

504.32; 504.36; 566.01; 566.02; 566.021; 566.03; 566.04; 566.051; 566.06; 566.07; 566.08; 566.09; 566.10; 566.11; 566.12; 566.13; 566.14; 566.15; 566.16; 566.17; 566.175; 566.18, subdivisions 1, 2, 3, 4, and 5; 566.19; 566.20; 566.205; 566.21; 566.22; 566.23; 566.24; 566.26; 566.27; 566.28; 566.29; 566.291; 566.30; 566.31; 566.32; 566.33; 566.34; and 566.35; and Minnesota Statutes 1997 Supplement, sections 504.181, subdivision 1; 504.215; 566.05; 566.18, subdivision 6; and 566.25, are repealed.

Sec. 81. EFFECTIVE DATE.

This act is effective July 1, 1999.

Presented to the governor February 16, 1998

Signed by the governor February 18, 1998, 2:20 p.m.

CHAPTER 254—H.F.No. 2524

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, unconstitutional, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1996, sections 3C.08, subdivision 1; 3C.12, subdivision 4; 10A.01, subdivision 19; 10A.323; 11A.04; 14.47, subdivision 3; 15A.082, subdivisions 1 and 3; 16B.51, subdivision 1; 32.70, subdivisions 2 and 10; 47.27, subdivision 1; 47.325; 48.846, subdivision 3; 62J.17, subdivision 2; 62Q.03, subdivision 6; 82A.11, subdivision 5; 97A.0455, subdivision 2; 115A.191, subdivisions 2 and 4; 115B.17, subdivision 6; 115B.25, subdivision 7a; 127.09; 127.17, subdivision 4; 134A.01; 144.651, subdivision 1; 144A.45, subdivision 2; 144A.46, subdivision 4; 144A.48, subdivision 2; 145.698, subdivision 1; 145C.01, subdivision 7; 147.02, subdivision 1; 147B.01, subdivisions 5, 12, and 16; 147B.02, subdivisions 4, 7, 9, and 12; 147B.03, subdivisions 1 and 4; 147B.05, subdivision 1; 148B.21, subdivisions 1 and 8; 148B.24; 148B.27, subdivision 2b; 154.161, subdivision 4; 157.17, subdivision 3; 164.08, subdivision 3; 169.421, subdivisions 5 and 7; 169.792, subdivision 7; 169.86, subdivision 1; 169.871, subdivision 2; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 169.99, subdivision 3; 190.08, subdivision 6; 204B.11, subdivisions 1 and 2; 204B.34, subdivision 3; 204C.35, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 205A.10, subdivision 2; 206.90, subdivision 3; 216C.01, subdivision 1; 256.9657, subdivisions 1a and 7; 257.022, subdivisions 1 and 2a; 257.59, subdivision 1; 268.027; 273.13, subdivision 1; 273.1398, subdivision 6; 273.166, subdivision 2; 284.07; 325F.692, subdivision 2; 345.02; 345.03; 345.14; 346.04; 346.55, subdivision 2; 347.04; 353.01, subdivision 2a; 383A.281, subdivision 13; 383A.286, subdivision 2; 383A.404, subdivision 4; 383B.054, subdivision 6; 383B.057; 383B.121, subdivision 1; 383B.129; 383B.225, subdivision 10; 393.07, subdivision 9; 395.23; 448.56, subdivision 2; 458D.15; 462.16; 465.48; 473.191, subdivision 2; 473.197, subdivision 2; 473.608, subdivision 17; 477A.011, subdivision 27; 477A.0132, subdivision 3; 477A.014, subdivisions 1 and 3; 480.052; 480.054; 480.055, subdivision 1; 480.059, subdivision 2; 480.0591, subdivision 2; 480.19; 484.66, subdivision 2; 485.01; 517.08, subdivision 1b; 550.07; 559.211, subdivision 1; 566.175, subdivision 1; 574.18; 574.34, subdivision 2; 574.35; 611A.21, subdivision 2; 611A.25, subdivision 1; 617.27; 624.7131, subdivision 8; 624.7132, subdivision 13; 624.714, subdivision 12; 625.01; 626.21; 630.17; 631.04; 643.01; and 643.02; Minnesota Statutes 1997 Supplement, sections 15.0591, subdivision 2; 62J.04, subdivision 3; 62J.61, subdivision 2; 62Q.01, subdivision 3; 85A.02, subdivision 5b; 115.58, subdivision 2; 119A.15, subdivision 5a; 144A.45, subdivision 1; 144A.4605, subdivisions 3 and 4; 148B.20, subdivision 1; 157.17, subdivision 2; 161.14, subdivi-

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sion 41; 169.121, subdivision 3e; 169.123, subdivision 6; 244.09, subdivision 5; 260.015, subdivision 29; 268.145, subdivision 1; 274.01, subdivision 1; 275.011, subdivision 1; 275.065, subdivision 6; 297A.48, subdivisions 1 and 10; 325D.32, subdivision 4; 325D.415; 326.921; 473.249, subdivision 1; 477A.011, subdivision 34; 552.04, subdivision 1; 609.749, subdivision 2; 609.7495, subdivision 1; and 611A.74, subdivision 1a; repealing Minnesota Statutes 1996, sections 13.99, subdivision 19g; 148.976; 157.17, subdivision 4; 256.9657, subdivision 1b; 256E.06, subdivision 9; 458D.14, subdivision 2; and 484.015; Laws 1997, chapter 12, article 3, sections 2 and 3; chapter 187, article 2, sections 11 and 12; chapter 219, section 3; chapter 225, article 2, sections 24, 25, 26, 27, and 28; chapter 226, section 10; and chapter 239, article 7, section 37.

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

ARTICLE 1

GENERAL

Section 1. Minnesota Statutes 1996, section 10A.323, is amended to read:

10A.323 MATCHING REQUIREMENTS.

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 ~~or 10A.312~~ a candidate or the candidate's treasurer shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state, state treasurer, and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

~~To be eligible to receive a public matching subsidy under section 10A.312, The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state and the total amount of those contributions received, disregarding the portion of any contribution in excess of \$50.~~

The candidate or the candidate's treasurer shall submit the affidavit required by this section to the board in writing by September 1 of the general election year to receive the payment based on the results of the primary election, by September 15 to receive the payment made October 1, by October 1 to receive the payment made October 15, by November 1 to receive the payment made November 15, and by December 1 to receive the payment made December 15.

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Sec. 2. Minnesota Statutes 1996, section 11A.04, is amended to read:

11A.04 DUTIES AND POWERS.

The state board shall:

(1) Act as trustees for each fund for which it invests or manages money in accordance with the standard of care set forth in section 11A.09 if state assets are involved and in accordance with chapter 356A if pension assets are involved.

(2) Formulate policies and procedures deemed necessary and appropriate to carry out its functions. Procedures adopted by the board must allow fund beneficiaries and members of the public to become informed of proposed board actions. Procedures and policies of the board are not subject to the administrative procedure act.

(3) Employ an executive director as provided in section 11A.07.

(4) Employ investment advisors and consultants as it deems necessary.

(5) Prescribe policies concerning personal investments of all employees of the board to prevent conflicts of interest.

(6) Maintain a record of its proceedings.

(7) As it deems necessary, establish advisory committees subject to section 15.059 to assist the board in carrying out its duties.

(8) Not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

(9) Direct the state treasurer to sell property other than money that has escheated to the state when the board determines that sale of the property is in the best interest of the state. Escheated property must be sold to the highest bidder in the manner and upon terms and conditions prescribed by the board.

(10) Undertake any other activities necessary to implement the duties and powers set forth in this section.

(11) Establish a formula or formulas to measure management performance and return on investment. ~~Except as provided by section 356.218,~~ Public pension funds in the state shall utilize the formula or formulas developed by the state board.

(12) Except as otherwise provided in article XI, section 8, of the constitution of the state of Minnesota, employ, at its discretion, qualified private firms to invest and manage the assets of funds over which the state board has investment management responsibility. There is annually appropriated to the state board, from the assets of the funds for which the state board utilizes a private investment manager, sums sufficient to pay the costs of employing private firms. Each year, by January 15, the board shall report to the governor and legislature on the cost and the investment performance of each investment manager employed by the board.

(13) Adopt an investment policy statement that includes investment objectives, asset allocation, and the investment management structure for the retirement fund assets under its control. The statement may be revised at the discretion of the state board. The state board shall seek the advice of the council regarding its investment policy statement. Adoption of the statement is not subject to chapter 14.

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Sec. 3. REPEALER; SECTION 13.99.

Minnesota Statutes 1996, section 13.99, subdivision 19g, is repealed.

Sec. 4. Minnesota Statutes 1996, section 14.47, subdivision 3, is amended to read:

Subd. 3. **SOURCE OF TEXT.** In order to ensure that the complete text of rules is included in the first compilation published pursuant to subdivision 1, clause (2), and containing the revisor's certificate, the revisor may use the Minnesota Code of Agency Rules, the State Register, the rule files of the secretary of state, the files of individual agencies, the records of the administrative law judge's office, and the records of the attorney general. The revisor is not required to compare the text of a rule as shown by the other possible source documents with the text of the rule in the secretary of state's file.

If any comparison of documents shows there is a material discrepancy in the text of the rule, the revisor shall include in Minnesota Rules the text in the secretary of state's files unless the discrepancy between the secretary of state's files and any of the other documents is the result of an obvious unintentional omission or clerical error. The text published by the revisor shall correct those omissions and errors. The revisor shall add an appropriate footnote describing the apparent discrepancy in text. Before publication of Minnesota Rules, the revisor shall also notify the agency whose rules are affected, the attorney general, the chief administrative law judge, and the legislative coordinating commission to review administrative rules about the omission or error.

If any comparison of documents shows that a rule has been filed with the secretary of state but apparently has not been published in the State Register as required by law the revisor may, unless the attorney general objects, include the rule in Minnesota Rules or omit the rule if the rule was a repeal but shall add an appropriate footnote describing the apparent fault. Before publication of Minnesota Rules, the revisor shall notify the agency whose rules are affected, the attorney general, the chief administrative law judge, and the legislative commission to review administrative rules about the apparent lack of publication.

If a comparison of documents shows that a rule as adopted in the State Register has apparently not been filed with the secretary of state, the revisor may not publish the rule in Minnesota Rules unless the attorney general approves the publication. Before publication of Minnesota Rules the revisor shall notify the agency affected, the attorney general, the chief administrative law judge and the legislative commission to review administrative rules of the apparent lack of filing of the rule. If the revisor publishes the rule, the revisor shall add an appropriate footnote describing the apparent lack of filing.

Sec. 5. Minnesota Statutes 1997 Supplement, section 15.0591, subdivision 2, is amended to read:

Subd. 2. **BODIES AFFECTED.** A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;

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- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;
- (8) council on disability;
- (9) council on affairs of Chicano/Latino people;
- (10) council on Black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education services office;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;
- (17) medical policy directional task force on mental health;
- (18) Minnesota employment and economic development task force;
- (19) Minnesota office of citizenship and volunteer services advisory committee;
- (20) Minnesota state arts board;
- (21) mortuary sciences advisory council;
- ~~(22)~~ nursing board;
- ~~(23)~~ (22) optometry board;
- ~~(24)~~ (23) pharmacy board;
- ~~(25)~~ (24) physical therapists council;
- ~~(26)~~ (25) podiatry board;
- ~~(27)~~ (26) psychology board;
- ~~(28)~~ (27) veterans advisory committee.

Sec. 6. Minnesota Statutes 1996, section 16B.51, subdivision 1, is amended to read:

Subdivision 1. **SUPERVISION BY COMMISSIONER.** The commissioner shall supervise and control the making and distribution of all reports and other publications of all kinds issued by the state and state agencies when not otherwise prescribed by law. The commissioner shall also prescribe the manner and form of issuing reports required by sections 8.08; 16A.50; 35.03; 129D.02, subdivision 5; 256.01; ~~268.12, subdivision 2;~~ 299C.18; and 360.015, subdivision 17.

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Sec. 7. Minnesota Statutes 1996, section 32.70, subdivision 2, is amended to read:

Subd. 2. **BASIC COST.** (a) "Basic cost" for a processor means the actual cost of the raw milk plus 75 percent of the actual processing and handling costs for a selected class I or class II dairy product.

(b) "Basic cost" for a wholesaler means the actual cost of the selected class I or class II dairy product purchased from the processor or another wholesaler. ~~Basic cost for a wholesaler does not include any part of an over-order premium assessment under section 32.73.~~

(c) "Basic cost" for a retailer means the actual cost of the selected class I or class II dairy product purchased from a processor or wholesaler. ~~Basic cost for a retailer does not include any part of an over-order premium assessment under section 32.73.~~

Sec. 8. Minnesota Statutes 1996, section 32.70, subdivision 10, is amended to read:

Subd. 10. **SELL AT WHOLESALE; SALE AT WHOLESALE; WHOLESALE SALES.** "Sell at wholesale," "sale at wholesale," and "wholesale sales" mean sale or offer for sale of a selected class I dairy product for purposes of resale or further processing or manufacturing, but does not include a producer selling or delivering milk to a processor. ~~A delivery of selected class I dairy products to a retailer in Minnesota is a "sale at wholesale" if an assessment required under section 32.73 has not been paid.~~

Sec. 9. Minnesota Statutes 1996, section 47.27, subdivision 1, is amended to read:

Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2, 3 and 4, shall, for the purposes of sections 47.27 to ~~47.32~~ 47.30, be given the meanings subjoined to them.

Sec. 10. Minnesota Statutes 1996, section 47.325, is amended to read:

47.325 APPEAL AND JUDICIAL REVIEW.

A savings bank aggrieved by any action or inaction of the commissioner under sections 47.27 to ~~47.32~~ 47.30 may appeal under sections 14.63 to 14.69. The scope of judicial review in the proceedings is as provided in those sections.

Sec. 11. Minnesota Statutes 1997 Supplement, section 62J.04, subdivision 3, is amended to read:

Subd. 3. **COST CONTAINMENT DUTIES.** After obtaining the advice and recommendations of the Minnesota health care commission, the commissioner shall:

(1) establish statewide and regional cost containment goals for total health care spending under this section and collect data as described in sections ~~62J.37~~ 62J.38 to 62J.41 to monitor statewide achievement of the cost containment goals;

(2) divide the state into no fewer than four regions, with one of those regions being the Minneapolis/St. Paul metropolitan statistical area but excluding Chisago, Isanti, Wright, and Sherburne counties, for purposes of fostering the development of regional health planning and coordination of health care delivery among regional health care systems and working to achieve the cost containment goals;

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(3) provide technical assistance to regional coordinating boards;

(4) monitor the quality of health care throughout the state and take action as necessary to ensure an appropriate level of quality;

(5) issue recommendations regarding uniform billing forms, uniform electronic billing procedures and data interchanges, patient identification cards, and other uniform claims and administrative procedures for health care providers and private and public sector payers. In developing the recommendations, the commissioner shall review the work of the work group on electronic data interchange (WEDI) and the American National Standards Institute (ANSI) at the national level, and the work being done at the state and local level. The commissioner may adopt rules requiring the use of the Uniform Bill 82/92 form, the National Council of Prescription Drug Providers (NCPDP) 3.2 electronic version, the Health Care Financing Administration 1500 form, or other standardized forms or procedures;

(6) undertake health planning responsibilities as provided in section 62J.15;

(7) authorize, fund, or promote research and experimentation on new technologies and health care procedures;

(8) within the limits of appropriations for these purposes, administer or contract for statewide consumer education and wellness programs that will improve the health of Minnesotans and increase individual responsibility relating to personal health and the delivery of health care services, undertake prevention programs including initiatives to improve birth outcomes, expand childhood immunization efforts, and provide start-up grants for worksite wellness programs;

(9) undertake other activities to monitor and oversee the delivery of health care services in Minnesota with the goal of improving affordability, quality, and accessibility of health care for all Minnesotans; and

(10) make the cost containment goal data available to the public in a consumer-oriented manner.

