fuel is sold or delivered into the supply tank of a licensed motor vehicle, is allowed a credit of ten cents per gallon for each gallon of rerefined waste oil sold or delivered into the supply tank of a licensed motor vehicle. A credit of ten cents per gallon is allowed a licensed distributor or special fuel dealer for each gallon of rerefined waste oil delivered into the storage tank of a retail service station operated by the distributor or a special fuel dealer, if either the distributor or special fuel dealer does not elect to pay the tax under section 296.12, subdivision ~~3a~~ 3, at the time special fuel is sold or delivered into the supply tank of a licensed motor vehicle. Bulk purchasers are allowed a credit of ten cents per gallon for each gallon of rerefined waste oil that is purchased by them and used in a licensed motor vehicle.

Sec. 36. Minnesota Statutes 1992, section 299C.61, subdivision 4, is amended to read:

Subd. 4. **CHILD ABUSE CRIME.** "Child abuse crime" means:

(1) an act committed against a minor victim that constitutes a violation of section 609.185, clause (5); 609.221; 609.222; 609.223; 609.224; 609.322; 609.323; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; or 609.378; or

(2) a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1, clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause ~~(5)~~ (4) or ~~(7)~~ (6); or 152.024, subdivision 1, clause (2), (3), or (4).

Sec. 37. Minnesota Statutes 1992, section 309.53, subdivision 2, is amended to read:

Subd. 2. Such annual report shall include a financial statement covering the immediately preceding 12-month period of operation, and shall be executed by any two duly constituted officers of the charitable organization, who shall

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acknowledge that it was executed pursuant to resolution of the board of directors or trustees, or if there be no such board, then by its managing group which has approved the content of the annual report. This annual report shall also include a copy of any tax return, including amendments, submitted by the charitable organization to the Internal Revenue Service for the period covered by the annual report.

A charitable organization which files the annual report required under this subdivision with the attorney general is not required to file the tax return with the commissioner of revenue. An organization which fails to file the tax return required under this section is subject to the penalties imposed by the commissioner of revenue as set forth in ~~section 290.05, subdivisions 4 and 5~~ sections 289A.60, subdivision 9, and 289A.63, subdivision 1.

Sec. 38. Minnesota Statutes 1993 Supplement, section 325F.755, subdivision 5, is amended to read:

Subd. 5. **EXEMPTIONS.** This section does not apply to solicitations or representations, in connection with (1) the sale or purchase of books, recordings, videocassettes, periodicals, and similar goods through a membership group or club which is regulated by the Federal Trade Commission pursuant to Code of Federal Regulations, title 16, part 425.1, concerning use of negative option plans by sellers in commerce; (2) the sale or purchase of goods ordered through a contractual plan or arrangement such as a continuity plan, ~~subscription management arrangement~~, or a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive the goods and after the receipt of the goods is given the opportunity to examine the goods and to receive a full refund of charges for the goods upon return of the goods undamaged; or (3) sales by a catalog seller. For purposes of this section "catalog seller" shall mean any entity (and its subsidiaries) or person at least 50 percent of whose annual revenues are derived from the sale of products sold in connection with the distribution of catalogs of at least 24 pages, which contain written descriptions or illustrations and sale prices for each item of merchandise and which are distributed in more than one state with a total annual distribution of at least 250,000.

Sec. 39. Minnesota Statutes 1993 Supplement, section 326.111, subdivision 4, is amended to read:

Subd. 4. **ACTIONS AGAINST APPLICANTS AND LICENSEES.** (a) The board may, by order, deny, refuse to renew, suspend, temporarily suspend, or revoke the application, license, or certification of a person; censure or reprimand that person; condition or limit the person's practice; refuse to permit a person to sit for examination; or refuse to release the person's examination grades if the board finds that the order is in the public interest and the applicant, licensee, or certificate holder:

(1) has violated a statute, rule, or order that the board has issued or is empowered to enforce;

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(2) has engaged in conduct or acts that are fraudulent, deceptive, or dishonest whether or not the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, or certified interior design, providing that the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, or certified interior design;

(3) has engaged in conduct or acts that are negligent or otherwise in violation of the standards established by Minnesota Rules, ~~parts 1100.1800 and 1100.1805~~ chapters 1800 and 1805, where the conduct or acts relate to the practice of architecture, engineering, land surveying, landscape architecture, or use of the title certified interior designer;

(4) has been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt, or has been shown to have engaged in acts or practices tending to show that the applicant or licensee is incompetent or has engaged in conduct reflecting adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, or use of the title certified interior designer;

(5) employed fraud or deception in obtaining a certificate, license, renewal, or reinstatement or in passing all or a portion of the examination;

(6) has had the person's architecture, engineering, land surveying, landscape architecture, or interior design license, certificate, right to examine, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country;

(7) has had the person's right to practice before any federal, state, or other government agency revoked, suspended, canceled, limited, or not renewed;

(8) failed to meet any requirement for the issuance or renewal of the person's license or certificate;

(9) has attached the person's seal or signature to a plan, specification, report, plat, or other architectural, engineering, land surveying, landscape architectural, or interior design document not prepared by the person sealing or signing it or under that person's direct supervision; or

(10) with respect to temporary suspension orders, has committed an act, engaged in conduct, or committed practices that may, or has in the opinion of the board, or the complaint committee if authorized by the board, resulted in an immediate threat to the public.

(b) In lieu of or in addition to any remedy provided in paragraph (a), the board may require, as a condition of continued licensure, possession of certifi-

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cate, termination of suspension, reinstatement of license or certificate, examination, or release of examination grades, that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in such fashion and by such persons, entity, or entities as the board may require including, but not limited to, remedial education courses; and

(2) complete to the satisfaction of the board such continuing professional education courses as the board may specify by rule.

(c) Service of the order is effective if the order is served on the licensee, certificate holder, applicant, person, or counsel of record personally or by certified mail, to the most recent address provided to the board for the licensee, certificate holder, applicant, person, or counsel of record. The order shall state the reasons for the entry of the order.

(d) All hearings required by this section shall be conducted in accordance with chapter 14, except with respect to temporary suspension orders, as provided for in subdivision 5, paragraph (d).

Sec. 40. Minnesota Statutes 1992, section 326.212, is amended to read:

326.212 PERMITTED ACTS.

Subdivision 1. **EMPLOYEES; ASSISTANTS.** Nothing contained in sections 326.17 to 326.229 shall prohibit any person not a certified public accountant or licensed public accountant from serving as an employee of, or an assistant to, a certified public accountant or licensed public accountant, or partnership or corporation composed of certified public accountants or licensed public accountants, provided that the person shall not issue any accounting or financial statement over the person's name.