Sec. 12. Minnesota Statutes 1996, section 62J.17, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** For purposes of this section, the terms defined in this subdivision have the meanings given.

(a) **ACCESS.** "Access" has the meaning given in section 62J.2912, subdivision 2 means the financial, temporal, and geographic availability of health care to individuals who need it.

(b) **CAPITAL EXPENDITURE.** "Capital expenditure" means an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance.

(c) **COST.** "Cost" means the amount paid by consumers or third party payers for health care services or products.

(d) **DATE OF THE MAJOR SPENDING COMMITMENT.** "Date of the major spending commitment" means the date the provider formally obligated itself to the major spending commitment. The obligation may be incurred by entering into a contract, mak-

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ing a down payment, issuing bonds or entering a loan agreement to provide financing for the major spending commitment, or taking some other formal, tangible action evidencing the provider's intention to make the major spending commitment.

(e) **HEALTH CARE SERVICE.** "Health care service" means:

(1) a service or item that would be covered by the medical assistance program under chapter 256B if provided in accordance with medical assistance requirements to an eligible medical assistance recipient; and

(2) a service or item that would be covered by medical assistance except that it is characterized as experimental, cosmetic, or voluntary.

"Health care service" does not include retail, over-the-counter sales of nonprescription drugs and other retail sales of health-related products that are not generally paid for by medical assistance and other third-party coverage.

(f) **MAJOR SPENDING COMMITMENT.** "Major spending commitment" means an expenditure in excess of \$500,000 for:

(1) acquisition of a unit of medical equipment;

(2) a capital expenditure for a single project for the purposes of providing health care services, other than for the acquisition of medical equipment;

(3) offering a new specialized service not offered before;

(4) planning for an activity that would qualify as a major spending commitment under this paragraph; or

(5) a project involving a combination of two or more of the activities in clauses (1) to (4).

The cost of acquisition of medical equipment, and the amount of a capital expenditure, is the total cost to the provider regardless of whether the cost is distributed over time through a lease arrangement or other financing or payment mechanism.

(g) **MEDICAL EQUIPMENT.** "Medical equipment" means fixed and movable equipment that is used by a provider in the provision of a health care service. "Medical equipment" includes, but is not limited to, the following:

(1) an extracorporeal shock wave lithotripter;

(2) a computerized axial tomography (CAT) scanner;

(3) a magnetic resonance imaging (MRI) unit;

(4) a positron emission tomography (PET) scanner; and

(5) emergency and nonemergency medical transportation equipment and vehicles.

(h) **NEW SPECIALIZED SERVICE.** "New specialized service" means a specialized health care procedure or treatment regimen offered by a provider that was not previously offered by the provider, including, but not limited to:

(1) cardiac catheterization services involving high-risk patients as defined in the Guidelines for Coronary Angiography established by the American Heart Association and the American College of Cardiology;

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(2) heart, heart-lung, liver, kidney, bowel, or pancreas transplantation service, or any other service for transplantation of any other organ;

(3) megavoltage radiation therapy;

(4) open heart surgery;

(5) neonatal intensive care services; and

(6) any new medical technology for which premarket approval has been granted by the United States Food and Drug Administration, excluding implantable and wearable devices.

Sec. 13. REPEALER; SECTIONS 62J.2914, 62J.2915, 62J.2916, 62J.2917, and 62J.2921 CONFLICT.

Laws 1997, chapter 225, article 2, sections 24, 25, 26, 27, and 28, are repealed.

Sec. 14. Minnesota Statutes 1997 Supplement, section 62J.61, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** (a) The commissioner shall publish proposed rules in the State Register or, if the commissioner determines that publishing the text of the proposed rules would be unduly cumbersome, shall publish notice of the proposed rules that contains a detailed description of the rules along with a statement that a free copy of the entire set of rules is available upon request to the agency.

(b) Interested parties have 30 days to comment on the proposed rules. After the commissioner has considered all comments, the commissioner shall publish notice in the State Register that the rules have been adopted 30 days before they are to take effect.

(c) If the adopted rules are the same as the proposed rules, the notice shall state that the rules have been adopted as proposed and shall cite the prior publication. If the adopted rules differ from the proposed rules, the portions of the adopted rules which differ from the proposed rules shall be included in the notice of adoption together with a citation to the prior State Register that contained the notice of the proposed rules.

(d) The commissioner may use rulemaking to implement ~~the remainder of this article~~ sections 62J.54, subdivision 4, 62J.55, and 62J.60.

Sec. 15. Minnesota Statutes 1997 Supplement, section 62Q.01, subdivision 3, is amended to read:

Subd. 3. **HEALTH PLAN.** "Health plan" means a health plan as defined in section 62A.011; or a policy, contract, or certificate issued by a community integrated service network.

Sec. 16. Minnesota Statutes 1996, section 62Q.03, subdivision 6, is amended to read:

Subd. 6. **CREATION OF RISK ADJUSTMENT ASSOCIATION.** The Minnesota risk adjustment association is created on July 1, 1994, and may operate as a nonprofit unincorporated association, but is authorized to incorporate under chapter 317A.

The provisions of this chapter govern if the provisions of chapter 317A conflict with this chapter. The association may operate under the approved plan of operation and shall

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be governed in accordance with this chapter and may operate in accordance with chapter 317A. If the association incorporates as a nonprofit corporation under chapter 317A, the filing of the plan of operation meets the requirements of filing articles of incorporation.

The association, its transactions, and all property owned by it are exempt from taxation under the laws of this state or any of its subdivisions, including, but not limited to, income tax, sales tax, use tax, and property tax. The association may seek exemption from payment of all fees and taxes levied by the federal government. Except as otherwise provided in this chapter, the association is not subject to the provisions of chapters 14, 60A, and 62A, and 62P. The association is not a public employer and is not subject to the provisions of chapters 179A and 353. The board of directors and health carriers who are members of the association are exempt from sections 325D.49 to 325D.66 in the performance of their duties as directors and members of the association. The risk adjustment association is subject to the open meeting law.

Sec. 17. Minnesota Statutes 1996, section 82A.11, subdivision 5, is amended to read:

Subd. 5. **NOTICE.** Each membership camping contract shall contain the following notice which shall be in at least 10-point type, stating:

"You are entitled to rescind this agreement for any reason within three calendar five business days from the day you actually receive a legible copy of this document signed by all parties. The rescission must be in writing and sent by certified mail to the membership camping operator along with this agreement and any membership card issued to you or your family at the address stated in this document. Upon rescission, you will receive a refund of all money paid within 30 days after the membership camping operator receives notice of your rescission."

The operator or broker may impose a fee of not more than \$25 for processing of a rescission. If the operator or broker does so, it shall add the following clause to the notice: "provided that the membership camping operator (or broker, if the seller is a broker) may retain a processing fee of \$.....," and insert the amount of the charge to be imposed.

In the event the membership camping contract is sold by a broker or the broker's salesperson, the above notice shall be modified to substitute the name of the broker for "membership camping operator."

Sec. 18. REPEALER; SECTION 84.873 CONFLICT.

Laws 1997, chapter 226, section 10, is repealed.

Sec. 19. REPEALER; SECTION 84.912 CONFLICT.

Laws 1997, chapter 12, article 3, section 2, is repealed.

Sec. 20. Minnesota Statutes 1997 Supplement, section 85A.02, subdivision 5b, is amended to read:

Subd. 5b. **EXEMPTIONS.** The board is not subject to sections 3.841 to ~~3.845~~ 3.843, 15.057, 15.061, 16A.1285, and 16A.28; chapter 16B, except for sections 16B.07, ~~16B.102~~, 16B.17, 16B.19, 16B.35, and 16B.55; and chapter 14, except section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to the board's actions.

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Sec. 21. REPEALER; SECTION 86B.337 CONFLICT.

Laws 1997, chapter 12, article 3, section 3, is repealed.

Sec. 22. Minnesota Statutes 1996, section 97A.0455, subdivision 2, is amended to read:

Subd. 2. **REVIEW.** The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative coordinating commission to review administrative rules, and to the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

- (1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or
- (2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Sec. 23. Minnesota Statutes 1997 Supplement, section 115.58, subdivision 2, is amended to read:

Subd. 2. **AREAWIDE PERMIT.** The agency may issue an areawide permit for alternative discharging sewage systems, where the systems:

- (1) the systems meet all applicable federal and state standards for treatment and discharge of sewage effluents by the agency;
- (2) the systems are part of a water quality treatment and management plan to prevent, eliminate, or reduce water pollution within a defined geographic area;
- (3) the systems are owned or controlled by a water quality cooperative; and
- (4) the water quality cooperative has a service agreement with a local unit of government to provide water quality treatment and management services for the area under section 471A.03.

Sec. 24. Minnesota Statutes 1996, section 115A.191, subdivision 2, is amended to read:

Subd. 2. **RESOLUTION OF INTEREST IN NEGOTIATING; ELIGIBILITY.** A county is eligible to negotiate a contract under this section if the county board files with the office and the office accepts a resolution adopted by the county board that expresses the county board's interest in negotiations and its willingness to accept the preliminary evaluation of one or more study areas in the county for consideration as a location of a stabilization and containment facility. The county board resolution expressing interest in negotiations must provide for county cooperation with the office, as necessary to facilitate the evaluation of study areas in the county, and for the appointment of a member of

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the county board or an officer or employee of the county as official liaison with the office with respect to the matters provided in the resolution and future negotiations with the office. A county board by resolution may withdraw a resolution of interest, and the office may withdraw its acceptance of such a resolution, at any time before the parties execute a contract under this section. ~~A county that is eligible to negotiate a contract shall receive the benefits as provided in section 477A.012.~~

Sec. 25. Minnesota Statutes 1996, section 115A.191, subdivision 4, is amended to read:

Subd. 4. **REQUIREMENTS OF CONTRACT.** A contract between the office and a county must include provisions by which:

(a) the state, acting through the office, agrees to implement the terms of the contract and provide the benefits and implement the procedures and practices agreed upon pursuant to subdivision 5;

~~(b) the state, acting through the office, agrees to provide benefits to the county under section 477A.012; and~~

(e) (b) the county agrees that the study area or areas in the county that have been determined by the office to be appropriate for preparation of an environmental impact statement are subject to evaluation and selection by the office as provided in section 115A.194.

After executing the contract, the study areas identified in the contract remain subject to the provisions of section 115A.194 until the study areas are dismissed from further consideration by the office.

Sec. 26. Minnesota Statutes 1996, section 115B.17, subdivision 6, is amended to read:

Subd. 6. **RECOVERY OF EXPENSES.** Any reasonable and necessary expenses incurred by the agency or commissioner pursuant to this section, including all response costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any person who may be liable under section 115B.04 or any other law. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary. Any expenses incurred pursuant to this section which are recovered by the attorney general pursuant to section 115B.04 or any other law, including any award of attorneys fees, shall be deposited in the fund and credited to a special account for additional response actions as provided in section 115B.20, subdivision 2, clause ~~(b)~~ (2) or ~~(d)~~ (4).

Sec. 27. Minnesota Statutes 1996, section 115B.25, subdivision 7a, is amended to read:

Subd. 7a. **HARMFUL SUBSTANCE.** "Harmful substance" means:

(1) any commercial chemical designated under the Federal Water Pollution Control Act, United States Code, title 33, section 1321(b)(2)(A);

(2) any hazardous air pollutant listed under the Clean Air Act, United States Code, title 42, section 7412;

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- (3) any hazardous waste;
- (4) petroleum as defined in section 115C.02, subdivision 10; and
- (5) pesticide as defined in chapter 18B, or fertilizer, plant amendment, or soil amendment as defined in chapter 17 18C.

Sec. 28. Minnesota Statutes 1997 Supplement, section 119A.15, subdivision 5a, is amended to read:

Subd. 5a. **EXCLUDED PROGRAMS.** Programs transferred to the department of children, families, and learning from the department of economic security may not be included in the consolidated funding account and are ineligible for local consolidation. The commissioner may not apply for federal waivers to include these programs in funding consolidation initiatives. The programs include the following:

- (1) programs for the homeless under sections 268.365; and 268.38, and 268.39;
- (2) emergency energy assistance and energy conservation programs under sections 4.071 and 268.371;
- (3) weatherization programs under section 268.37;
- (4) foodshelf programs under section 268.55 and the emergency food assistance program; and
- (5) lead abatement programs under section 268.92.

Sec. 29. **REPEALER WITHOUT EFFECT; SECTION 119B.03.**

Subdivision 1. The repeal of Minnesota Statutes, section 119B.03, subdivision 7, by Laws 1997, chapter 162, article 1, section 19, is without effect and section 119B.03, subdivision 7, as amended by Laws 1997, chapter 162, article 4, section 14, remains in effect after June 30, 1997.

Subd. 2. Subdivision 1 is effective July 1, 1997.

Sec. 30. Minnesota Statutes 1997 Supplement, section 144A.45, subdivision 1, is amended to read:

Subdivision 1. **RULES.** The commissioner shall adopt rules for the regulation of home care providers pursuant to sections 144A.43 to ~~144A.49~~ 144A.48. The rules shall include the following:

- (a) provisions to assure, to the extent possible, the health, safety and well-being, and appropriate treatment of persons who receive home care services;
- (b) requirements that home care providers furnish the commissioner with specified information necessary to implement sections 144A.43 to ~~144A.49~~ 144A.48;
- (c) standards of training of home care provider personnel, which may vary according to the nature of the services provided or the health status of the consumer;
- (d) standards for medication management which may vary according to the nature of the services provided, the setting in which the services are provided, or the status of the consumer. Medication management includes the central storage, handling, distribution, and administration of medications;

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(e) standards for supervision of home care services requiring supervision by a registered nurse or other appropriate health care professional which must occur on site at least every 62 days, or more frequently if indicated by a clinical assessment, and in accordance with sections 148.171 to 148.285 and rules adopted thereunder;

(f) standards for client evaluation or assessment which may vary according to the nature of the services provided or the status of the consumer;

(g) requirements for the involvement of a consumer's physician, the documentation of physicians' orders, if required, and the consumer's treatment plan, and the maintenance of accurate, current clinical records;

(h) the establishment of different classes of licenses for different types of providers and different standards and requirements for different kinds of home care services; and

(i) operating procedures required to implement the home care bill of rights.

Sec. 31. Minnesota Statutes 1996, section 144A.45, subdivision 2, is amended to read:

Subd. 2. **REGULATORY FUNCTIONS.** (a) The commissioner shall:

(1) evaluate, monitor, and license home care providers in accordance with sections 144A.45 to ~~144A.49~~ 144A.48;

(2) inspect the office and records of a provider during regular business hours without advance notice to the home care provider;

(3) with the consent of the consumer, visit the home where services are being provided;

(4) issue correction orders and assess civil penalties in accordance with section 144.653, subdivisions 5 to 8, for violations of sections 144A.43 to 144A.48 or the rules adopted under those sections; and

(5) take other action reasonably required to accomplish the purposes of sections 144A.43 to ~~144A.49~~ 144A.48.

(b) In the exercise of the authority granted in sections 144A.43 to ~~144A.49~~ 144A.48, the commissioner shall comply with the applicable requirements of section 144.122, the government data practices act, and the administrative procedure act.