Subd. 2. **CERTIFIED BUT NOT LICENSED C.P.A., L.P.A.** The board, by rule, may permit persons holding a certificate issued pursuant to section 326.19, but who do not hold a current license, to assume or use the title or designation "certified public accountant" or "licensed public accountant," or the abbreviation "C.P.A.," "L.P.A.," or other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or licensed public accountant, provided (a) that the board has not revoked, suspended, or refused to renew a license previously issued to the person; (b) that the assumption or use is not incident to the practice of public accountancy; and (c) that the assumption or use is not in conjunction with or incident to any opinion or certificate within the purview of section 326.211, subdivision 6.

Subd. 3. **CORPORATIONS PERFORMING UNAUDITED ACCOUNTING SERVICES.** Nothing contained in ~~Laws 1979, chapter 326,~~ sections ~~4~~ ~~to~~ ~~43~~ 326.165 to 326.229 shall prohibit any corporation from performing account-

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ing services incident to a commercial relationship with another corporation, cooperative association, or cooperative corporation involving either the extension of credit or the performance of sales, purchasing, or marketing functions if any financial reports prepared incident thereto are marked "Unaudited" and disclose the identity of the preparer and its lack of independence.

Subd. 4. **PERSONS PREPARING UNAUDITED FINANCIAL STATEMENTS.** Nothing contained in ~~Laws 1979, chapter 326, sections 1 to 13~~ 326.165 to 326.229 shall prohibit any person, partnership or corporation, not licensed under ~~Laws 1979, chapter 326, sections 1 to 13~~ 326.165 to 326.229, from preparing and presenting unaudited financial statements and unaudited schedules on printed forms or the letterheads of the preparer if they are clearly marked on each page, "Unaudited."

Subd. 5. **TAX RETURNS.** Nothing contained in ~~Laws 1979, chapter 326, sections 1 to 13~~ 326.165 to 326.229 shall prohibit any person, partnership or corporation, not licensed under ~~Laws 1979, chapter 326, sections 1 to 13~~ 326.165 to 326.229, from preparing tax returns.

Sec. 41. Minnesota Statutes 1992, section 326.224, is amended to read:

326.224 SINGLE ACT EVIDENCE OF PRACTICE.

Displaying or presenting a card, sign, advertisement, or other printed, engraved, or written instrument or device bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "licensed public accountant" or any abbreviation thereof, except as permitted by ~~Laws 1979, chapter 326, sections 1 to 13~~ 326.165 to 326.229, shall be prima facie evidence in any action brought under sections ~~326.17~~ 326.165 to 326.229 and ~~Laws 1979, chapter 326, sections 1 to 12~~ that the person whose name is so displayed caused or procured the displaying or presenting of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding out to be a certified public accountant or a licensed public accountant. In any action evidence of the commission of a single act prohibited by ~~Laws 1979, chapter 326, sections 1 to 13 and Minnesota Statutes, sections 326.17~~ 326.165 to 326.229 shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 42. Minnesota Statutes 1992, section 326.461, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** For the purpose of ~~Laws 1984, chapter 481, sections 1 to 6~~ 326.46 to 326.521, the following terms have the meanings given them.

Sec. 43. Minnesota Statutes 1992, section 327.32, subdivision 8, is amended to read:

Subd. 8. **EVIDENCE OF COMPLIANCE.** Each manufacturer, distributor,

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and dealer shall establish and maintain records, make reports, and provide information as the commissioner or the secretary may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to ~~327.34~~, ~~Laws 1981, chapter 365, section 5~~; and sections ~~327.51 to 327.55~~ 327.35, and shall, upon request of a person duly designated by the commissioner or the secretary, permit that person to inspect appropriate books, papers, records, and documents relevant to determining whether that manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to ~~327.34~~, ~~Laws 1981, chapter 365, section 5~~; sections ~~327.51 to 327.55~~ 327.35, and the National Manufactured Home Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401, et seq., as amended, or other applicable federal or state law.

Sec. 44. Minnesota Statutes 1992, section 327.33, is amended to read:

327.33 ADMINISTRATION.

Subdivision 1. **INSPECTIONS.** The commissioner shall, through the department's inspectors or through a designated recognized inspection service acting as authorized representative of the commissioner perform sufficient inspections of manufacturing premises and manufactured homes to ensure compliance with sections 327.31 to ~~327.34~~ and ~~Laws 1981, chapter 365, section 5~~ 327.35. The commissioner shall have the exclusive right to conduct inspections, except for the inspections conducted or authorized by the secretary.

Subd. 2. **FEES.** The commissioner shall by rule establish reasonable fees for seals, installation seals and inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to ~~327.34~~, ~~Laws 1981, chapter 365, section 5~~; and sections ~~327.51 to 327.55~~ 327.35. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. All fees received by the commissioner shall be deposited in the state treasury and credited to the general fund.

Subd. 3. **ADMINISTRATION AND ENFORCEMENT RULES.** The commissioner may adopt other rules as may be necessary to administer and enforce sections 327.31 to ~~327.34~~ and ~~Laws 1981, chapter 365, section 5~~ 327.35. The rules shall, to the extent practicable, be uniform with those adopted by other states. All rules shall be adopted in the manner prescribed by sections 14.001 to 14.69.

Subd. 4. **INSTALLATION RULES.** The commissioner shall adopt rules

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governing the installation of manufactured homes, and shall include them in the state building code. The rules may include a list of specific safety items to be inspected at the time of installation.

Subd. 5. **ACCESSORY STRUCTURES RULES.** The commissioner shall adopt rules governing the construction and installation of manufactured home accessory structures including, but not limited to, rules relating to the certification of prefabricated manufactured home accessory structures. Upon showing that another state provides for certification of prefabricated manufactured home accessory structures manufactured in compliance with standards at least equal to those established by the commissioner, the commissioner may by rule provide that any structure bearing certification affixed under the authority of that state shall not be required to bear the certification of this state.

Subd. 6. **AUTHORIZATION AS AGENCY.** The commissioner shall apply to the secretary for approval of the commissioner as the administrative agency for the regulation of manufactured homes under the rules of the secretary. The commissioner may make rules for the administration and enforcement of department responsibilities as a state administrative agency including, but not limited to, rules for the handling of citizen's complaints. All money received for services provided by the commissioner or the department's authorized agents as a state administrative agency shall be deposited in the general fund. The commissioner is charged with the adoption, administration, and enforcement of the Manufactured Home Construction and Safety Standards, consistent with rules and regulations promulgated by the United States Department of Housing and Urban Development. The commissioner may adopt the rules, codes, and standards necessary to enforce the standards promulgated under this section. The commissioner is authorized to conduct hearings and presentations of views consistent with regulations adopted by the United States Department of Housing and Urban Development and to adopt rules in order to carry out this function.