Sec. 32. Minnesota Statutes 1996, section 144A.46, subdivision 4, is amended to read:

Subd. 4. **RELATION TO OTHER REGULATORY PROGRAMS.** In the exercise of the authority granted under sections 144A.43 to ~~144A.49~~ 144A.48, the commissioner shall not duplicate or replace standards and requirements imposed under another state regulatory program. The commissioner shall not impose additional training or education requirements upon members of a licensed or registered occupation or profession, except as necessary to address or prevent problems that are unique to the delivery of services in the home or to enforce and protect the rights of consumers listed in section 144A.44. The commissioner of health shall not require a home care provider certified under the Medicare program to comply with a rule adopted under section 144A.45 if the home care provider is required to comply with any equivalent federal law or regulation

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relating to the same subject matter. The commissioner of health shall specify in the rules those provisions that are not applicable to certified home care providers. To the extent possible, the commissioner shall coordinate the inspections required under sections 144A.45 to 144A.48 with the health facility licensure inspections required under sections 144.50 to 144.58 or 144A.10 when the health care facility is also licensed under the provisions of Laws 1987, chapter 378.

Sec. 33. Minnesota Statutes 1997 Supplement, section 144A.4605, subdivision 3, is amended to read:

Subd. 3. **TRAINING OR COMPETENCY EVALUATIONS REQUIRED.** (a) Unlicensed personnel must:

(1) satisfy the training or competency requirements established by rule under sections 144A.45 to 144A.48; or

(2) be trained or determined competent by a registered nurse in each task identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, when offered to clients in a housing with services establishment as described in paragraphs (b) to (e).

(b) Training for tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, shall use a curriculum which meets the requirements in Minnesota Rules, part 4668.0130.

(c) Competency evaluations for tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, must be completed and documented by a registered nurse.

(d) Unlicensed personnel performing tasks identified under Minnesota Rules, part 4668.0100, subparts 1 and 2, shall be trained or demonstrate competency in the following topics:

(1) an overview of sections 144A.43 to ~~144A.49~~ 144A.48 and rules adopted thereunder;

(2) recognition and handling of emergencies and use of emergency services;

(3) reporting the maltreatment of vulnerable minors or adults under sections 626.556 and 626.557;

(4) home care bill of rights;

(5) handling of clients' complaints and reporting of complaints to the office of health facility complaints;

(6) services of the ombudsman for older Minnesotans;

(7) observation, reporting, and documentation of client status and of the care or services provided;

(8) basic infection control;

(9) maintenance of a clean, safe, and healthy environment;

(10) communication skills;

(11) basic elements of body functioning and changes in body function that must be reported to an appropriate health care professional; and

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(12) physical, emotional, and developmental needs of clients, and ways to work with clients who have problems in these areas, including respect for the client, the client's property, and the client's family.

(e) Unlicensed personnel who administer medications must comply with rules relating to the administration of medications in Minnesota Rules, part 4668.0100, subpart 2, except that unlicensed personnel need not comply with the requirements of Minnesota Rules, part 4668.0100, subpart 5.

Sec. 34. Minnesota Statutes 1997 Supplement, section 144A.4605, subdivision 4, is amended to read:

Subd. 4. **LICENSE REQUIRED.** (a) A housing with services establishment registered under chapter 144D that is required to obtain a home care license must obtain an assisted living home care license according to this section or a class A license according to rule.

(b) A board and lodging establishment registered for special services as of December 31, 1996, and also registered as a housing with services establishment under chapter 144D, must deliver home care services according to sections 144A.43 to 144A.49 144A.48, and may apply for a waiver from requirements under Minnesota Rules, parts 4668.0002 to 4668.0240, to operate a licensed agency under the standards of section 157.17. Such waivers as may be granted by the department will expire upon promulgation of home care rules implementing section 144A.4605.

(c) An adult foster care provider licensed by the department of human services and registered under chapter 144D may continue to provide health-related services under its foster care license until the promulgation of home care rules implementing this section.

Sec. 35. Minnesota Statutes 1996, section 144A.48, subdivision 2, is amended to read:

Subd. 2. **LICENSE REQUIREMENTS.** A hospice program may not operate in the state or use the words "hospice" or "hospice program" without a current license issued by the commissioner of health. The commissioner shall license hospice programs using the powers and authorities contained in sections 144A.43 to 144A.47 and 144A.49. In addition a hospice program must provide:

- (1) centrally coordinated hospice core services in the home and inpatient settings;
- (2) that the medical components of the hospice program are under the direction of a licensed physician who serves as medical director;
- (3) that the palliative medical care provided to a hospice patient is under the direction of the attending physician;
- (4) an interdisciplinary team that meets regularly to develop, implement, and evaluate the hospice program's plan of care for each hospice patient and the patient's family;
- (5) accessible hospice care, 24 hours a day, seven days a week;
- (6) an ongoing system of quality assurance;
- (7) that volunteer services are provided by individuals who have completed a hospice training program and are qualified to provide the services;

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(8) a planned program of supportive services available to patients' families during the bereavement period; and

(9) that inpatient services are provided directly or by arrangement in a licensed hospital or nursing home.

Sec. 36. Minnesota Statutes 1996, section 145C.01, subdivision 7, is amended to read:

Subd. 7. **HEALTH CARE FACILITY.** "Health care facility" means a hospital or other entity licensed under sections 144.50 to 144.58, a nursing home licensed to serve adults under section 144A.02, or a home care provider licensed under sections 144A.43 to ~~144A.49~~ 144A.48.

Sec. 37. Minnesota Statutes 1996, section 147.02, subdivision 1, is amended to read:

Subdivision 1. **UNITED STATES OR CANADIAN MEDICAL SCHOOL GRADUATES.** The board shall issue a license to practice medicine to a person who meets the requirements in paragraphs (a) to (h).

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an examination as described in paragraph (1) or (2).

(1) The applicant must have passed a comprehensive examination for initial licensure prepared and graded by the National Board of Medical Examiners or the Federation of State Medical Boards. The board shall by rule determine what constitutes a passing score in the examination.

(2) The applicant taking the United States Medical Licensing Examination (USMLE) must have passed steps one, two, and three within a seven-year period. This seven-year period begins when the applicant first passes either step one or two, as applicable. The applicant must pass each of steps one, two, and three with passing scores as recommended by the USMLE program within three attempts. The applicant taking combinations of Federation of State Medical Boards, National Board of Medical Examiners, and USMLE may be accepted only if the combination is approved by the board as comparable to existing comparable examination sequences and all examinations are completed prior to the year 2000.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization.

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(e) The applicant shall make arrangements with the executive director to appear in person before the board or its designated representative to show that the applicant satisfies the requirements of this section. The board may establish as internal operating procedures the procedures or requirements for the applicant's personal presentation.

(f) The applicant shall pay a fee established by the board by rule. The fee may not be refunded. Upon application or notice of license renewal, the board must provide notice to the applicant and to the person whose license is scheduled to be issued or renewed of any additional fees, surcharges, or other costs which the person is obligated to pay as a condition of licensure. The notice must:

(1) state the dollar amount of the additional costs; and

(2) clearly identify to the applicant the payment schedule of additional costs; and

(3) ~~advise the applicant of the right to apply to be excused from the surcharge if a waiver is granted under section 256.9657, subdivision 1b, or relinquish the license to practice medicine in lieu of future payment if applicable.~~

(g) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(h) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions and limitations the board considers appropriate.

Sec. 38. Minnesota Statutes 1996, section 147B.01, subdivision 5, is amended to read:

Subd. 5. **ACUPUNCTURE POINTS.** "Acupuncture points" means specific anatomically described locations as defined by the recognized acupuncture reference texts. These texts are listed in the study guide to the examination for the NCCA NCCAOM certification exam.

Sec. 39. Minnesota Statutes 1996, section 147B.01, subdivision 12, is amended to read:

Subd. 12. **DIPLOMATE IN ACUPUNCTURE.** "Diplomate in acupuncture" means a person who is certified by the NCCA NCCAOM as having met the standards of competence established by the NCCA NCCAOM, who subscribes to the NCCA NCCAOM code of ethics, and who has a current and active NCCA NCCAOM certificate. Current and active NCCA NCCAOM certification indicates successful completion of continued professional development and previous satisfaction of NCCA NCCAOM requirements.

Sec. 40. Minnesota Statutes 1996, section 147B.01, subdivision 16, is amended to read:

Subd. 16. **NCCA NCCAOM.** "NCCA NCCAOM" means the National Certification Commission for the Certification of Acupuncturists Acupuncture and Oriental Med-

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icine, a not-for-profit corporation organized under section 501(c)(4) of the Internal Revenue Code.

Sec. 41. Minnesota Statutes 1996, section 147B.02, subdivision 4, is amended to read:

Subd. 4. **EXCEPTIONS.** (a) The following persons may practice acupuncture within the scope of their practice without an acupuncture license:

- (1) a physician licensed under ~~this chapter~~ chapter 147;
- (2) an osteopath licensed under ~~this chapter~~ chapter 147;
- (3) a chiropractor licensed under ~~chapter~~ chapter 148;

(4) a person who is studying in a formal course of study or tutorial intern program approved by the acupuncture advisory council established in section 147B.05 so long as the person's acupuncture practice is supervised by a licensed acupuncturist;

(5) a visiting acupuncturist practicing acupuncture within an instructional setting for the sole purpose of teaching at a school registered with the Minnesota higher education services office, who may practice without a license for a period of one year, with two one-year extensions permitted; and

(6) a visiting acupuncturist who is in the state for the sole purpose of providing a tutorial or workshop not to exceed 30 days in one calendar year.

(b) This chapter does not prohibit a person who does not have an acupuncturist license from practicing specific noninvasive techniques, such as acupressure, that are within the scope of practice as set forth in section 147B.06, subdivision 4.

Sec. 42. Minnesota Statutes 1996, section 147B.02, subdivision 7, is amended to read:

Subd. 7. **LICENSURE REQUIREMENTS.** (a) After June 30, 1997, an applicant for licensure must:

(1) submit a completed application for licensure on forms provided by the board, which must include the applicant's name and address of record, which shall be public;

(2) unless licensed under subdivision 5 or 6, submit a notarized copy of a current NCCA NCCAOM certification;

(3) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) submit with the application all fees required; and

(5) sign a waiver authorizing the board to obtain access to the applicant's records in this state or any state in which the applicant has engaged in the practice of acupuncture.

(b) The board may ask the applicant to provide any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public.

(c) The board may investigate information provided by an applicant to whether the information is accurate and complete. The board shall notify an applicant of action taken on the application and the reasons for denying licensure if licensure is denied.

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Sec. 43. Minnesota Statutes 1996, section 147B.02, subdivision 9, is amended to read:

Subd. 9. **RENEWAL.** (a) To renew a license an applicant must:

(1) annually, or as determined by the board, complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence annually of one hour of continuing education in the subject of infection control, including blood borne pathogen diseases;

(4) provide documentation of current and active NCCA NCCAOM certification; or

(5) if licensed under subdivision 5 or 6, meet one-half the then current NCCA NCCAOM professional development activity requirements.

(b) An applicant shall submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Sec. 44. Minnesota Statutes 1996, section 147B.02, subdivision 12, is amended to read:

Subd. 12. **INACTIVE STATUS.** (a) A license may be placed in inactive status upon application to the board and upon payment of an inactive status fee. The board may not renew or restore a license that has lapsed and has not been renewed within two annual license renewal cycles.

(b) An inactive license may be reactivated by the license holder upon application to the board. A licensee whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all the requirements then in existence for the initial license to practice acupuncture in the state of Minnesota. The application must include:

(1) evidence of current and active NCCA NCCAOM certification;

(2) evidence of the certificate holder's payment of an inactive status fee;

(3) an annual fee; and

(4) all back fees since previous renewal.

(c) A person licensed under subdivision 5 who has allowed the license to reach inactive status must become NCCA NCCAOM certified.

Sec. 45. Minnesota Statutes 1996, section 147B.03, subdivision 1, is amended to read:

Subdivision 1. **NCCA NCCAOM REQUIREMENTS.** Unless a person is licensed under section 147B.02, subdivision 5 or 6, each licensee is required to meet the NCCA NCCAOM professional development activity requirements to maintain NCCA NCCAOM certification. These requirements may be met through a board approved continuing education program.

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Sec. 46. Minnesota Statutes 1996, section 147B.03, subdivision 4, is amended to read:

Subd. 4. **VERIFICATION.** The board shall periodically select a random sample of acupuncturists and require the acupuncturist to show evidence of having completed the NCCA NCCAOM professional development activities requirements. Either the acupuncturist, the state, or the national organization that maintains continuing education records may provide the board documentation of the continuing education program.

Sec. 47. Minnesota Statutes 1996, section 147B.05, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The advisory council to the board of medical practice for acupuncture consists of seven members appointed by the board to three-year terms. Four members must be licensed acupuncture practitioners, one member must be a licensed physician or osteopath who also practices acupuncture, one member must be a licensed chiropractor who is NCCA NCCAOM certified, and one member must be a member of the public who has received acupuncture treatment as a primary therapy from a NCCA NCCAOM certified acupuncturist.

Sec. 48. **REPEALER; SECTION 148.976.**

Minnesota Statutes 1996, section 148.976, is repealed.

Sec. 49. Minnesota Statutes 1997 Supplement, section 148B.20, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** The board of social work shall:

(a) Adopt and enforce rules for licensure of social workers and for regulation of their professional conduct. The rules must be designed to protect the public.

(b) Adopt rules establishing standards and methods of determining whether applicants and licensees are qualified under sections 148B.21 to ~~148B.23~~ 148B.24. The rules must make provision for examinations and must establish standards for professional conduct, including adoption of a code of professional ethics and requirements for continuing education.

(c) Hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the board or by a body designated by the board. Examinations must test the knowledge and skills of each of the four groups of social workers qualified under section 148B.21 to practice social work. Examinations must minimize cultural bias and must be balanced in theory.

(d) Issue licenses to individuals qualified under sections 148B.18 to ~~148B.289~~ 148B.24.

(e) Issue copies of the rules for licensure to all applicants.

(f) Establish and implement procedures, including a standard disciplinary process, to ensure that individuals licensed as social workers will comply with the board's rules.

(g) Establish, maintain, and publish annually a register of current licensees.

(h) Educate the public about the existence and content of the rules for social work licensing to enable consumers to file complaints against licensees who may have violated the rules.

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(i) Evaluate its rules in order to refine the standards for licensing social workers and to improve the methods used to enforce the board's standards.

Sec. 50. Minnesota Statutes 1996, section 148B.21, subdivision 1, is amended to read:

Subdivision 1. **CATEGORIES OF LICENSEES.** The board shall issue licenses for the following four groups of individuals qualified under ~~sections 148B.21 to 148B.23~~ this section to practice social work:

- (1) social workers;
- (2) graduate social workers;
- (3) independent social workers; and
- (4) independent clinical social workers.

Sec. 51. Minnesota Statutes 1996, section 148B.21, subdivision 8, is amended to read:

Subd. 8. **CHANGE OF LICENSURE LEVEL.** An applicant who applies under this section for licensure as a licensed independent social worker or a licensed independent clinical social worker, and who is licensed at the time of application as a licensed graduate social worker, ~~or a licensed independent social worker, or a licensed independent clinical social worker under section 148B.23,~~ is not required to meet the educational requirement of this section. The applicant must meet all other requirements for licensure at the new level of licensure.

Sec. 52. Minnesota Statutes 1996, section 148B.24, is amended to read:

148B.24 RECIPROCITY.