Subd. 7. **EMPLOYEES.** The commissioner may appoint such employees within the department of administration as deemed necessary for the administration of sections 327.31 to 327.34, ~~Laws 1981, chapter 365, section 5, and sections 327.51 to 327.55~~ 327.35.

Sec. 45. Minnesota Statutes 1992, section 327.34, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** It shall be a misdemeanor for any person,

(a) to sell, lease, or offer to sell or lease, any manufactured home manufactured after July 1, 1972 which does not comply with the manufactured home building code or which does not bear a seal or label as required by sections 327.31 to 327.34, unless the action is subject to the provisions of ~~Laws 1981, chapter 365, section 5~~ section 327.35;

(b) to affix a seal or label, or cause a seal or label to be affixed, to any manufactured home which does not comply with the manufactured home building code unless the action is subject to the provisions of ~~Laws 1981, chapter 365, section 5~~ section 327.35;

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(c) to alter a manufactured home manufactured after July 1, 1972, in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a manufactured home building code violation in a manufactured home manufactured after July 1, 1972, which is owned, manufactured, or sold by that person, within 40 days of being ordered to do so in writing by an authorized representative of the commissioner, unless the correction is subject to the provisions of ~~Laws 1981, chapter 365, section 5~~ section 327.35; or

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of duties relating to manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976.

Sec. 46. Minnesota Statutes 1992, section 348.13, is amended to read:

348.13 BOUNTIES PAID BY TOWNS, REQUIREMENTS.

The four feet of striped and gray gophers and woodchucks, and both front feet of pocket gophers shall be produced to the chair of the town board of the town where they were killed, and if the chair shall be satisfied that they were killed within the designated territory and by the person producing them, the chair shall certify to the county auditor the number of each kind so killed. The certificate shall be issued by the chair of the town board at the end of each month and shall show the names of all persons entitled to bounty for the preceding month, the number of each kind of animals killed, and the amount of bounty that each person is entitled to receive. The county auditor shall issue thereon a warrant on the county treasurer payable to the chair of the town board who issued the certificate, for the full amount of the bounty allowed by law according to the certificate, and upon receipt of the warrant the chair shall pay the proper persons the bounty allowed by law for the preceding month.

The chair to whom such feet are produced shall immediately cause such feet to be destroyed.

Any town board may also offer a bounty for the destruction of the animals ~~or birds~~ described in section 348.12 and adopt rules for the payment thereof, which bounty so offered by a town shall be in addition to any bounty which may be offered by the board of county commissioners.

The town board of any town located in any county having over 45,000 and less than 49,000 inhabitants according to the 1950 federal census, may by resolution require that the tail instead of the feet of striped, gray and pocket gophers be produced.

Sec. 47. Minnesota Statutes 1993 Supplement, section 349.217, subdivision 1, is amended to read:

Subdivision 1. **PENALTY FOR FAILURE TO PAY TAX.** If a tax is not paid within the time specified for payment, a penalty is added to the amount required to be shown as tax. The penalty is five percent of the unpaid tax if the

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failure is for not more than 30 days, with an additional penalty of five percent of the amount of tax remaining unpaid during each additional 30 days or fraction of 30 days during which the failure continues, not exceeding 15 percent in the aggregate.

If the taxpayer has not filed a return, for purposes of this subdivision the time specified for payment is the final date a return should have been filed.

Sec. 48. **REPEALER.**

Minnesota Statutes 1992, section 385.08, is repealed.

Sec. 49. Minnesota Statutes 1992, section 386.61, is amended by adding a subdivision to read:

Subd. 4. "Commissioner" means the commissioner of commerce.

Sec. 50. Minnesota Statutes 1993 Supplement, section 386.66, is amended to read:

386.66 BOND OR ABTRACTER'S LIABILITY INSURANCE POLICY.

Before a license shall be issued, the applicant shall file with the commissioner a bond or abstractor's liability insurance policy to be approved by the commissioner, running to the state of Minnesota in the penal sum of at least \$100,000 conditioned for the payment by such abstractor of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstractor, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least \$250,000. Applicants that are title insurance companies regulated by chapter 68A and licensed pursuant to sections 60A.02 and 60A.06, subdivision 1, clause (7), and their employees or those having cash or securities ~~or~~ on deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstractor's liability insurance policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in business. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

Sec. 51. Minnesota Statutes 1992, section 446A.07, subdivision 6, is amended to read:

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Subd. 6. **AWARD AND TERMS OF LOANS.** The authority shall award loans to those municipalities and other entities certified by the agency. The terms and conditions of the loans must be in conformance with the Federal Water Pollution Control Act, this section, and rules of the authority and the agency; ~~and authority~~ adopted under this section.

Sec. 52. Minnesota Statutes 1992, section 449.06, is amended to read:

449.06 ENTERTAINMENT TAX IN CITIES OF THE FOURTH CLASS.

The governing body of any city of the fourth class operating under a home rule charter ~~of or~~ commission form of government may levy a tax not exceeding 0.01209 percent of taxable market value for the purpose of providing musical entertainments to the public in public buildings or upon public grounds. The total sum that may be levied or expended in any year shall not exceed \$3,500.

Sec. 53. Minnesota Statutes 1992, section 469.174, subdivision 10, is amended to read:

Subd. 10. **REDEVELOPMENT DISTRICT.** (a) "Redevelopment district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that one of the following conditions, reasonably distributed throughout the district, exists:

(1) parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or other improvements and more than 50 percent of the buildings, not including outbuildings, are structurally substandard to a degree requiring substantial renovation or clearance; or

(2) the property consists of vacant, unused, underused, inappropriately used, or infrequently used railyards, rail storage facilities, or excessive or vacated railroad rights-of-way.

(b) For purposes of this subdivision, "structurally substandard" shall mean containing defects in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection including adequate egress, layout and condition of interior partitions, or similar factors, which defects or deficiencies are of sufficient total significance to justify substantial renovation or clearance.

A building is not structurally substandard if it is in compliance with the building code applicable to new buildings or could be modified to satisfy the building code at a cost of less than 15 percent of the cost of constructing a new structure of the same square footage and type on the site. The municipality may find that a building is not disqualified as structurally substandard under the preceding sentence on the basis of reasonably available evidence, such as the size, type, and age of the building, the average cost of plumbing, electrical, or structural repairs, or other similar reliable evidence. If the evidence supports a reasonable conclusion that the building is not disqualified as structurally

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substandard, the municipality may make such a determination without an interior inspection or an independent, expert appraisal of the cost of repair and rehabilitation of the building.