The board shall issue an appropriate license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in ~~sections~~ section 148B.21 ~~to 148B.23.~~

Sec. 53. Minnesota Statutes 1996, section 148B.27, subdivision 2b, is amended to read:

Subd. 2b. **USE OF HOSPITAL SOCIAL WORKER TITLE.** Individuals employed as social workers on June 30, 1996, by a hospital licensed under chapter 144 who do not qualify for licensure under section 148B.21 ~~or 148B.23,~~ ~~subdivision 1,~~ may use the title "hospital social worker" for as long as they continue to be employed by a hospital licensed under chapter 144.

Sec. 54. Minnesota Statutes 1996, section 154.161, subdivision 4, is amended to read:

Subd. 4. **LICENSE ACTIONS.** (a) With respect to a person who is a holder of or applicant for a licensee or shop registration card under this chapter, the board may by order deny, refuse to renew, suspend, temporarily suspend, or revoke the application, certificate of registration, or shop registration card, censure or reprimand the person, refuse to permit the person to sit for examination, or refuse to release the person's examination

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grades, if the board finds that such an order is in the public interest and that, based on a preponderance of the evidence presented, the person has:

- (1) violated a statute, rule, or order that the board has adopted or issued or is empowered to enforce;
- (2) engaged in conduct or acts that are fraudulent, deceptive, or dishonest, whether or not the conduct or acts relate to the practice of barbering, if the fraudulent, deceptive, or dishonest conduct or acts reflect adversely on the person's ability or fitness to engage in the practice of barbering;
- (3) engaged in conduct or acts that constitute malpractice, are negligent, demonstrate incompetence, or are otherwise in violation of the standards in the rules of the board, where the conduct or acts relate to the practice of barbering;
- (4) employed fraud or deception in obtaining a certificate of registration, shop registration card, renewal, or reinstatement, or in passing all or a portion of the examination;
- (5) had a certificate of registration or shop registration card, right to examine, or other similar authority revoked in another jurisdiction;
- (6) failed to meet any requirement for issuance or renewal of the person's certificate of registration or shop registration card;
- (7) practiced as a barber while having an infectious or contagious disease;
- (8) advertised by means of false or deceptive statements;
- (9) demonstrated intoxication or indulgence in the use of drugs, including but not limited to narcotics as defined in section 152.01 or in United States Code, title 26, section 4731, barbiturates, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;
- (10) demonstrated unprofessional conduct or practice, ~~or conduct or practice that violates any provision of chapter 186;~~
- (11) permitted an employee or other person under the person's supervision or control to practice as a registered barber, registered apprentice, or registered instructor of barbering unless that person has (i) a current certificate of registration as a registered barber, registered apprentice, or registered instructor of barbering, (ii) a temporary apprentice permit, or (iii) a temporary permit as an instructor of barbering;
- (12) practices, offered to practice, or attempted to practice by misrepresentation;
- (13) failed to display a certificate of registration as required by section 154.14;
- (14) used any room or place of barbering that is also used for any other purpose, or used any room or place of barbering that violates the board's rules governing sanitation;
- (15) in the case of a barber, apprentice, or other person working in or in charge of any barber shop, or any person in a barber school engaging in the practice of barbering, failed to use separate and clean towels for each customer or patron, or to discard and launder each towel after being used once;
- (16) in the case of a barber or other person in charge of any barber shop or barber school, (i) failed to supply in a sanitary manner clean hot and cold water in quantities nec-

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essary to conduct the shop or barbering service for the school, (ii) failed to have water and sewer connections from the shop or barber school with municipal water and sewer systems where they are available for use, or (iii) failed or refused to maintain a receptacle for hot water of a capacity of at least five gallons;

(17) refused to permit the board to make an inspection permitted or required by this chapter, or failed to provide the board or the attorney general on behalf of the board with any documents or records they request;

(18) failed promptly to renew a certificate of registration or shop registration card when remaining in practice, pay the required fee, or issue a worthless check;

(19) failed to supervise a registered apprentice or temporary apprentice, or permitted the practice of barbering by a person not registered with the board or not holding a temporary permit;

(20) refused to serve a customer because of race, color, creed, religion, disability, national origin, or sex;

(21) failed to comply with a provision of chapter 141 or a provision of another chapter that relates to barber schools; or

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

(b) In lieu of or in addition to any remedy under paragraph (a), the board may as a condition of continued registration, termination of suspension, reinstatement of registration, examination, or release of examination results, require that the person:

(1) submit to a quality review of the person's ability, skills, or quality of work, conducted in a manner and by a person or entity that the board determines; or

(2) complete to the board's satisfaction continuing education as the board requires.

(c) Service of an order under this subdivision is effective if the order is served personally on, or is served by certified mail to the most recent address provided to the board by, the licensee, certificate holder, applicant, or counsel of record. The order must state the reason for the entry of the order.

(d) Except as provided in subdivision 5, paragraph (c), all hearings under this subdivision must be conducted in accordance with the administrative procedure act.

Sec. 55. Minnesota Statutes 1997 Supplement, section 157.17, subdivision 2, is amended to read:

Subd. 2. REGISTRATION. At the time of licensure or license renewal, a boarding and lodging establishment or a lodging establishment that provides supportive services or health supervision services must be registered with the commissioner, and must register annually thereafter. The registration must include the name, address, and telephone number of the establishment, the name of the operator, the types of services that are being provided, a description of the residents being served, the type and qualifications of staff in the facility, and other information that is necessary to identify the needs of the residents

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and the types of services that are being provided. The commissioner shall develop and furnish to the boarding and lodging establishment or lodging establishment the necessary form for submitting the registration. ~~The requirement for registration is effective until the rules required by sections 144B.01 to 144B.17 are effective.~~

Housing with services establishments registered under chapter 144D shall be considered registered under this section for all purposes except that:

- (1) the establishments shall operate under the requirements of chapter 144D; and
- (2) the criminal background check requirements of sections 299C.66 to 299C.71 apply. The criminal background check requirements of section 144.057 apply only to personnel providing home care services under sections 144A.43 to 144A.48.

Sec. 56. Minnesota Statutes 1996, section 157.17, subdivision 3, is amended to read:

Subd. 3. RESTRICTION ON THE PROVISION OF SERVICES. ~~Effective July 1, 1995, and until one year after the rules required under sections 144B.01 to 144B.17 are adopted,~~ A boarding and lodging establishment or lodging establishment registered under subdivision 2 may provide health supervision services only if a licensed nurse is on site in the establishment for at least four hours a week to provide monitoring of health supervision services for the residents. A boarding and lodging establishment or lodging establishment that admits or retains residents using wheelchairs or walkers must have the necessary clearances from the office of the state fire marshal.

Sec. 57. **REPEALER; SECTION 157.17.**

Minnesota Statutes 1996, section 157.17, subdivision 4, is repealed.

Sec. 58. Minnesota Statutes 1997 Supplement, section 161.14, subdivision 41, is amended to read:

Subd. 41. DON RICKERS MEMORIAL HIGHWAY. That segment of marked trunk highway No. 60 from Brewster to Worthington ~~to the city of Brewster~~ is designated "Don Rickers Memorial Highway." The commissioner of transportation shall adopt a suitable design for marking this highway and shall erect appropriate signs at locations determined by the commissioner. The people of the community, having resolved to support and financially back the marking of this highway, shall reimburse the department for costs incurred in marking and memorializing this highway.

Sec. 59. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3e, is amended to read:

Subd. 3e. ENHANCED GROSS MISDEMEANORS; MANDATORY PENALTIES. (a) The mandatory penalties in this subdivision apply to persons who are convicted of an enhanced gross misdemeanor under subdivision 3, paragraph (d), or section 169.129. Notwithstanding section 609.135, these penalties must be imposed and executed.

(b) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (1), shall be sentenced as follows:

(1) if the person has one prior impaired driving conviction within the past ten years, the person must be sentenced to a minimum of 90 days of incarceration, at least 30 days of

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which must be served consecutively in a local correctional facility. The court may order that the person serve not more than 60 days of this minimum penalty on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has two prior impaired driving convictions within the past ten years, the person must be sentenced to a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility. The court may order that the person serve not more than 150 days of this minimum penalty on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has three prior impaired driving convictions within the past 15 years, or four or more prior impaired driving convictions within the person's lifetime, the person must be sentenced to a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility. The court may order that the person serve the remainder of this minimum penalty on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention.

(c) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (2) or (3), or under section 169.129, shall be sentenced as follows:

(1) if the person has two prior impaired driving convictions, two prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to a minimum of 90 days incarceration, at least 30 days of which must be served consecutively in a local correctional facility. The court may order that the person serve not more than 60 days of this minimum penalty on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has three prior impaired driving convictions, three prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility. The court may order that the person serve not more than 150 days of this minimum penalty on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has: (i) four prior impaired driving convictions, four prior license revocations, or a combination of the two, within the past 15 years; or (ii) five or more prior impaired driving convictions, five or more prior license revocations, or a combination of the two, within the person's lifetime; then the person must be sentenced to a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility. The court may order that the person serve the remainder of this minimum penalty on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention.

Sec. 60. Minnesota Statutes 1996, section 169.792, subdivision 7, is amended to read:

Subd. 7. **LICENSE REVOCATION.** Upon receiving the notification under subdivision 6 or notification of a conviction for violation of section 169.791, the commissioner shall revoke the person's driver's license or permit to drive. The revocation shall be effective beginning 14 days after the date of notification by the district court administrator or officer to the department of public safety. In order to be revoked, notice must have been

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mailed to the person by the commissioner at least ten days before the effective date of the revocation. If the person, before the effective date of the revocation, provides the commissioner with the proof of insurance or other verifiable insurance information as determined by the commissioner, establishing that the required insurance covered the vehicle at the time of the original demand, the revocation must not become effective. Revocation based upon receipt of a notification under subdivision 6 must be carried out regardless of the status or disposition of any related criminal charge. The person's driver's license or permit to drive shall be revoked for the longer of: (i) the period provided in section 169.797, subdivision 4, paragraph (b) (c), including any rules adopted under that paragraph, or (ii) until the driver or owner files proof of insurance with the department of public safety satisfactory to the commissioner of public safety. A license must not be revoked more than once based upon the same demand for proof of insurance.

Sec. 61. Minnesota Statutes 1996, section 169.86, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION FOR PERMIT.** (a) The commissioner, with respect to highways under the commissioner's jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter, upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which such party is responsible.

(b) Permits relating to over-width, over-length manufactured homes shall not be issued to persons other than manufactured home dealers or manufacturers for movement of new units owned by the manufactured home dealer or manufacturer, until the person has presented a statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid. Upon payment of the most recent single year delinquent personal property or current year taxes only, the county auditor or treasurer must issue a taxes paid statement to a manufactured home dealer or a financial institution desiring to relocate a manufactured home that has been repossessed. This statement must be dated within 30 days of the contemplated move. The statement from the county auditor and treasurer where the unit is presently located, stating that all personal and real property taxes have been paid, may be made by telephone. If the statement is obtained by telephone, the permit shall contain the date and time of the telephone call and the names of the persons in the auditor's office and treasurer's office who verified that all personal and real property taxes had been paid.

(c) The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, except that the commissioner (1) may renew a permit that was granted before April 16, 1984, for the movement of a semitrailer or trailer that exceeds the length limitation in section 169.81, subdivision 2, or (2) may grant a permit authorizing the transportation of empty trailers that exceed 28-1/2 feet when using a B-train hitching mechanism as defined in Code of Federal Regulations, title 23, section 658.5, paragraph (o), from a point of manufacture in the state to the state border.

(d) The state as to state trunk highways, a statutory or home rule charter city as to streets in the city, or a town as to roads in the town, may issue permits authorizing the transportation of combinations of vehicles exceeding the limitations in section 169.81,

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subdivisions 2a and 3, over highways, streets, or roads within its boundaries. Combinations of vehicles authorized by this paragraph may be restricted as to the use of state trunk highways by the commissioner, to the use of streets by the city road authority, and to the use of roads by the town road authority. Nothing in this paragraph or section ~~168-81-169.81~~, subdivisions 2a and 3, alters or changes the authority vested in local authorities under section 169.04.

Sec. 62. Minnesota Statutes 1996, section 190.08, subdivision 6, is amended to read:

Subd. 6. **PAY AND ALLOWANCES.** The adjutant general shall receive the pay and allowances provided by law for an officer of similar rank and length of service in the armed forces of the United States. All other officers, warrant officers, and enlisted members in active service on the staff of the adjutant general shall receive the pay and allowances prescribed for personnel of similar grade and length of service in the armed forces of the United States subject to the following provisions: (1) the adjutant general by general orders may establish for pay purposes the grade authorized for any staff position; and (2) enlisted members may be paid the any additional pay authorized by section ~~192.51~~, subdivision 2 192.49.

Sec. 63. Minnesota Statutes 1996, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **ELECTION, CONDUCT.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204C.15; 204C.19; ~~206.63; 206.64, subdivision 2; 206.74, subdivision 3; 206.75; 206.83; and 206.86, subdivision 2,~~ relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

Sec. 64. Minnesota Statutes 1996, section 206.90, subdivision 3, is amended to read:

Subd. 3. **AVAILABILITY OF PAPER BALLOTS.** ~~For the purposes of section 206.63, "paper ballots" includes ballot cards which are voted by marking with a pencil or other writing instrument and on which are printed the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No." At a state or county election where an optical scan voting system will be in use, the county auditor may provide ballot cards meeting the requirements of this section in lieu of paper ballots otherwise required to be prepared by the county auditor. In an election jurisdiction where an optical scan voting system has been adopted, the election official may provide paper ballots prepared in the same format used for the voting system.~~

Sec. 65. Minnesota Statutes 1996, section 216C.01, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** The definitions in this section apply to section ~~216C.02~~ and those sections renumbered by Laws 1987, chapter 312, article 1, section 10

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sections 216C.02, 216C.05, 216C.07 to 216C.19, 216C.20 to 216C.35, and 216C.373 to 216C.381.

Sec. 66. Minnesota Statutes 1997 Supplement, section 244.09, subdivision 5, is amended to read:

Subd. 5. The commission shall promulgate sentencing guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

- (1) The circumstances under which imprisonment of an offender is proper; and
- (2) A presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines may provide for an increase or decrease of up to 15 percent in the presumptive, fixed sentence.

The sentencing guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and non-residential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

Although the sentencing guidelines are advisory to the district court, the court shall follow the procedures of the guidelines when it pronounces sentence in a proceeding to which the guidelines apply by operation of statute. Sentencing pursuant to the sentencing guidelines is not a right that accrues to a person convicted of a felony; it is a procedure based on state public policy to maintain uniformity, proportionality, rationality, and predictability in sentencing.

In establishing and modifying the sentencing guidelines, the primary consideration of the commission shall be public safety. The commission shall also consider current sentencing and release practices; correctional resources, including but not limited to the capacities of local and state correctional facilities; and the long-term negative impact of the crime on the community.

The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the sentencing guidelines, and the sentencing guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, the commission shall adopt rules pursuant to sections 14.001 to 14.69 which establish procedures for the promulgation of the sentencing guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the legislative coordinating commission to ~~review administrative rules.~~

Sec. 67. Minnesota Statutes 1996, section 256.9657, subdivision 1a, is amended to read:

Subd. 1a. **WAIVER REQUEST.** The commissioner shall request a waiver from the secretary of health and human services to: (1) exclude from the surcharge under subdivi-

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ision 1 a nursing home that provides all services free of charge; (2) make a pro rata reduction in the surcharge paid by a nursing home that provides a portion of its services free of charge; and (3) limit the hospital surcharge to acute care hospitals only; and (4) limit the physician license surcharge under section 147.01, subdivision 6, to physicians licensed in Minnesota and residing in Minnesota or a state contiguous to Minnesota. If a waiver is approved under this subdivision, the commissioner shall adjust the nursing home surcharge accordingly or shall direct the board of medical practice to adjust the physician license surcharge under section 147.01, subdivision 6, accordingly. Any waivers granted by the federal government shall be effective on or after October 1, 1992.