A parcel is deemed to be occupied by a structurally substandard building for purposes of the finding under paragraph (a) if all of the following conditions are met:

(1) the parcel was occupied by a substandard building within three years of the filing of the request for certification of the parcel as part of the district with the county auditor;

(2) the substandard building was demolished or removed by the authority or the demolition or removal was financed by the authority or was done by a developer under a development agreement with the authority;

(3) the authority found by resolution before the demolition or removal that the parcel was occupied by a structurally substandard building and that after demolition and clearance the authority intended to include the parcel within a district; and

(4) upon filing the request for certification of the tax capacity of the parcel as part of a district, the authority notifies the county auditor that the original tax capacity of the parcel must be adjusted as provided by section 469.177, subdivision 1, paragraph (h).

(c) For purposes of this subdivision, a parcel is not occupied by buildings, streets, utilities, or other improvements unless 15 percent of the area of the parcel contains improvements.

(d) For districts consisting of two or more noncontiguous areas, each area must qualify as a redevelopment district under paragraph (a); ~~clauses (1) to (3)~~; to be included in the district, and the entire area of the district must satisfy paragraph (a).

Sec. 54. Minnesota Statutes 1992, section 469.181, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** A developer proposing to construct improvements on property located within an industrial development district as defined in section 469.058, subdivision 1; an economic development district as defined in section 469.101, subdivision 1; a development district as defined in section 469.125, subdivision § 2, or any special law; or a redevelopment project as defined in section 469.002, subdivision ~~12~~ 14, may apply to the governing body of the city or municipality in which the property is located to obtain deferral of property tax on the improved property, stating the nature and location of the proposed improvement, its estimated cost, and the projected length of construction time. If the governing body finds that the proposed development is consistent with the requirements of the above referred sections, it may approve

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the application. If the application is approved by June 30, the tax exemption shall be in effect for taxes paid the following year; if it is approved later than June 30, the exemption shall be in effect for taxes paid in the second subsequent year.

Sec. 55. Minnesota Statutes 1992, section 471A.11, is amended to read:

471A.11 REGULATION OF RATES AND CHARGES AND PUBLIC UTILITY LAWS.

A municipality may regulate by ordinance, contract, or otherwise the rates and charges imposed by the private vendor with respect to any capital intensive public services provided to the public under the service contract. Whether or not the imposition of such rates and charges is so regulated, no capital intensive public services provided under the service contract are subject to regulation under the provisions of chapter 216B, unless the municipality elects to subject the services to regulation under that chapter. An election for regulation may be ~~affected~~ made by resolution of the governing body of the municipality requesting regulation and filing the resolution with the state public utilities commission.

Sec. 56. **REPEALER.**

Minnesota Statutes 1992, section 473.872, is repealed.

Sec. 57. Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 3, is amended to read:

Subd. 3. **JURISDICTION; GENERAL.** (a) Except as provided in subdivisions 4 and 5, the conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the amount of money or property that is the subject matter of the claim does not exceed \$6,000; or, on and after July 1, 1994, \$7,500, or \$4,000 if the claim involves a consumer credit transaction. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which:

(1) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind;

(2) the buyer is a natural person;

(3) the claimant is the seller or lender in the transaction; and

(4) the personal property is purchased primarily for a personal, family, or household purpose and not for a commercial, agricultural, or business purpose.

(b) Except as otherwise provided in this subdivision and subdivisions 5 to 10, the territorial jurisdiction of conciliation court is coextensive with the county in which the court is established. The summons in a conciliation court action under subdivisions 6 to 10 may be served anywhere in the state, and the summons in a conciliation court action under subdivision 7, paragraph (b), may

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be served outside the state in the manner provided by law. The court administrator shall serve the summons in a conciliation court action by first class mail, except that if the amount of money or property that is the subject of the claim exceeds \$2,500, the summons must be served by the plaintiff by certified mail, and service on nonresident defendants must be made in accordance with applicable law or rule. Subpoenas to secure the attendance of nonparty witnesses and the production of documents at trial may be served anywhere within the state in the manner provided by law.

When a court administrator is required to summon the defendant by certified mail under this paragraph, the summons may be made by personal service in the manner provided in the rules of civil procedure for personal service of a summons of the district court as an alternative to service by certified mail.

Sec. 58. Minnesota Statutes 1993 Supplement, section 549.09, subdivision 1, is amended to read:

Subdivision 1. **WHEN OWED; RATE.** (a) When a judgment or award is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict, award, or report until judgment is finally entered shall be computed by the court administrator or arbitrator as provided in clause (c) and added to the judgment or award.

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause ~~(3)~~ (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by

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contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments or awards for future damages;

(3) punitive damages, fines, or other damages that are noncompensatory in nature;

(4) judgments or awards not in excess of the amount specified in section 491A.01; and

(5) that portion of any verdict, award, or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

(c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year. The state court administrator shall communicate the interest rates to the court administrators and sheriffs for use in computing the interest on verdicts and shall make the interest rates available to arbitrators.

When a judgment creditor, or the judgment creditor's attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor's attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

(d) This section does not apply to arbitrations between employers and employees under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding interest under chapter 179 or under section 179A.16 for essential employees.

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Sec. 59. Minnesota Statutes 1993 Supplement, section 609.5312, subdivision 3, is amended to read:

Subd. 3. VEHICLE FORFEITURE FOR PROSTITUTION OFFENSES.

(a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by paragraph (b);

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

~~(d)~~ (c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

~~(e)~~ (d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

Sec. 60. Minnesota Statutes 1993 Supplement, section 609.605, subdivision 1, is amended to read:

Subdivision 1. **MISDEMEANOR.** (a) The following terms have the meanings given them for purposes of this section.

(i) "Premises" means real property and any appurtenant building or structure.

(ii) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling

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may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.011, subdivision 8.

(iii) "Construction site" means the site of the construction, alteration, painting, or repair of a building or structure.

(iv) "Owner or lawful possessor," as used in paragraph (b), clause ~~(8)~~ (9), means the person on whose behalf a building or dwelling is being constructed, altered, painted, or repaired and the general contractor or subcontractor engaged in that work.

(v) "Posted," as used in clause (9), means the placement of a sign at least 11 inches square in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, and additional signs in at least two conspicuous places for each ten acres being protected. The sign must carry an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land on which the construction site is located or by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

(vi) "Business licensee," as used in paragraph (b), clause (9), includes a representative of a building trades labor or management organization.

(vii) "Building" has the meaning given in section 609.581, subdivision 2.

(b) A person is guilty of a misdemeanor if the person intentionally:

(1) permits domestic animals or fowls under the actor's control to go on the land of another within a city;

(2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;

(3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;

(4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;

(5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;

(6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;

(7) returns to the property of another with the intent to abuse, disturb, or

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cause distress in or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(8) returns to the property of another within 30 days after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent; or

(9) enters the locked or posted construction site of another without the consent of the owner or lawful possessor, unless the person is a business licensee.