Sec. 68. REPEALER; SECTION 256.9657.

Minnesota Statutes 1996, section 256.9657, subdivision 1b, is repealed.

Sec. 69. Minnesota Statutes 1996, section 256.9657, subdivision 7, is amended to read:

Subd. 7. **COLLECTION; CIVIL PENALTIES.** The provisions of sections 289A.35 to 289A.50 relating to the authority to audit, assess, collect, and pay refunds of other state taxes may be implemented by the commissioner of human services with respect to the tax, penalty, and interest imposed by this section and section 147.01, subdivision 6. The commissioner of human services shall impose civil penalties for violation of this section or section 147.01, subdivision 6, as provided in section 289A.60, and the tax and penalties are subject to interest at the rate provided in section 270.75. The commissioner of human services shall have the power to abate penalties and interest when discrepancies occur resulting from, but not limited to, circumstances of error and mail delivery. The commissioner of human services shall bring appropriate civil actions to collect provider payments due under this section and section 147.01, subdivision 6.

Sec. 70. REPEALER; SECTION 256E.06.

Minnesota Statutes 1996, section 256E.06, subdivision 9, is repealed.

Sec. 71. Minnesota Statutes 1997 Supplement, section 260.015, subdivision 29, is amended to read:

Subd. 29. **EGREGIOUS HARM.** "Egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to:

(1) conduct towards a child that constitutes a violation of sections 609.185 to 609.21, 609.222, subdivision 2, 609.223, or any other similar law of any other state;

(2) the infliction of "substantial bodily harm" to a child, as defined in section 609.02, subdivision 8 7a;

(3) conduct towards a child that constitutes felony malicious punishment of a child under section 609.377;

(4) conduct towards a child that constitutes felony unreasonable restraint of a child under section 609.255, subdivision 3;

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(5) conduct towards a child that constitutes felony neglect or endangerment of a child under section 609.378;

(6) conduct towards a child that constitutes assault under section 609.221, 609.222, or 609.223;

(7) conduct towards a child that constitutes solicitation, inducement, or promotion of prostitution under section 609.322;

(8) conduct towards a child that constitutes receiving profit derived from prostitution under section 609.323; or

(9) conduct toward a child that constitutes a violation of United States Code, title 18, section 1111(a) or 1112(a).

Sec. 72. Minnesota Statutes 1996, section 268.027, is amended to read:

268.027 DEPARTMENT OF ECONOMIC SECURITY; MINNEAPOLIS LOCATION; RIGHT OF EMINENT DOMAIN.

Notwithstanding ~~sections section~~ section 16B.24 and 268.026 or chapter 94, the commissioner of administration, in consultation with the commissioner of economic security, is authorized to buy and sell real property in Minneapolis and the greater Minneapolis area for the purpose of relocating department offices to locations more accessible to the residents of Minneapolis and colocating with other social service agencies.

Property acquired under authority of this section may be acquired by gift, purchase, or condemnation proceedings. Condemnation proceedings must be done under chapter 117. Condemnation proceedings authorized by this section may be used to acquire property at only one proposed office site.

Sec. 73. Minnesota Statutes 1997 Supplement, section 268.145, subdivision 1, is amended to read:

Subdivision 1. **NOTIFICATION.** (a) Upon application for a reemployment insurance account, the claimant shall be informed that:

(1) reemployment insurance benefits are subject to federal and state income tax;

(2) there are requirements for filing estimated tax payments;

(3) the claimant may elect to have federal income tax withheld from benefits;

(4) if the claimant elects to have federal income tax withheld, the claimant may, in addition, elect to have Minnesota state income tax withheld; and

(5) at any time during the benefit year the claimant may change a prior election.

(b) If a claimant elects to have federal income tax withheld, the commissioner shall deduct that percentage required by the Internal Revenue Code. If a claimant, in addition to federal income tax withholding, elects to have Minnesota state income tax withheld, the commissioner shall make an additional five percent deduction for Minnesota state income tax. Any amounts deducted pursuant to sections 268.155, ~~268.165~~, 268.18, 268.182, and 268.184 have priority over any amounts deducted under this section. Federal income tax withholding has priority over Minnesota state income tax withholding.

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(c) An election to have federal income tax, or federal and Minnesota state income tax, withheld shall not be retroactive and shall only apply to benefits paid after the election.

Sec. 74. Minnesota Statutes 1996, section 273.13, subdivision 1, is amended to read:

Subdivision 1. **HOW CLASSIFIED.** All real and personal property subject to a general property tax and not subject to any gross earnings or other lieu in-lieu tax is hereby classified for purposes of taxation as provided by this section.

Sec. 75. Minnesota Statutes 1996, section 273.1398, subdivision 6, is amended to read:

Subd. 6. **PAYMENT.** The commissioner shall certify the aids provided in subdivisions 2, 2b, 3, and 5 before September 1 of the year preceding the distribution year to the county auditor of the affected local government. The aids provided in subdivisions 2, 2b, 3, and 5 must be paid to local governments other than school districts at the times provided in section 477A.015 for payment of local government aid to taxing jurisdictions, except that the first one-half payment of disparity reduction aid provided in subdivision 3 must be paid on or before August 31. The disparity reduction credit provided in subdivision 4 must be paid to taxing jurisdictions other than school districts at the time provided in section 473H.10, subdivision 3. Aids and credit reimbursements to school districts must be certified to the commissioner of children, families, and learning and paid under section 273.1392. ~~Except for education districts and secondary cooperatives that receive revenue according to section 124.575,~~ Payment shall not be made to any taxing jurisdiction that has ceased to levy a property tax.

Sec. 76. Minnesota Statutes 1996, section 273.166, subdivision 2, is amended to read:

Subd. 2. **MANUFACTURED HOME HOMESTEAD AND AGRICULTURAL CREDIT AID.** For each calendar year, the manufactured home homestead and agricultural credit aid for each taxing jurisdiction equals the taxing jurisdiction's manufactured home homestead and agricultural credit aid determined under this subdivision for the preceding aid payable year times the growth adjustment factor for the jurisdiction plus the net tax capacity adjustment for the jurisdiction. ~~Except for education districts and secondary cooperatives that receive revenue according to section 124.2721 or 124.575,~~ Payment will not be made to any taxing jurisdiction that has ceased to levy a property tax.

Sec. 77. Minnesota Statutes 1997 Supplement, section 274.01, subdivision 1, is amended to read:

Subdivision 1. **ORDINARY BOARD; MEETINGS, DEADLINES, GRIEVANCES.** (a) The town board of a town, or the council or other governing body of a city, is the board of review except (1) in cities whose charters provide for a board of equalization or (2) in any city or town that has transferred its local board of review power and duties to the county board as provided in subdivision 3. The county assessor shall fix a day and time when the board or the board of equalization shall meet in the assessment districts of the county. On or before February 15 of each year the assessor shall give written notice of the time to the city or town clerk. Notwithstanding the provisions of any charter to the contrary, the meetings must be held between April 1 and May 31 each year. The clerk shall give published and posted notice of the meeting at least ten days before the date of the meeting.

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If in any county, at least 25 percent of the total net tax capacity of a city or town is noncommercial seasonal residential recreational property classified under section 273.13, subdivision 25, the county must hold two countywide informational meetings on Saturdays. The meetings will allow noncommercial seasonal residential recreational taxpayers to discuss their property valuation with the appropriate assessment staff. These Saturday informational meetings must be scheduled to allow the owner of the noncommercial seasonal residential recreational property the opportunity to attend one of the meetings prior to the scheduled board of review for their city or town. The Saturday meeting dates must be contained on the notice of valuation of real property under section 273.121.

The board shall meet at the office of the clerk to review the assessment and classification of property in the town or city. No changes in valuation or classification which are intended to correct errors in judgment by the county assessor may be made by the county assessor after the board of review has adjourned in those cities or towns that hold a local board of review; however, corrections of errors that are merely clerical in nature or changes that extend homestead treatment to property are permitted after adjournment until the tax extension date for that assessment year. The changes must be fully documented and maintained in the assessor's office and must be available for review by any person. A copy of the changes made during this period in those cities or towns that hold a local board of review must be sent to the county board no later than December 31 of the assessment year.

(b) The board shall determine whether the taxable property in the town or city has been properly placed on the list and properly valued by the assessor. If real or personal property has been omitted, the board shall place it on the list with its market value, and correct the assessment so that each tract or lot of real property, and each article, parcel, or class of personal property, is entered on the assessment list at its market value. No assessment of the property of any person may be raised unless the person has been duly notified of the intent of the board to do so. On application of any person feeling aggrieved, the board shall review the assessment or classification, or both, and correct it as appears just.

(c) A local board of review may reduce assessments upon petition of the taxpayer but the total reductions must not reduce the aggregate assessment made by the county assessor by more than one percent. If the total reductions would lower the aggregate assessments made by the county assessor by more than one percent, none of the adjustments may be made. The assessor shall correct any clerical errors or double assessments discovered by the board of review without regard to the one percent limitation.

(d) A majority of the members may act at the meeting, and adjourn from day to day until they finish hearing the cases presented. The assessor shall attend, with the assessment books and papers, and take part in the proceedings, but must not vote. The county assessor, or an assistant delegated by the county assessor shall attend the meetings. The board shall list separately, on a form appended to the assessment book, all omitted property added to the list by the board and all items of property increased or decreased, with the market value of each item of property, added or changed by the board, placed opposite the item. The county assessor shall enter all changes made by the board in the assessment book.

(e) Except as provided in subdivision 3, if a person fails to appear in person, by counsel, or by written communication before the board after being duly notified of the board's

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intent to raise the assessment of the property, or if a person feeling aggrieved by an assessment or classification fails to apply for a review of the assessment or classification, the person may not appear before the county board of equalization for a review of the assessment or classification. This paragraph does not apply if an assessment was made after the board meeting, as provided in section 273.01, or if the person can establish not having received notice of market value at least five days before the local board of review meeting.

(f) The board of review or the board of equalization must complete its work and adjourn within 20 days from the time of convening stated in the notice of the clerk, unless a longer period is approved by the commissioner of revenue. No action taken after that date is valid. All complaints about an assessment or classification made after the meeting of the board must be heard and determined by the county board of equalization. A nonresident may, at any time, before the meeting of the board of review file written objections to an assessment or classification with the county assessor. The objections must be presented to the board of review at its meeting by the county assessor for its consideration.

Sec. 78. Minnesota Statutes 1997 Supplement, section 275.011, subdivision 1, is amended to read:

Subdivision 1. The property tax levied for any purpose under a special law that is not codified in Minnesota Statutes or a city charter provision and that is subject to a mill rate limitation imposed by the special law or city charter provision, excluding levies subject to mill rate limitations that use adjusted assessed values determined by the commissioner of revenue under section 124.2131, must not exceed the following amount for the years specified:

(a) for taxes payable in 1988, the product of the applicable mill rate limitation imposed by special law or city charter provision multiplied by the total assessed valuation of all taxable property subject to the tax as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, the product of (1) the property tax levy limitation for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property subject to the tax divided by the assessment year 1987 total market valuation of all taxable property subject to the tax; and

(c) for taxes payable in 1990 and subsequent years, the product of (1) the property tax levy limitation for the previous year determined pursuant to this subdivision multiplied by (2) an index for market valuation changes equal to the total market valuation of all taxable property subject to the tax for the current assessment year divided by the total market valuation of all taxable property subject to the tax for the previous assessment year.

For the purpose of determining the property tax levy limitation for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable property subject to the tax without valuation adjustments for fiscal disparities (chapters 276A and 473F), tax increment financing (sections 469.174 to 469.179), or powerline credit (section 273.425), or wind energy (sections ~~276.20 to 276.21~~) values.

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Sec. 79. Minnesota Statutes 1997 Supplement, section 275.065, subdivision 6, is amended to read:

Subd. 6. **PUBLIC HEARING; ADOPTION OF BUDGET AND LEVY.** (a) For purposes of this section, the following terms shall have the meanings given:

(1) "Initial hearing" means the first and primary hearing held to discuss the taxing authority's proposed budget and proposed property tax levy for taxes payable in the following year, or, for school districts, the current budget and the proposed property tax levy for taxes payable in the following year.

(2) "Continuation hearing" means a hearing held to complete the initial hearing, if the initial hearing is not completed on its scheduled date.

(3) "Subsequent hearing" means the hearing held to adopt the taxing authority's final property tax levy, and, in the case of taxing authorities other than school districts, the final budget, for taxes payable in the following year.

(b) Between November 29 and December 20, the governing bodies of a city that has a population over 500, county, metropolitan special taxing districts as defined in subdivision 3, paragraph (i), and regional library districts shall each hold an initial public hearing to discuss and seek public comment on its final budget and property tax levy for taxes payable in the following year, and the governing body of the school district shall hold an initial public hearing to review its current budget and proposed property tax levy for taxes payable in the following year. The metropolitan special taxing districts shall be required to hold only a single joint initial public hearing, the location of which will be determined by the affected metropolitan agencies.

(c) The initial hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No initial hearing may be held on a Sunday.

(d) At the initial hearing under this subdivision, the percentage increase in property taxes proposed by the taxing authority, if any, and the specific purposes for which property tax revenues are being increased must be discussed. During the discussion, the governing body shall hear comments regarding a proposed increase and explain the reasons for the proposed increase. The public shall be allowed to speak and to ask questions. At the public hearing, the school district must also provide and discuss information on the distribution of its revenues by revenue source, and the distribution of its spending by program area.

(e) If the initial hearing is not completed on its scheduled date, the taxing authority must announce, prior to adjournment of the hearing, the date, time, and place for the continuation of the hearing. The continuation hearing must be held at least five business days but no more than 14 business days after the initial hearing. A continuation hearing may not be held later than December 20 except as provided in paragraphs (f) and (g). A continuation hearing must be held after 5:00 p.m. if scheduled on a day other than Saturday. No continuation hearing may be held on a Sunday.

(f) The governing body of a county shall hold its initial hearing on the second Tuesday in December each year, and may hold additional initial hearings on other dates before December 20 if necessary for the convenience of county residents. If the county needs a continuation of its hearing, the continuation hearing shall be held on the third Tuesday in December. If the third Tuesday in December falls on December 21, the county's continuation hearing shall be held on Monday, December 20.

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(g) The metropolitan special taxing districts shall hold a joint initial public hearing on the first Monday of December. A continuation hearing, if necessary, shall be held on the second Monday of December even if that second Monday is after December 10.

(h) The county auditor shall provide for the coordination of initial and continuation hearing dates for all school districts and cities within the county to prevent conflicts under clauses (i) and (j).

(i) By August 10, each school board and the board of the regional library district shall certify to the county auditors of the counties in which the school district or regional library district is located the dates on which it elects to hold its initial hearing and any continuation hearing. If a school board or regional library district does not certify these dates by August 10, the auditor will assign the initial and continuation hearing dates. The dates elected or assigned must not conflict with the initial and continuation hearing dates of the county or the metropolitan special taxing districts.