Sec. 61. Minnesota Statutes 1993 Supplement, section 609.749, subdivision 5, is amended to read:

Subd. 5. **PATTERN OF HARASSING CONDUCT.** (a) A person who engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household in a manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and that does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of harassing conduct" means two or more acts within a five-year period that violate the provisions of any of the following:

(1) this section;

(2) section 609.713;

(3) section 609.224;

(4) section 518B.01, subdivision 14;

(5) section 609.748, subdivision 6;

(6) section 609.605, subdivision 1, paragraph ~~(a)~~ (b), clause (7);

(7) section 609.79; or

(8) section 609.795.

Sec. 62. **REVISOR'S INSTRUCTION.**

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "biological parent" for the term "natural parent" wherever it appears.

Sec. 63. Laws 1991, chapter 306, section 26, is repealed.

Sec. 64. Laws 1992, chapter 513, article 4, section 60, is amended to read:

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Sec. 60. REPEALER.

Minnesota Statutes 1990, section 41A.051, is repealed. Minnesota Statutes 1990, section 270.185, is repealed effective January 1, 1993. On that date, any balance in the reassessment account of the special revenue fund is transferred to the general fund. ~~The repeal of Minnesota Statutes 1991 Supplement, section 326.991, provided for in Laws 1991, chapter 306, section 26, is postponed until July 31, 1994.~~

ARTICLE 2

OBSOLETE REFERENCES

Section 1. REVISOR'S INSTRUCTION.

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>65A.33, subd. 1</u>	<u>65A.43</u>	<u>65A.42</u>
<u>116J.557, subs. 1 and 2</u>	<u>216C.11 to 216C.16</u>	<u>116J.551 to 116J.557</u>
<u>120.064, subd. 8 paragraph (h)</u>	<u>121.901</u>	<u>121.904</u>
<u>121.912, subd. 1</u>	<u>123.705, subd. 1</u>	<u>123.7045</u>
<u>121.93, subd. 1</u>	<u>121.937</u>	<u>121.936</u>
<u>121.931, subd. 1</u>	<u>121.937</u>	<u>121.936</u>
<u>121.935, subd. 1</u>	<u>121.937</u>	<u>121.936</u>
<u>121.935, subd. 2</u>	<u>121.90</u>	<u>121.904</u>
<u>121.936, subd. 4a</u>	<u>121.90</u>	<u>121.904</u>
<u>123.701</u>	<u>123.705</u>	<u>123.7045</u>
<u>124.14, subd. 2</u>	<u>121.90</u>	<u>121.904</u>
<u>124.155, subd. 2</u>	<u>124.331</u>	<u>124A.225</u>
<u>124.214, subd. 2</u>	<u>275.125, subd. 8b</u>	<u>124.2711, subd. 2a</u>
<u>124.214, subd. 3, paragraph (a)</u>	<u>275.125, subd. 8b</u>	<u>124.2711, subd. 2a</u>
<u>124.36</u>	<u>124.47</u>	<u>124.46</u>
<u>124.37</u>	<u>124.47</u>	<u>124.46</u>
<u>124.38, subd. 1</u>	<u>124.47</u>	<u>124.46</u>
<u>124.38, subd. 3</u>	<u>124.47</u>	<u>124.46</u>
<u>124.39, subd. 1</u>	<u>124.47</u>	<u>124.46</u>
<u>124.41, subd. 1</u>	<u>124.47</u>	<u>124.46</u>
<u>124.41, subd. 2</u>	<u>124.47</u>	<u>124.46</u>
<u>124.472</u>	<u>124.47</u>	<u>124.46</u>
<u>124.473</u>	<u>124.47</u>	<u>124.46</u>
<u>124.474</u>	<u>124.47</u>	<u>124.46</u>

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<u>124.476</u>	<u>124.47</u>	<u>124.46</u>
<u>124.477</u>	<u>124.47</u>	<u>124.46</u>
<u>124.479</u>	<u>124.47</u>	<u>124.46</u>
<u>124.91, subd. 6</u>	<u>116J.37</u>	<u>216C.37</u>
<u>124A.225, subd. 8a</u>	<u>275.125</u>	<u>124.226</u>
<u>125.70</u>	<u>124C.27 to</u>	<u>125.701 to</u>
	<u>124C.31</u>	<u>125.705</u>
<u>126.269</u>	<u>126.268</u>	<u>126.267</u>
<u>144.99, subd. 1</u>	<u>144.76</u>	<u>144.74</u>
<u>148B.27</u>	<u>148B.72</u>	<u>148B.71</u>
<u>181A.04, subd. 6</u>	<u>124A.45</u>	<u>124C.45</u>
<u>277.21, subd. 1</u>	<u>274.19</u>	<u>273.125</u>
<u>290A.03, subd. 6</u>	<u>274.19</u>	<u>273.125</u>
<u>298.27</u>	<u>336A.4A-401</u>	<u>336.4A-401</u>

Sec. 2. Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a, is amended to read:

Subd. 2a. **EXCEPTION.** The requirements of subdivision 2 do not apply to state contracts distributing state or federal funds pursuant to the federal Economic Dislocation and Worker Adjustment Assistance Act, United States Code, title 29, section 1651 et seq.; or Minnesota Statutes, sections ~~268.977~~, 268.9771, 268.978, 268.9781, and 268.9782. For these contracts, the commissioner of jobs and training is authorized to directly enter into state contracts with approval of the governor's job training council and encumber available funds to ensure a rapid response to the needs of dislocated workers. The commissioner shall adopt internal procedures to administer and monitor funds distributed under these contracts.

Sec. 3. Minnesota Statutes 1992, section 17.47, subdivision 3, is amended to read:

Subd. 3. **AQUATIC FARM.** "Aquatic farm" means a facility used for the purpose of culturing private aquatic life in waters, including but not limited to artificial ponds, vats, tanks, raceways, other indoor or outdoor facilities that an aquatic farmer owns or where an aquatic farmer has exclusive control of, ~~fish farms licensed under section 97C.209~~, or private fish hatcheries licensed under section 97C.211 for the sole purpose of processing or cultivating aquatic life.

Sec. 4. Minnesota Statutes 1992, section 41A.05, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** (a) The board by resolution may exercise the powers of a rural development authority under sections 469.142 to 469.151 and the powers of a municipality under sections 469.152 to 469.165 for the purposes of financing one or more projects, including the issuance of bonds and the application of the bond proceeds and investment income pursuant to a lease, loan, loan guaranty, loan participation, or other agreement. The bonds must be issued, sold, and secured on the terms and conditions and in the man-

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ner determined by resolution of the board. ~~Section 16A.80 does not apply to the bonds.~~ Notwithstanding subdivision 1, a reserve established for the bonds provided by the borrower, including out of bond proceeds, may be deposited and held in a separate account in the Minnesota agricultural and economic development account and applied to the last installments of principal or interest on the bonds, subject to the reserves being withdrawn for any purpose permitted by subdivision 1. The board may by resolution or indenture pledge any or all amounts in the fund, including any reserves and investment income on amounts in the fund, to secure the payment of principal and interest on any or all series of bonds, upon the terms and conditions as provided in the resolution or indenture. To the extent the board deems necessary or desirable to prevent interest on bonds from becoming subject to federal income taxation, (1) the amounts in the fund shall be invested in obligations or securities with restricted yields and (2) the investment income on the amounts are released from the pledge securing the bonds or loan guaranty and appropriately applied to prevent taxation.