(j) By August 20, the county auditor shall notify the clerks of the cities within the county of the dates on which school districts and regional library districts have elected to hold their initial and continuation hearings. At the time a city certifies its proposed levy under subdivision 1 it shall certify the dates on which it elects to hold its initial hearing and any continuation hearing. If a city does not certify these dates by September 15, the auditor shall assign the initial and continuation hearing dates. The dates elected or assigned for the initial hearing must not conflict with the initial hearing dates of the county, metropolitan special taxing districts, regional library districts, or school districts within which the city is located. To the extent possible, the dates of the city's continuation hearing should not conflict with the continuation hearing dates of the county, metropolitan special taxing districts, regional library districts, or school districts within which the city is located. This paragraph does not apply to cities of 500 population or less.

(k) The county initial hearing date and the city, metropolitan special taxing district, regional library district, and school district initial hearing dates must be designated on the notices required under subdivision 3. The continuation hearing dates need not be stated on the notices.

(l) At a subsequent hearing, each county, school district, city over 500 population, and metropolitan special taxing district may amend its proposed property tax levy and must adopt a final property tax levy. Each county, city over 500 population, and metropolitan special taxing district may also amend its proposed budget and must adopt a final budget at the subsequent hearing. The final property tax levy must be adopted prior to adopting the final budget. A school district is not required to adopt its final budget at the subsequent hearing. The subsequent hearing of a taxing authority must be held on a date subsequent to the date of the taxing authority's initial public hearing. If a continuation hearing is held, the subsequent hearing must be held either immediately following the continuation hearing or on a date subsequent to the continuation hearing. The subsequent hearing may be held at a regularly scheduled board or council meeting or at a special meeting scheduled for the purposes of the subsequent hearing. The subsequent hearing of a taxing authority does not have to be coordinated by the county auditor to prevent a conflict with an initial hearing, a continuation hearing, or a subsequent hearing of any other taxing authority. All subsequent hearings must be held prior to five working days after December 20 of the levy year. The date, time, and place of the subsequent hearing must be announced at the initial public hearing or at the continuation hearing.

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(m) The property tax levy certified under section 275.07 by a city of any population, county, metropolitan special taxing district, regional library district, or school district must not exceed the proposed levy determined under subdivision 1, except by an amount up to the sum of the following amounts:

(1) the amount of a school district levy whose voters approved a referendum to increase taxes under section 124.82, subdivision 3, or 124A.03, subdivision 2, ~~or 124B.03, subdivision 2,~~ after the proposed levy was certified;

(2) the amount of a city or county levy approved by the voters after the proposed levy was certified;

(3) the amount of a levy to pay principal and interest on bonds approved by the voters under section 475.58 after the proposed levy was certified;

(4) the amount of a levy to pay costs due to a natural disaster occurring after the proposed levy was certified, if that amount is approved by the commissioner of revenue under subdivision 6a;

(5) the amount of a levy to pay tort judgments against a taxing authority that become final after the proposed levy was certified, if the amount is approved by the commissioner of revenue under subdivision 6a;

(6) the amount of an increase in levy limits certified to the taxing authority by the commissioner of children, families, and learning or the commissioner of revenue after the proposed levy was certified; and

(7) the amount required under section 124.755.

(n) This subdivision does not apply to towns and special taxing districts other than regional library districts and metropolitan special taxing districts.

(o) Notwithstanding the requirements of this section, the employer is required to meet and negotiate over employee compensation as provided for in chapter 179A.

Sec. 80. Minnesota Statutes 1996, section 284.07, is amended to read:

284.07 COUNTY AUDITOR'S CERTIFICATE TO BE PRIMA FACIE EVIDENCE.

The county auditor's certificate of forfeiture filed as provided by section 281.23, subdivision ~~§~~ 9, and acts supplemental thereto, or by any other law hereafter enacted providing for the filing and recording of such a certificate or a certified copy of such certificate or of the record thereof, shall, for all purposes, be prima facie evidence that all requirements of the law respecting the taxation and forfeiture of the lands therein described were complied with, and that at the date of the certificate absolute title to such lands had vested in the state by reason of forfeiture for delinquent taxes, as set forth in the certificate.

Sec. 81. Minnesota Statutes 1997 Supplement, section 297A.48, subdivision 1, is amended to read:

Subdivision 1. **AUTHORIZATION; SCOPE.** (a) A political subdivision of this state may impose a general sales tax if permitted by special law or if the subdivision enacted and imposed the tax before the effective date of section 477A.016 and its predecessor provision.

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(b) This section governs the imposition of a general sales tax by the political subdivision. The provisions of this section preempt the provisions of any special law:

(1) enacted before its effective date June 2, 1997, or

(2) enacted on or after its effective date June 2, 1997, that does not explicitly exempt the special law provision from this section's rules by reference.

(c) This section does not apply to or preempt a sales tax on motor vehicles or a special excise tax on motor vehicles.

Sec. 82. Minnesota Statutes 1997 Supplement, section 297A.48, subdivision 10, is amended to read:

Subd. 10. **APPLICATION.** This section applies to all local sales taxes authorized on or after the day of enactment of ~~Laws 1997, chapter 231~~ June 2, 1997. Starting January 1, 2000, this section applies to all local sales taxes that were authorized before the day of enactment of ~~Laws 1997, chapter 231~~ June 2, 1997.

Sec. 83. Minnesota Statutes 1997 Supplement, section 325D.32, subdivision 4, is amended to read:

Subd. 4. "Wholesaler" means and includes any person who acquires cigarettes for the purpose of sale to retailers or to other persons for resale, and who maintains an established place of business when any part of the business is the sale of cigarettes at wholesale to persons licensed to sell cigarettes by the state or any municipality, and where at all times a stock of cigarettes is available to retailers for resale, or any cigarette manufacturer or manufacturer's representative who sells to retailers or to other persons for resale, and any person defined as a "distributor" under section 297F.01, subdivision 6 4. The term "wholesaler" shall also include a "subjobber" as defined by section 297F.01, subdivision 19 5. This subdivision does not prohibit any person from engaging in business as a retailer as defined in subdivision 5.

Sec. 84. Minnesota Statutes 1997 Supplement, section 325D.415, is amended to read:

325D.415 CIGARETTE DISTRIBUTOR FEES.

A cigarette distributor as defined in section 297F.01, subdivision 6 4, shall pay to the commissioner an annual fee as follows:

(1) a fee of \$2,500 is due from those distributors whose annual cigarette tax collections exceed \$2,000,000; and

(2) a fee of \$1,200 is due from those distributors whose annual cigarette tax collections are \$2,000,000 or less.

The annual fee must be paid by December 31 of each year. If the fee is not paid when due, the commissioner shall revoke or refuse to issue or renew the license under chapter 297. The annual fee must be deposited into the general fund.

Sec. 85. Minnesota Statutes 1996, section 325F.692, subdivision 2, is amended to read:

Subd. 2. **UNAUTHORIZED INFORMATION SERVICE CHARGES; LIABILITY.** A telephone service subscriber is not responsible for information service

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charges for calls made by minors or vulnerable adults as defined in section 626.5572, subdivision 2 21, unless expressly authorized by the subscriber or spouse.

Sec. 86. Minnesota Statutes 1997 Supplement, section 326.921, is amended to read:

326.921 BUILDING PERMIT CONDITIONED ON LICENSURE.

A political subdivision shall not issue a building permit to an unlicensed person who is required to be licensed under sections 326.83 to 326.991. A political subdivision that issues zoning or land use permits in lieu of a building permit shall not issue those permits to an unlicensed person who is required to be licensed under sections 326.83 to ~~326.911~~ 326.991. The political subdivision shall report the person applying for the permit to the commissioner who may bring an action against the person.

Sec. 87. Minnesota Statutes 1996, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. **INCLUDED EMPLOYEES.** Public employees whose salary from one governmental subdivision exceeds \$425 in any month shall participate as members of the association. If the salary of an employee is less than \$425 in a subsequent month, the employee retains membership eligibility. The following persons are considered public employees:

(1) employees whose annual salary from one governmental subdivision exceeds a stipulation prepared in advance, in writing, to be not more than \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period expected to be of less than a full year's duration. If compensation from one governmental subdivision to an employee under this clause exceeds \$5,100 per calendar year or school year after being stipulated in advance not to exceed that amount, the stipulation is no longer valid and contributions must be made on behalf of the employee under section 353.27, subdivision 12, from the month in which the employee's salary first exceeded \$425;

(2) employees whose total salary from concurrent nontemporary positions in one governmental subdivision exceeds \$425 in any month;

(3) elected officers for service to which they were elected by the public-at-large, or persons appointed to fill a vacancy in an elective office, who elect to participate by filing an application for membership, but not for service on a joint or regional board that is a governmental subdivision under subdivision 6, paragraph (a), unless the salary earned for that service exceeds \$425 in any month. The option to become a member, once exercised, may not be withdrawn during the incumbency of the person in office;

(4) members who are appointed by the governor to be a state department head and elect not to be covered by the Minnesota state retirement system under section 352.021;

(5) employees of elected officers;

(6) persons who elect to remain members under section ~~136C.75~~, or 480.181, subdivision 2;

(7) employees of a school district who receive separate salaries for driving their own buses;

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(8) employees of the Minnesota association of townships when the board of the association, at its option, certifies to the executive director that its employees are to be included for purposes of retirement coverage, in which case coverage of all employees of the association is permanent;

(9) employees of a county historical society who are county employees;

(10) employees of a county historical society located in the county whom the county, at its option, certifies to the executive director to be county employees for purposes of retirement coverage under this chapter, which status must be accorded to all similarly situated county historical society employees and, once established, must continue as long as a person is an employee of the county historical society and is not excluded under subdivision 2b; and

(11) employees who became members before July 1, 1988, based on the total salary of positions held in more than one governmental subdivision.

Sec. 88. REPEALER; SECTION 373.40 CONFLICT.

Laws 1997, chapter 219, section 3, is repealed.

Sec. 89. REPEALER; SECTION 458D.14.

Minnesota Statutes 1996, section 458D.14, subdivision 2, is repealed.

Sec. 90. Minnesota Statutes 1996, section 458D.15, is amended to read:

458D.15 TAX LEVIES.

The board shall have power to levy taxes for debt service of the district disposal system, including solid waste disposal facilities, upon all taxable property within the district without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the board for other purposes or by any local government unit in the district. No other provision of law relating to debt limit shall restrict or in any way limit the power of the board to issue the bonds and certificates authorized in section 458D.14. The board shall also have power to levy taxes as provided in sections section 458D.11 and 458D.13. Each of the county auditors shall annually assess and extend upon the tax rolls of the auditor's county the portion of the taxes levied by the board in each year which is certified by the board. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the board.

Sec. 91. Minnesota Statutes 1996, section 473.191, subdivision 2, is amended to read:

Subd. 2. **WATER RESOURCES.** The metropolitan council may provide technical assistance to cities, counties, and towns to expedite adoption and enforcement of local ordinances under sections 103F.121, 103F.201 to 103F.221, and ~~473.204~~ 473.206 to 473.208.

Sec. 92. Minnesota Statutes 1996, section 473.197, subdivision 2, is amended to read:

Subd. 2. **PROJECT SELECTION.** Before pledging its full faith and credit, the council must establish criteria for selecting appropriate qualified housing development projects for the credit enhancement program. The council may award preferences for

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qualified housing development projects that meet criteria for preferences established by the council. The council must establish the criteria in consultation with housing providers in the metropolitan area. In developing priorities for projects for the credit enhancement program, the council shall give priority to projects that develop or redevelop housing for low-income households. The council shall consider the extent to which projects for the credit enhancement program are developed in collaboration with Minnesota Youth-Build under sections 268.361 to ~~268.367~~ 268.366; or training for housing programs for homeless adults under Laws 1992, chapter 376, article 6; or other employment training programs.

Sec. 93. Minnesota Statutes 1997 Supplement, section 473.249, subdivision 1, is amended to read:

Subdivision 1. **INDEXED LIMIT.** (a) The metropolitan council may levy a tax on all taxable property in the metropolitan area defined in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. This tax for general purposes shall be levied and collected in the manner provided by section 473.13.

(b) The property tax levied by the metropolitan council for general purposes shall not exceed the following amount for the years specified:

(a) for taxes payable in 1988, the product of $\frac{8}{30}$ of one mill multiplied by the total assessed valuation of all taxable property located within the metropolitan area as adjusted by the provisions of Minnesota Statutes 1986, sections 272.64; 273.13, subdivision 7a; and 275.49;

(b) for taxes payable in 1989, the product of (1) the metropolitan council's property tax levy limitation for general purposes for the taxes payable year 1988 determined under clause (a) multiplied by (2) an index for market valuation changes equal to the assessment year 1988 total market valuation of all taxable property located within the metropolitan area divided by the assessment year 1987 total market valuation of all taxable property located within the metropolitan area; and

(c) for taxes payable in 1990 and subsequent years, the product of: (1) the metropolitan council's property tax levy limitation for general purposes for the previous year determined under this subdivision multiplied by (2) the lesser of

(i) an index for market valuation changes equal to the total market valuation of all taxable property located within the metropolitan area for the current taxes payable year divided by the total market valuation of all taxable property located within the metropolitan area for the previous taxes payable year;

(ii) an index equal to the implicit price deflator for government consumption expenditures and gross investment for state and local governments for the most recent month for which data are available divided by the same implicit price deflator for the same month of the previous year; or

(iii) 103 percent.

(c) For the purpose of determining the metropolitan council's property tax levy limitation for general purposes for the taxes payable year 1988 and subsequent years under this subdivision, "total market valuation" means the total market valuation of all taxable

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property within the metropolitan area without valuation adjustments for fiscal disparities (chapter 473F), tax increment financing (sections 469.174 to 469.179), and high voltage transmission lines (section 273.425).

Sec. 94. Minnesota Statutes 1996, section 477A.011, subdivision 27, is amended to read:

Subd. 27. **REVENUE BASE.** "Revenue base" means the amount levied for taxes payable in the previous year, including the levy on the fiscal disparity distribution under section 276A.06, subdivision 3, paragraph (a), or 473F.08, subdivision 3, paragraph (a), and before reduction for the homestead and agricultural credit aid under section 273.1398, subdivision 2, equalization aid under section 477A.013, subdivision 5, and disparity reduction aid under section 273.1398, subdivision 3; plus the originally certified local government aid in the previous year under sections 477A.011, ~~477A.012~~, and 477A.013; ~~except for 477A.013, subdivision 5~~; and the taconite aids received in the previous year under sections 298.28 and 298.282.

Sec. 95. Minnesota Statutes 1997 Supplement, section 477A.011, subdivision 34, is amended to read:

Subd. 34. **CITY REVENUE NEED.** (a) For a city with a population equal to or greater than 2,500, "city revenue need" is the sum of (1) 3.462312 times the pre-1940 housing percentage; plus (2) 2.093826 times the commercial industrial percentage; plus (3) 6.862552 times the population decline percentage; plus (4) .00026 times the city population; plus (5) 152.0141.

(b) For a city with a population less than 2,500, "city revenue need" is the sum of (1) 1.795919 times the pre-1940 housing percentage; plus (2) 1.562138 times the commercial industrial percentage; plus (3) 4.177568 times the population decline percentage; plus (4) 1.04013 times the transformed population; minus (5) 107.475.

(c) The city revenue need cannot be less than zero.

(d) For calendar year ~~1995~~ 1998 and subsequent years, the city revenue need for a city, as determined in paragraphs (a) to (c), is multiplied by the ratio of the annual implicit price deflator for government consumption expenditures and gross investment for state and local governments as prepared by the United States Department of Commerce, for the most recently available year to the 1993 implicit price deflator for state and local government purchases.

Sec. 96. Minnesota Statutes 1996, section 477A.0132, subdivision 3, is amended to read:

Subd. 3. **ORDER OF AID REDUCTIONS.** (a) The aid reduction to a local government calculated under subdivisions 1, paragraphs (a) and (c), and 2, paragraphs (a) and (c), is applied to homestead and agricultural credit aid under section 273.1398 only.

(b) The aid reduction to a local government calculated under subdivisions 1, paragraph (d), and 2, paragraph (d), is applied to homestead and agricultural credit aid paid under section 273.1398 only; the amount is first subtracted from the amount paid to a county's regional rail authority, if there is one, and then from the county's general homestead and agricultural credit aid.

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(c) The aid reduction to a local government as calculated under other paragraphs of subdivisions 1 and 2, is first applied to its local government aid under sections ~~477A.012 and section 477A.013~~ excluding aid under section 477A.013, subdivision 5; then, if necessary, to its equalization aid under section 477A.013, subdivision 5; then if necessary, to its homestead and agricultural credit aid under section 273.1398, subdivision 2; and then, if necessary, to its disparity reduction aid under section 273.1398, subdivision 3. No aid payment may be less than \$0. Aid reductions under this section in any given year shall be divided equally between the July and December aid payments unless specified otherwise.

Sec. 97. Minnesota Statutes 1996, section 477A.014, subdivision 1, is amended to read:

Subdivision 1. **CALCULATIONS AND PAYMENTS.** The commissioner of revenue shall make all necessary calculations and make payments pursuant to sections ~~477A.012, 477A.013, 477A.0132, and 477A.03~~ directly to the affected taxing authorities annually. In addition, the commissioner shall notify the authorities of their aid amounts, as well as the computational factors used in making the calculations for their authority, and those statewide total figures that are pertinent, before August 1 of the year preceding the aid distribution year. For the purposes of this subdivision, aid is determined for a city or town based on its city or town status as of June 30 of the year preceding the aid distribution year. If the effective date for a municipal incorporation, consolidation, annexation, detachment, dissolution, or township organization is on or before June 30 of the year preceding the aid distribution year, such change in boundaries or form of government shall be recognized for aid determinations for the aid distribution year. If the effective date for a municipal incorporation, consolidation, annexation, detachment, dissolution, or township organization is after June 30 of the year preceding the aid distribution year, such change in boundaries or form of government shall not be recognized for aid determinations until the following year.

Sec. 98. Minnesota Statutes 1996, section 477A.014, subdivision 3, is amended to read:

Subd. 3. **AID AMOUNT CORRECTION.** If, due to an error in the factors used to calculate a taxing authority's aid pursuant to section ~~477A.012 or 477A.013~~ the amount indicated in the certification of the commissioner to the taxing authority for a year is less than the amount to which it is entitled pursuant to this section, the commissioner of revenue shall additionally distribute the amount necessary to make the full correct distribution to the taxing authority. The additional distribution shall be paid from the general fund and shall not diminish the distributions made to other taxing authorities under this section.

Sec. 99. **REPEALER; SECTIONS 518.611 AND 518.613 CONFLICTS.**

Laws 1997, chapter 187, article 2, sections 11 and 12, are repealed.

Sec. 100. Minnesota Statutes 1997 Supplement, section 552.04, subdivision 1, is amended to read:

Subdivision 1. **RULES OF CIVIL PROCEDURE.** Unless this chapter specifically provides otherwise, the Minnesota Rules of Civil Procedure for the district courts and section ~~518.511~~ 518.551 apply in all proceedings under this chapter.

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Sec. 101. Minnesota Statutes 1997 Supplement, section 609.749, subdivision 2, is amended to read:

Subd. 2. **HARASSMENT AND STALKING CRIMES.** (a) A person who harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) stalks, follows, or pursues another;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring; or

(6) repeatedly mails or delivers or causes the delivery of letters, telegrams, messages, packages, or other objects; or

~~(7) engages in any other harassing conduct that interferes with another person or intrudes on the person's privacy or liberty.~~

(b) The conduct described in paragraph (a), clauses (4) and (5), may be prosecuted at the place where any call is either made or received. The conduct described in paragraph (a), clause (6), may be prosecuted where any letter, telegram, message, package, or other object is either sent or received.

Sec. 102. Minnesota Statutes 1997 Supplement, section 609.7495, subdivision 1, is amended to read:

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

(a) "Facility" means any of the following:

(1) a hospital or other health institution licensed under sections 144.50 to 144.56;

(2) a medical facility as defined in section 144.561;

(3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02;

(4) a facility providing counseling regarding options for medical services or recovery from an addiction;

(5) a facility providing emergency shelter services for battered women, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children;

~~(6) a residential care home or home as defined in section 144B.01, subdivision 5;~~

~~(7) a facility as defined in section 626.556, subdivision 2, paragraph (f);~~

~~(8) (7) a facility as defined in section 626.5572, subdivision 6, where the services described in that paragraph are provided;~~

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(9) (8) a place to or from which ambulance service, as defined in section 144E.001, is provided or sought to be provided; and

(10) (9) a hospice program licensed under section 144A.48.

(b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility.

Sec. 103. Minnesota Statutes 1996, section 611A.21, subdivision 2, is amended to read:

Subd. 2. As used in sections 611A.21 to ~~611A.23~~ and 611A.221, a "sexual attack" means any nonconsensual act of rape, sodomy, or indecent liberties.

Sec. 104. Minnesota Statutes 1996, section 611A.25, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The commissioner of corrections shall appoint a 12-member advisory council on sexual assault to advise the commissioner on the implementation and continued operation of sections 611A.21 to ~~611A.23~~ and 611A.221. The sexual assault advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of sexual assault, and as an advocate within the department of corrections for the rights of sexual assault victims.

Sec. 105. Minnesota Statutes 1997 Supplement, section 611A.74, subdivision 1a, is amended to read:

Subd. 1a. **ORGANIZATION OF OFFICE.** (a) The ombudsman may appoint employees necessary to discharge responsibilities of the office. The ombudsman may delegate to staff members any of the ombudsman's authority or duties except the duties of formally making recommendations to appropriate authorities and reports to the office of the governor or to the legislature.

(b) The commissioner of public safety shall provide office space and administrative support services to the ombudsman and the ombudsman's staff.

(c) The crime victim ombudsman shall report to the legislature biennially on the activities of the crime victim ombudsman.

Sec. 106. **REPEALER; SECTION 611A.75 CONFLICT.**

Laws 1997, chapter 239, article 7, section 37, is repealed.

Sec. 107. **REVISOR'S INSTRUCTION.**

The revisor shall delete the term "19...." where it appears in forms or similar places in Minnesota Statutes and Minnesota Rules and replace it with "....."

Sec. 108. **EFFECTIVE DATE.**

Section 101 is effective the day following final enactment.

ARTICLE 2

UNIFIED TRIAL COURT REFERENCE CORRECTIONS

Section 1. Minnesota Statutes 1996, section 3C.08, subdivision 1, is amended to read:

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Subdivision 1. **PERMANENT REQUIRED CONTENTS.** The revisor's office shall publish editions of Minnesota Statutes. Minnesota Statutes must contain the constitution of the United States, the constitution of Minnesota, all general and permanent statutes in force, an alphabetical index, a table of permanent local laws, rules of the supreme court, rules of the district court, ~~rules of the county court,~~ rules of other courts, rules applicable to the courts generally, and any other information the revisor considers desirable and practicable.

Sec. 2. Minnesota Statutes 1996, section 3C.12, subdivision 4, is amended to read:

Subd. 4. **SALE TO COUNTY OFFICERS.** Each county shall purchase from the revisor one copy each for the use of the judge of the ~~county court or county municipal court,~~ court administrator of the ~~county court or county municipal court,~~ county attorney, sheriff, auditor, treasurer, county recorder, and superintendent of schools.

Sec. 3. Minnesota Statutes 1996, section 10A.01, subdivision 19, is amended to read:

Subd. 19. **OFFICE HOLDER.** "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice, and judges of the court of appeals, or district court, ~~county court, or county municipal court.~~

Sec. 4. Minnesota Statutes 1996, section 15A.082, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, judges of the court of appeals, and district court, ~~county court, and county municipal court,~~ and the heads of state and metropolitan agencies included in section 15A.081.

Sec. 5. Minnesota Statutes 1996, section 15A.082, subdivision 3, is amended to read:

Subd. 3. **SUBMISSION OF RECOMMENDATIONS.** (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, and district court, county court, and county municipal court. The recommended salary for each office must take effect on the first Monday in January of the next odd-numbered year, with no more than one adjustment, to take effect on January 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salary ranges of the heads of state and metropolitan agencies, to be effective retroactively from January 1 of that year if enacted into law. The recommendations shall include the appropriate group in section 15A.081 to which each agency head should be assigned and the appropriate limitation on the maxi-

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imum range of the salaries of the agency heads in each group, expressed as a percentage of the salary of the governor.

Sec. 6. Minnesota Statutes 1996, section 48.846, subdivision 3, is amended to read:

Subd. 3. Upon finding that the applicant is duly authorized to exercise fiduciary powers, the district court shall enter an order substituting the applicant bank or trust company in every fiduciary capacity held by the affiliated bank or other bank or trust company for which substitution is sought and which joined in the application, except as may be otherwise specified in the application, and except for fiduciary capacities in any account with respect to which a person beneficially interested in the account has filed objection to the substitution and has appeared and been heard in support of the objection. Upon entry of the order, or at a later date as may be specified in the order, the applicant bank or trust company shall, without further act, and notwithstanding any other law to the contrary, be substituted in every such fiduciary capacity. The substitution may be made a matter of record in any county of this state by filing a certified copy of the order of substitution in the office of the court administrator of any district, or county court in this state, or by filing a certified copy of the order in the office of the county recorder of any county in this state.

Sec. 7. Minnesota Statutes 1996, section 127.09, is amended to read:

127.09 REFUSING TO SERVE ON SCHOOL BOARD.

Any person who accepts election or appointment to any school board and who refuses or neglects to qualify or to serve or to perform any of the duties of the office, shall be fined \$10 for each offense. The fine shall be collected in an action before a county or municipal district court. It may be prosecuted in the name of the district by any school board member or eligible voter of the district.

Sec. 8. Minnesota Statutes 1996, section 127.17, subdivision 4, is amended to read:

Subd. 4. **“RUSHING” OR SOLICITING FORBIDDEN.** It is a misdemeanor for any person, not a pupil of the schools, to be upon school grounds, or to enter any school building, for the purpose of “rushing” or soliciting any pupil of the schools to join any fraternity, society, or association organized outside of the schools. Municipal and county courts have ~~The district court has~~ jurisdiction of offenses committed under this subdivision. All persons found guilty shall be fined not less than \$2, nor more than \$10, to be paid to the county treasurer or, upon failure to pay the fine, to be imprisoned for not more than ten days.

Sec. 9. Minnesota Statutes 1996, section 134A.01, is amended to read:

134A.01 ESTABLISHMENT OF COUNTY LAW LIBRARY.

Any county may establish a county law library wherever sessions of court are required to be held by law upon the filing of an order by the ~~judge of the county or county municipal court~~ or by a district court judge of the judicial district in which the county is situated with the court administrator of the county.

Sec. 10. Minnesota Statutes 1996, section 144.651, subdivision 1, is amended to read:

Subdivision 1. **LEGISLATIVE INTENT.** It is the intent of the legislature and the purpose of this section to promote the interests and well being of the patients and resi-

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dents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident. An interested person may also seek enforcement of these rights on behalf of a patient or resident who has a guardian or conservator through administrative agencies or in district court or county court having jurisdiction over guardianships and conservatorships. Pending the outcome of an enforcement proceeding the health care facility may, in good faith, comply with the instructions of a guardian or conservator. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.

Sec. 11. Minnesota Statutes 1996, section 145.698, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** When a person has been accused of violating any state or local law or ordinance in district or municipal court, and if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may not be responsible for that person's actions, the court may adjourn the proceedings and order the county attorney to file a petition for commitment of the defendant pursuant to the Minnesota hospitalization and commitment act for confinement in a hospital, a mental health center, the Willmar regional treatment center or other drug treatment facility until such time as the court feels that such person can be returned to the court.

Sec. 12. Minnesota Statutes 1996, section 164.08, subdivision 3, is amended to read:

Subd. 3. **MAINTENANCE COSTS.** When a cartway is not maintained by the town, one or more of the private property owners who own land adjacent to a cartway or one or more of the private property owners who has no access to the owner's land except by way of the cartway may maintain the cartway. The cost of maintenance shall be equitably divided among all of the private property owners who own land adjacent to the cartway and all of the private property owners who have no access to their land except by way of the cartway. The following factors may be taken into consideration when determining an equitable share of maintenance expenses: the frequency of use, the type and weight of the vehicles or equipment, and the distance traveled on the cartway to the individual's property. The town board may determine the maintenance costs to be apportioned to each private property owner if the private property owners cannot agree on the division of the costs. The town board's decision may be appealed within 30 days to the county district court of the county in which the cartway is located. Private property owners who pay the cost of maintenance shall have a civil cause of action against any of the private property owners who refuse to pay their share of the maintenance cost.

Sec. 13. Minnesota Statutes 1997 Supplement, section 169.123, subdivision 6, is amended to read:

Subd. 6. **HEARING.** (a) A hearing under this section shall be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169.121, if any. The hear-

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ing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the county courts locations within the judicial district where terms of district court are held.

(b) The scope of the hearing shall be limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of:

(i) a motor vehicle in violation of section 169.121; or

(ii) a commercial motor vehicle in violation of section 169.1211?

(2) Was the person lawfully placed under arrest for violation of section 169.121 or 169.1211?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169.121, subdivision 6?

(5) If the screening test was administered, did the test indicate an alcohol concentration of 0.10 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.10 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates shall be admissible as substantive evidence.

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(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for further action by the commissioner of public safety if the license or permit is not already in the commissioner's possession.

Sec. 14, Minnesota Statutes 1996, section 169.421, subdivision 5, is amended to read:

Subd. 5. **PROCEDURES.** A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 487.33. Any ~~county or county municipal~~ district court may establish a separate civil calendar for cases brought under this section.

Sec. 15, Minnesota Statutes 1996, section 169.421, subdivision 7, is amended to read:

Subd. 7. **PAYMENT.** Any ~~county or county municipal~~ district court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court.

Sec. 16, Minnesota Statutes 1996, section 169.871, subdivision 2, is amended to read:

Subd. 2. **JURISDICTION.** ~~Notwithstanding the provisions of sections 487.15, 488A.01 and 488A.18, The county and municipal courts~~ district court may hear, try and determine actions commenced under this section. Trials ~~under this section~~ shall be to the court, sitting without a jury. Trials to the court under this section shall, if possible, be conducted at the same time as pretrial motions or trials in the criminal prosecution under sections 169.81 to 169.87, if any, subject to the agreement of the defendant.

Sec. 17, Minnesota Statutes 1996, section 169.965, subdivision 3, is amended to read:

Subd. 3. **PROSECUTION.** The prosecution may be before ~~any county or municipal~~ a district court having jurisdiction over the place where the violation occurs.

Sec. 18, Minnesota Statutes 1996, section 169.966, subdivision 3, is amended to read:

Subd. 3. **PROSECUTION.** The prosecution may be before ~~any county or municipal~~ a district court having jurisdiction over the place where the violation occurs.