(b) Bonds issued pursuant to this chapter are not general obligations of the state or the board. The full faith and credit and taxing powers of the state and the board are not and may not be pledged for the payment of the bonds. No person may compel the levy of a tax for the payment or compel the appropriation of money of the state or the board for the payment of the bonds, except as specifically provided in this chapter.

(c) For purposes of sections 474A.01 to 474A.21, the board is a local issuer and may apply for allocations of authority to issue private activity obligations and may enter into an agreement for the issuance of obligations by another issuer.

Sec. 5. Minnesota Statutes 1992, section 60B.04, subdivision 1, is amended to read:

Subdivision 1. **ACTIONS BY COMMISSIONER.** Except as provided in subdivision 2 ~~and section 60B.24, subdivision 1,~~ no delinquency proceeding shall be commenced under sections 60B.01 to 60B.61 by anyone other than the commissioner, including an acting commissioner, of this state and no court shall have jurisdiction to entertain, hear, or determine any proceeding under sections 60B.01 to 60B.61 commenced by any other person.

Sec. 6. Minnesota Statutes 1992, section 60B.09, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REPORT OF PROCEEDINGS.** The commissioner shall include in a biennial report:

(a) The names of the insurers proceeded against under sections 60B.15, 60B.20, ~~60B.24,~~ 60B.52, 60B.53, and 60B.55, and such other facts as indicate in reasonable detail formal proceedings under sections 60B.01 to 60B.61; and

(b) Such facts as generally indicate the utilization and effectiveness of proceedings under sections 60B.11, 60B.12, and 60B.13.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 7. Minnesota Statutes 1992, section 60B.09, subdivision 3, is amended to read:

Subd. 3. **REPORTS ON INSURERS SUBJECT TO PROCEEDINGS.** The commissioner as receiver shall make and file annual reports and any other required reports for the companies proceeded against under sections 60B.15, 60B.20, ~~60B.24~~, 60B.52, 60B.53, and 60B.55 in the manner and form and within the time required by law of insurers authorized to do business in this state, and under the same penalties for failure to do so.

Sec. 8. Minnesota Statutes 1993 Supplement, section 115C.082, subdivision 1, is amended to read:

Subdivision 1. **FUND ESTABLISHED.** A lead fund is created in the state treasury. The fund consists of all ~~revenue deposited in the fund under sections 115C.081 and 297E.01, subdivision 11, and all other~~ money and interest made available to the fund by law.

Sec. 9. Minnesota Statutes 1992, section 120.101, subdivision 2, is amended to read:

Subd. 2. **APPLICABILITY.** This section and sections 120.102; 120.103; 120.11; ~~120.13; 120.14; 120.15; 120.16;~~ 127.19; and 127.20 apply only to a child required to receive instruction according to subdivision 5 and to instruction that is intended to fulfill that requirement.

Sec. 10. Minnesota Statutes 1992, section 120.101, subdivision 6, is amended to read:

Subd. 6. **CURRICULUM.** Instruction must be provided in at least the following subject areas:

- (1) basic communication skills including reading and writing, literature, and fine arts;
- (2) mathematics and science;
- (3) social studies including history, geography, and government; and
- (4) health and physical education.

Instruction, textbooks, and materials must be in the English language. Another language may be used ~~as set forth in section 126.07~~ pursuant to sections 126.262 to 126.265.

Sec. 11. Minnesota Statutes 1992, section 121.88, subdivision 8, is amended to read:

Subd. 8. **YOUTH DEVELOPMENT PLANS.** A district advisory council may prepare a youth development plan. The council is encouraged to use the state ~~model plan developed under section 121.87, subdivision 1a;~~ guidelines

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when developing the local plan. The school board may approve the youth development plan.

Sec. 12. Minnesota Statutes 1993 Supplement, section 124.195, subdivision 8, is amended to read:

Subd. 8. **PAYMENT PERCENTAGE FOR REIMBURSEMENT AIDS.** One hundred percent of the aid for the last fiscal year must be paid for the following aids: special education pupil aid according to section 124.32, subdivision 6; special education summer school aid, according to section 124.32, subdivision 10; and ~~planning, evaluating, and reporting process aid according to section 124.274.~~

Sec. 13. Minnesota Statutes 1992, section 125.611, subdivision 1, is amended to read:

Subdivision 1. **CRITERIA.** For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who:

(a) is employed in the public elementary, secondary, or technical colleges in the state and

(b) either

(1)(i) has not less than 15 total years of full-time teaching service in elementary, secondary, and technical colleges, or at least 15 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354.53; ~~354.531~~; 354.66; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; 354A.094; or Laws 1982, chapter 578, article II, section 1 and

(ii) has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made, or

(2) has not less than 30 total years of full-time teaching service in elementary, secondary, and technical colleges, or at least 30 years of allowable service as defined in sections 354.05, subdivision 13; 354.092; 354.093; 354.094; 354.53; ~~354.531~~; 354.66; 354A.011, subdivision 4; 354A.091; 354A.092; 354A.093; 354A.094; or Laws 1982, chapter 578, article II, section 1.

Sec. 14. Minnesota Statutes 1992, section 160.265, is amended to read:

160.265 BIKEWAY PROGRAM.

Subdivision 1. **STATE BIKEWAYS.** The commissioner of transportation shall establish a program for the development of bikeways primarily on existing road rights-of-way. The program shall include a system of bikeways to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bikeways primarily on existing road rights-of-way. The program shall be coordinated with the local

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park trail grant program established by the commissioner of trade and economic development pursuant to section ~~116J.406~~ 85.019, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the statewide transportation plan pursuant to section 174.03, and with existing and proposed local bikeways. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bikeways in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the bikeways. The metropolitan council, the commissioner of natural resources, the commissioner of trade and economic development, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 14.

Subd. 2. **LOCAL BIKEWAY GRANTS.** The commissioner shall provide technical assistance to local units of government in planning and developing bikeways. The commissioner shall make grants to units of government as defined in section ~~116J.406~~ 85.019, subdivision 1, for the betterment of public land and improvements needed for local bikeways. In making grants the commissioner shall consider, among other factors, the number of bicycles in the localities. A grant shall not exceed 75 percent of the costs of the betterment of the bikeway. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the bikeway. The commissioner may adopt emergency rules pursuant to sections 14.05 to 14.36 to commence the grant program immediately.

Sec. 15. Minnesota Statutes 1992, section 214.01, subdivision 3, is amended to read:

Subd. 3. **NON-HEALTH-RELATED LICENSING BOARD.** "Non-health-related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying, landscape architecture, and interior design established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of boxing established pursuant to section 341.01, ~~the board of abstracters established pursuant to section 386.63,~~ and the peace officer standards and training board established pursuant to section 626.841.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 16. Minnesota Statutes 1992, section 214.13, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION FOR CREDENTIAL.** The commissioner of health shall promote the recognition of human services occupations useful in the effective delivery of human services. The commissioner shall coordinate the development of a credentials policy among the health-related licensing boards consistent with section 214.001. The commissioner shall, consistent with section 214.001, establish procedures for the identification of human services occupations not now credentialed by the state, recommend appropriate regulatory modes, and promulgate by rule standards and procedures relating to the credentialing of persons practicing in the affected occupations. At the time of submission of a letter of intent to enter the credentialing process, an occupational applicant group shall pay a fee of \$1,000 to the commissioner. The fee is nonrefundable and must be deposited with the state treasurer and credited to the general fund. The commissioner may require an occupational applicant group to submit information relating to, and to recommend and justify regulatory modes and standards consistent with, the provisions of section 214.001. If the commissioner determines that credentialing of an occupation is appropriate, the commissioner is empowered only to register the occupation. Before promulgating any rules resulting in registration for an occupation the commissioner shall consult with state boards or agencies charged with regulating similar occupations in order to define the scope and range of practice for the registered occupation and the degree of supervision required. As used in this section ~~and section 214.141~~, registration is defined as in section 214.001, subdivision 3, clause (c).

Sec. 17. Minnesota Statutes 1993 Supplement, section 326.975, subdivision 2, is amended to read:

Subd. 2. **ACCELERATED CLAIMS PAYMENT.** Recovery fund claims that do not exceed the jurisdiction limits for conciliation court matters as specified in section ~~487.30~~ 491A.01 shall be paid on an accelerated basis if all of the following requirements have been satisfied:

(a) When any aggrieved person obtains a judgment in any court of competent jurisdiction, regardless of whether the judgment has been discharged by a bankruptcy court against a residential building contractor or residential remodeler on grounds specified in subdivision 1, paragraph (a), clause (2), the aggrieved person may file a verified application with the commissioner for payment out of the fund of the amount of actual and direct out-of-pocket loss in the transaction, but excluding any attorney fees, interest on the loss and on any judgment obtained as a result of the loss, up to the conciliation court jurisdiction limits, of the amount unpaid upon the judgment. For purposes of this section, persons who are joint tenants or tenants in common are deemed to be a single claimant.

(b) The commissioner has sent the licensee a copy of the verified application by first-class mail to the licensee's address as it appears in the records of the

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department of commerce with a notice that the claim will be paid 15 days from the date of the notice unless the licensee notifies the commissioner prior to that date of the commencement of an appeal of the judgment, if the time for appeal has not expired, and that payment of the claim will result in automatic suspension of the licensee's license.

(c) If the licensee does not notify the commissioner of the commencement of an appeal, the commissioner shall pay the claim at the end of the 15-day period.

(d) If an appeal is commenced, the payment of the claim is stayed until the conclusion of the appeal.

(e) The commissioner may pay claims which total no more than \$15,000 against the licensee under this accelerated process. The commissioner may prorate the amount of claims paid under this subdivision if claims in excess of \$15,000 against the licensee are submitted. Any unpaid portions of such claims shall be satisfied in the manner set forth in subdivision 1.

Sec. 18. Minnesota Statutes 1992, section 331A.06, subdivision 4, is amended to read:

Subd. 4. When a statute refers to publication of a public notice at the legal rate ~~or at the rate provided in section 331.08~~, the maximum rate shall be as provided in this section.

Sec. 19. Minnesota Statutes 1992, section 352.119, subdivision 1, is amended to read:

Subdivision 1. **ADJUSTABLE FIXED BENEFIT ANNUITY.** Adjustable fixed benefit annuity means the payments made from the participation in the fund to an annuitant after retirement in accordance with this section. It also means that the payments made to the persons receiving benefits must never be less than the amount originally determined on the date of retirement or on July 1, 1969, whichever is later; ~~but not including the supplemental benefit provided for in section 352.73.~~

Sec. 20. Minnesota Statutes 1992, section 423B.12, is amended to read:

423B.12 MANDATORY RETIREMENT; CONSEQUENCE OF CONTINUED ACTIVE MEMBERSHIP.

~~Notwithstanding the provisions of section 197.45, subdivision 2, and Sub-~~ject only to the provisions of section 423.075, an active member must retire upon attaining age 65, and upon attaining age 65 must cease to be an active member of the association. An active member who knowingly fails or refuses to comply with this section thereby renders the person and the person's survivors ineligible for any pension or benefits provided under sections 423B.01 to 423B.18, as amended. A person who has ceased to be an active member of the association or has knowingly failed or refused to retire, is entitled only for the

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refund in an amount equal to \$100 per year of service credit, payable in a lump sum.

ARTICLE 3

CONFLICT NOTES

Section 1. **REPEALER.**

Laws 1977, chapter 11, section 8, is repealed.

Sec. 2. **REPEALER.**

Laws 1982, chapter 514, sections 18 and 19, are repealed.

Sec. 3. **REPEALER.**

Laws 1983, chapter 247, section 130, is repealed.

Sec. 4. **REPEALER.**

Laws 1984, chapter 628, article 2, section 4, is repealed.

Sec. 5. **REPEALER.**

Laws 1985, First Special Session chapter 9, article 2, sections 81 and 82, are repealed.

Sec. 6. **REPEALER.**

Laws 1985, First Special Session chapter 13, section 191, is repealed.

Sec. 7. **REPEALER.**

Laws 1985 First Special Session, chapter 14, article 9, section 16, is repealed.

Sec. 8. **REPEALER.**

Laws 1987, chapter 197, section 1, is repealed.

Sec. 9. **REPEALER.**

Laws 1987, chapter 315, section 4, subdivision 2, is repealed.

Sec. 10. **REPEALER.**

Laws 1987, chapter 336, section 35, is repealed.

Sec. 11. **REPEALER.**

New language is indicated by underline, deletions by ~~strikeout~~.

Laws 1988, chapter 441, section 2, is repealed.

Sec. 12. **REPEALER.**

Laws 1988, chapter 486, section 15, is repealed.

Sec. 13. **REPEALER.**

Laws 1988, chapter 486, section 68, is repealed.

Sec. 14. **REPEALER.**

Laws 1988, chapter 496, section 8, is repealed.

Sec. 15. **REPEALER.**

Laws 1988, chapter 514, section 5, is repealed.

Sec. 16. **REPEALER.**

Laws 1988, chapter 636, section 3, is repealed.

Sec. 17. **REPEALER.**

The amendment to Minnesota Statutes 1988, section 245.482, subdivision 1, that was enacted as a part of Laws 1989, chapter 89, section 1, which also renumbered subdivision 1 as subdivision 2, is repealed.

Sec. 18. **REPEALER.**

Laws 1989, chapter 89, section 13, is repealed.

Sec. 19. **REPEALER.**

Laws 1989, chapter 133, section 1, is repealed.

Sec. 20. **REPEALER.**

Laws 1989, chapters 144, article 2, section 8, and 356, section 18, are repealed.

Sec. 21. **REPEALER.**

Laws 1989, chapter 209, article 2, section 8, is repealed.

Sec. 22. **REPEALER.**

Laws 1989, chapter 209, article 2, section 34, is repealed.

Sec. 23. **REPEALER.**

Laws 1989, chapter 222, section 10, is repealed.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 24. **REPEALER.**

Laws 1989, chapter 222, sections 21 and 22, are repealed.

Sec. 25. **REPEALER.**

Laws 1989, chapter 222, section 36, is repealed.

Sec. 26. **REPEALER.**

Laws 1989, chapter 271, section 32, is repealed.

Sec. 27. **REPEALER.**

Laws 1989, chapter 282, article 2, section 144, is repealed.

Sec. 28. **REPEALER.**

Laws 1989, chapter 282, article 2, section 186, is repealed.

Sec. 29. **REPEALER.**

Laws 1989, chapter 293, section 74, is repealed.

Sec. 30. **REPEALER.**

Laws 1989, chapter 319, article 13, section 22, is repealed.

Sec. 31. **REPEALER.**

Laws 1989, chapter 319, article 13, section 55, is repealed.

Sec. 32. **REPEALER.**

Laws 1989, chapter 329, article 5, section 10, is repealed.

Sec. 33. **REPEALER.**

Laws 1989, chapter 334, article 2, section 17, is repealed.

Sec. 34. **REPEALER.**

Laws 1989, chapter 335, article 1, section 200, is repealed.

Sec. 35. **REPEALER.**

Laws 1989, chapter 335, article 1, section 255, is repealed.

Sec. 36. **REPEALER.**

Laws 1989, chapter 353, section 10, is repealed.

Sec. 37. **REPEALER.**

New language is indicated by underline, deletions by ~~strikeout~~.

Laws 1990, chapter 426, article 1, section 5, is repealed.

Sec. 38. **REPEALER.**

Laws 1990, chapter 426, article 1, section 32, is repealed.

Sec. 39. **REPEALER.**

Laws 1990, chapter 480, article 5, section 6, is repealed.

Sec. 40. **REPEALER.**

Laws 1990, chapter 480, article 5, section 9, is repealed.

Sec. 41. **REPEALER.**

Laws 1990, chapter 480, article 9, section 3, is repealed.

Sec. 42. **REPEALER.**

Laws 1990, chapter 512, section 12, is repealed.

Sec. 43. **REPEALER.**

Laws 1990, chapter 562, article 10, section 1, is repealed.

Sec. 44. **REPEALER.**

Laws 1990, chapters 571, section 39; and 594, article 3, sections 6 and 7, are repealed.

Sec. 45. **REPEALER.**

Laws 1990, chapter 574, section 5, is repealed.

Sec. 46. **REPEALER.**

Laws 1991, chapter 58, sections 1, 2, 3, 4, 5, 6, 7, and 8, are repealed.

Sec. 47. **REPEALER.**

Laws 1991, chapter 130, section 24, is repealed.

Sec. 48. **REPEALER.**

Laws 1991, chapter 174, section 8, is repealed.

Sec. 49. **REPEALER.**

Laws 1991, chapter 199, article 1, section 71, is repealed.

Sec. 50. **REPEALER.**

New language is indicated by underline, deletions by ~~strikeout~~.

Laws 1991, chapter 238, article 1, section 7, is repealed.

Sec. 51. **REPEALER.**

Laws 1991, chapter 265, article 4, section 19, is repealed.

Sec. 52. **REPEALER.**

Laws 1991, chapter 292, article 4, section 45, is repealed.

Sec. 53. **REPEALER.**

Laws 1991, chapter 336, article 2, section 2, is repealed.

Sec. 54. **REPEALER.**

Laws 1991, chapter 340, section 1, is repealed.

Sec. 55. **REPEALER.**

Laws 1991, chapter 340, section 32, is repealed.

Sec. 56. **REPEALER.**

Laws 1991, chapter 345, article 2, section 46, is repealed.

Sec. 57. **REPEALER.**

Laws 1992, chapter 432, article 2, section 41, is repealed.

Sec. 58. **REPEALER.**

Laws 1992, chapter 437, section 1, is repealed.

Sec. 59. **REPEALER.**

Laws 1992, chapter 499, article 6, section 15, is repealed.

Sec. 60. **REPEALER.**

Laws 1993, chapters 4, section 9; and 369, section 38, are repealed.

Sec. 61. **REPEALER.**

Laws 1993, chapters 47, sections 1, 4, 6, and 9; and 247, article 2, section 9, are repealed.

Sec. 62. **REPEALER.**

Laws 1993, chapter 78, section 3, is repealed.

Sec. 63. **REPEALER.**

New language is indicated by underline, deletions by ~~strikeout~~.

Laws 1993, chapter 101, section 1, is repealed.

Sec. 64. **REPEALER.**

Laws 1993, chapter 224, article 13, section 3, is repealed.

Sec. 65. **REPEALER.**

Laws 1993, chapter 224, article 13, section 43, is repealed.

Sec. 66. **REPEALER.**

Laws 1993, chapter 247, article 1, section 11, is repealed.

Sec. 67. **REPEALER.**

Laws 1993, chapter 269, section 17, is repealed.

Sec. 68. **REPEALER.**

Laws 1993, chapter 286, section 2, is repealed.

Sec. 69. **REPEALER.**

Laws 1993, chapter 286, section 21, is repealed.

Sec. 70. **REPEALER.**

Laws 1993, chapter 303, sections 15, 17, and 18, are repealed.

Sec. 71. **REPEALER.**

Laws 1993, chapter 339, section 12, is repealed.

Sec. 72. **REPEALER.**

Laws 1993, chapter 369, section 128, is repealed.

Sec. 73. **REPEALER.**

Laws 1993, First Special Session chapter 1, article 2, section 6, is repealed.

Presented to the governor April 18, 1994

Signed by the governor April 21, 1994, 11:52 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.