Sec. 19, Minnesota Statutes 1996, section 169.971, subdivision 4, is amended to read:

Subd. 4. **COURT.** "Court" means a ~~municipal court, district court, or county court.~~

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Sec. 20. Minnesota Statutes 1996, section 169.99, subdivision 3, is amended to read:

Subd. 3. **ALTERATION BY LOCAL GOVERNMENTS.** Any city of the first class, through its governing body, may alter by deletion or addition the uniform traffic ticket in such manner as it deems advisable for use in such city, provided that it includes the notice required by subdivision 1, paragraph (b). In respect to any public corporation organized and existing pursuant to sections 473.601 to 473.679, whose ordinances and regulations for the control of traffic are enforced through prosecution in the ~~municipal court of~~ district court having jurisdiction in one or the other of the cities of the first class included within such public corporation, the traffic ticket used in such enforcement shall conform to that used by the city of the first class in ~~whose municipal court the district court having jurisdiction~~ where its ordinances and regulations are enforced, except as to color and as to information uniquely applying to such public corporation and to its ordinances and regulations.

Sec. 21. Minnesota Statutes 1996, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. **AMOUNT; DISHONORED CHECKS; CONSEQUENCES.** Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in Congress, judge of the supreme court, judge of the court of appeals, or judge of the district court, ~~or judge of the county municipal court of Hennepin county,~~ \$300;

(b) for the office of senator in Congress, \$400;

(c) for office of senator or representative in the legislature, \$100;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and

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the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 22. Minnesota Statutes 1996, section 204B.11, subdivision 2, is amended to read:

Subd. 2. **PETITION IN PLACE OF FILING FEE.** At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county or legislative office, or for the office of district, ~~county, or county~~ municipal judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 23. Minnesota Statutes 1996, section 204B.34, subdivision 3, is amended to read:

Subd. 3. **JUDICIAL ELECTIONS.** When one or more justices of the supreme court or judges of the court of appeals or of a district, ~~county or county~~ municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 24. Minnesota Statutes 1996, section 204C.35, subdivision 2, is amended to read:

Subd. 2. **OPTIONAL RECOUNT.** A losing candidate for nomination or election to a legislative office or to a district, ~~county, or county~~ municipal court judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought. The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of computer operation,

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preparation of ballot counting equipment, necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Sec. 25. Minnesota Statutes 1996, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. **OFFICERS.** All elective state and county officers, justices of the supreme court, judges of the court of appeals, and district, county and county municipal courts court, state senators and state representatives, and senators and representatives in Congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 26. Minnesota Statutes 1996, section 204D.08, subdivision 6, is amended to read:

Subd. 6. **STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.** The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed on canary paper. The names of candidates for nomination to the supreme court, court of appeals, district, county and county municipal courts court, and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 27. Minnesota Statutes 1996, section 257.022, subdivision 1, is amended to read:

Subdivision 1. **WHEN PARENT IS DECEASED.** If a parent of an unmarried minor child is deceased, the parents and grandparents of the deceased parent may be granted reasonable visitation rights to the unmarried minor child during minority by the district or county court upon finding that visitation rights would be in the best interests of the child and would not interfere with the parent child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

Sec. 28. Minnesota Statutes 1996, section 257.022, subdivision 2a, is amended to read:

Subd. 2a. **WHEN CHILD HAS RESIDED WITH GRANDPARENTS.** If an unmarried minor has resided with grandparents or great-grandparents for a period of 12 months or more, and is subsequently removed from the home by the minor's parents, the grandparents or great-grandparents may petition the district or county court for an order granting them reasonable visitation rights to the child during minority. The court shall grant the petition if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship.

Sec. 29. Minnesota Statutes 1996, section 257.59, subdivision 1, is amended to read:

Subdivision 1. **COURT JURISDICTION.** Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to

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~~257.74. In Hennepin and Ramsey counties,~~ The district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support.

Sec. 30. Minnesota Statutes 1996, section 345.02, is amended to read:

345.02 UNCLAIMED PROPERTY MAY BE SOLD UPON NOTICE; SUMMARY SALE.

If any property is not claimed or taken away within one year after its reception, it may be sold upon 60 days' notice. If it is perishable or subject to decay by keeping, it may be sold, if not taken away within 30 days, upon ten days' notice. If it is in a state of decay, or manifestly liable to decay, it may be summarily sold by order of any judge of the ~~county or municipal~~ district court after inspection and without notice. When not sold summarily, notice shall be given to the owner personally or by mail. If the name of the owner is not known, and cannot be ascertained with reasonable diligence, published notice for the prescribed periods shall be given.

Sec. 31. Minnesota Statutes 1996, section 345.03, is amended to read:

345.03 PROCEEDINGS IF PROPERTY NOT CLAIMED.

If the owner or person entitled to the property does not take it away and pay the charges on it after notice has been given, the person having possession of it or the possessor's agent shall make and deliver to the judge of any ~~county or municipal~~ district court, an affidavit setting forth a description of the property, the date of its reception, the giving of the notice, and whether the owner is known or unknown.

Sec. 32. Minnesota Statutes 1996, section 345.14, is amended to read:

345.14 FEES OF COURT ADMINISTRATORS AND CONSTABLES.

For services performed under the provisions of this chapter, court administrators of ~~county or municipal courts~~ district court shall be allowed \$1 for each day, and constables the same fees as are allowed by law for sales upon execution, and ten cents per folio for making an inventory of the property.

Sec. 33. Minnesota Statutes 1996, section 346.04, is amended to read:

346.04 CHARGES FOR KEEPING.

The person entitled to the possession of any estray, at any time within one year after notice is filed with the town clerk, may have it restored upon proving the right to it and paying all lawful charges that occur in relation to it. If the person and the finder cannot agree as to the amount of the charges, or upon what should be allowed for the use of the estray, either party, on notice to the other, may apply to a ~~county or municipal~~ district court judge to settle the disagreement. The judge may examine witnesses on oath. If any amount is owed to the finder, over the value of the use of the estray, the money, with costs, shall be a lien upon the estray. The costs of the adjudication shall be allocated by the judge.

Sec. 34. Minnesota Statutes 1996, section 346.55, subdivision 2, is amended to read:

Subd. 2. **JURISDICTION.** Notwithstanding sections 487.15, 488A.01, and 488A.18, ~~The county and municipal courts~~ district court may hear, try, and determine ac-

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tions started under this section. Trials under this section must be to the court, sitting without a jury.

Sec. 35. Minnesota Statutes 1996, section 347.04, is amended to read:

347.04 PUBLIC NUISANCE.

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road is a public nuisance. Upon complaint in writing to a county or municipal judge containing a description of the dog, including the name of the dog and its owner, or stating that the name or names are not known, and alleging that the dog is a public nuisance, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge at a specified time, not less than six nor more than ten days from the date of the summons, to answer the complaint. The summons shall be served not less than six days before the day of the hearing in the same manner as other county or municipal district court summonses.

Sec. 36. Minnesota Statutes 1996, section 383A.281, subdivision 13, is amended to read:

Subd. 13. **COUNTY PERSONNEL SYSTEM.** "County personnel system" means all employees in the departments or agencies of county government or joint city and county agencies which receive their funding in whole or in part from the county board, including employees of:

- (a) elected officials;
- (b) the Saint Paul-Ramsey medical center commission; and
- (c) the court administrator of district court;

but not including:

- (1) district and municipal court judges;
- (2) court reporters, law clerks, referees employed by the district and municipal courts, employees of the municipal court, and the second judicial district administrator's office;
- (3) court commissioners;
- (4) the public defender;
- (5) employees of the examiner of titles, agricultural extension service, humane society, historical society, and soil and water conservation district; and
- (6) other employees not subject to a county personnel system because of state law.

Sec. 37. Minnesota Statutes 1996, section 383A.286, subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED POSITIONS.** The following positions shall be in the unclassified service:

- (a) positions held by elected officials or persons appointed to fill an elected office;

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(b) one assistant for each elected official;

(c) the director or principal administrative officer of a department of county government or agency created by law, except that the affirmative action officer, personnel director, internal auditor, and director of budgeting and accounting shall be positions in the classified service;

(d) doctors, residents, and student nurses employed by the county or county agency;

(e) members of a board or commission appointed by the county, or the county and the city, and acting in an advisory capacity;

(f) weed inspectors, election judges, or election clerks;

(g) special police officers or special deputy sheriffs serving without pay;

(h) judges, court administrators, court reporters, receivers, referees, the examiner or assistant examiners of titles, public defenders, arbiters, jurors, court administrator of district court, or persons appointed by the district court to make or conduct a special inquiry of a judicial or temporary character;

(i) all positions in the ~~municipal court of Ramsey county and the second judicial district administrator's office;~~

(j) the executive director and eight principal assistants;

(k) the chief executive officer of the medical center and seven principal assistants;

(l) interns, student workers, law clerks, or other employees employed for a limited duration as determined by the county board;

(m) positions designated by the county board as unclassified pursuant to subdivision 3;

(n) the sheriff, the sheriff's chief deputy, three principal assistants, and a personal secretary; and

(o) the county attorney, the county attorney's first assistant, one principal assistant, and a personal secretary.

Sec. 38. Minnesota Statutes 1996, section 383A.404, subdivision 4, is amended to read:

Subd. 4. **OFFICIAL ATTENDANCE AT COURT.** The director or a department person designated by the director shall be present in the ~~municipal courts in each subdivision of Ramsey county and in the juvenile court of~~ judge having chambers in the county at each regular session, and shall be present in the district court and any other court now or hereafter established in the county when so requested by a judge of that court.

Sec. 39. Minnesota Statutes 1996, section 383B.054, subdivision 6, is amended to read:

Subd. 6. **RECOVERY OF LATE FILING FEES.** A filing officer may bring an action in the ~~Hennepin county municipal~~ fourth judicial district court to recover any late filing fee imposed pursuant to subdivision 5. All money recovered shall be deposited in the general fund of Hennepin county.

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Sec. 40. Minnesota Statutes 1996, section 383B.057, is amended to read:

383B.057 PROSECUTION OF VIOLATIONS.

Except as otherwise provided in this section, a violation of a criminal provision of sections 383B.041 to 383B.056 shall be prosecuted by the Hennepin county attorney in the ~~Hennepin county municipal~~ fourth judicial district court. A violation by a county official or candidate shall be prosecuted by the attorney general in the district court of Ramsey county.

Sec. 41. Minnesota Statutes 1996, section 383B.121, subdivision 1, is amended to read:

Subdivision 1. To implement the provisions of Laws 1975, chapter 402, section 1, and Laws 1977, chapter 453, section 4, subdivision 3, the Hennepin county board of commissioners is authorized to establish and operate a corrections facility in Hennepin county for the confinement of adult males and females as the district court for the fourth judicial district or the ~~Hennepin county municipal court~~ shall order confined there for the service of sentences which alone or in combination with any other sentence requires imprisonment for no longer than one year.

Sec. 42. Minnesota Statutes 1996, section 383B.129, is amended to read:

383B.129 INMATES FROM OTHER JURISDICTIONS.

To the extent that the proper confinement, health, and safety of inmates permit, the superintendent may accept for confinement for periods not exceeding one year persons ordered confined at the corrections facility for the execution of sentences imposed in any ~~county court or~~ district court of the state or in a United States magistrate's court or a district court. The maintenance cost for the inmate shall be the same as that provided for in section 383B.128 and shall be borne by the county or counties wherein the offense for which the inmate was convicted occurred. With respect to any inmate convicted in a United States magistrate's court or a district court the maintenance cost of the inmate shall be the same as that provided in section 383B.128 and shall be borne by the United States. Prior to accepting any inmate for confinement pursuant to this section, the superintendent shall have completed an agreement with the appropriate county, state, or federal authority as to the terms, conditions, and duration of the confinement and for the payment of maintenance costs.

Sec. 43. Minnesota Statutes 1996, section 383B.225, subdivision 10, is amended to read:

Subd. 10. **RECORDS AND REPORTS.** The county medical examiner's office shall keep full and complete records, properly indexed giving the name, if known, of every person or body of a deceased person who is the subject of investigation by the office, the place where the body was found, date and cause of death, and all other available information relating to it. The final report of the investigating examiner, and the findings of the autopsy, if any, shall be attached to the record of each case. The examiner shall, upon request, deliver to the county attorney copies of records or other information in the examiner's office of any cases of a criminal nature. The records and reports, including those of autopsies performed under the provisions of sections 383B.211 to 383B.229, or transcriptions thereof, certified by the county medical examiner, shall be received as evidence in any court or grand jury proceeding in this state. The records and reports which

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shall be admissible as evidence under this subdivision shall not include statements made by witnesses or other persons unless otherwise admissible. Whenever requested by the Hennepin county attorney, the examiner and the examiner's personnel shall appear and testify before a Hennepin county grand jury or any Hennepin county the fourth judicial district court, without fees or additional compensation.

Sec. 44. Minnesota Statutes 1996, section 393.07, subdivision 9, is amended to read:

Subd. 9. POWER TO COMPEL CERTAIN PERSONS TO PAY CHILD SUPPORT. When directed by a judge of district or county court or when a person under court order is in default in making child support payments to another person who has custody of the children for whom such payments have been ordered, the local social services agency shall take such steps as may be necessary to compel the person in default on such payments to make them; to take such steps as may be necessary to compel such persons to make reimbursement to comply with the order of court when in default; and to institute, if necessary, contempt proceedings on behalf of such person or persons to whom money or property is ordered to be paid or delivered. It shall be the duty of the county attorney to conduct such contempt proceedings when directed by a judge of the district or county court or when requested by the local social services agency. The county attorney in such contempt proceedings or upon a separate motion supported by order to show cause and affidavits may move the court that any defaults or delinquent payments under such order of support be reduced to a judgment against the defaulting party, and where the local social services agency or any other public agency has advanced and expended funds to supply the unmet needs of such children because of such default by failure to pay the court order, such local social services agency or other public agency shall be subrogated and may recover under such judgment to the extent that public funds were expended for the care and support of such children. The additional cost incurred by the county attorney to bring contempt actions under this subdivision shall be paid from the moneys collected in such actions in whatever manner and amount approved by a judge of ~~that particular county or~~ the district court.

Sec. 45. Minnesota Statutes 1996, section 395.23, is amended to read:

395.23 DUTIES OF POLICE OFFICERS.

It shall be the duty of the constable and town clerk of a town and the members of the county board, sheriff, and county attorneys of any county furnishing seed or feed, having any knowledge of the violation of the provisions of sections 395.14 to 395.24, to file a complaint with a ~~county or municipal~~ district court. The court shall issue a warrant for the arrest of the offender, and proceed to ~~hear and determine the matter or to bind the offender over to appear before the grand jury, as the case may be.~~

Sec. 46. Minnesota Statutes 1996, section 448.56, subdivision 2, is amended to read:

Subd. 2. SUPERINTENDENCE. The board of park commissioners shall have authority to direct, superintend, and regulate the planting, culture, and preservation of shade and ornamental trees, shrubbery, and turf in the streets, avenues, alleys, and public grounds of the city, and in such parts thereof as may be lawfully placed under the jurisdiction and control of the board of park commissioners.

No shade or ornamental trees, shrubbery, or turf growing in the streets, avenues, alleys, and public grounds of the city shall be destroyed or removed except by leave in writ-

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ing first obtained from the president of the board of park commissioners, the same to be duly countersigned and recorded by the secretary of the board.

The board of park commissioners may, by proper ordinances, provide for the enforcement of this subdivision and for the preservation of such trees, shrubbery, and turf and affix penalties for the violation of these ordinances, and the municipal district court of the having chambers in the county in which the city is located shall have jurisdiction of all offenses against these ordinances.

Sec. 47. Minnesota Statutes 1996, section 462.16, is amended to read:

462.16 POWER TO ENACT ORDINANCES FOR ENFORCEMENT OF RIGHTS GIVEN TO COUNCIL.

The council shall have the power to enact ordinances for the enforcement of the rights which shall be acquired under sections 462.12 to 462.17, and to fix penalties for their violation, including a fine not exceeding \$100 or confinement in the city workhouse not exceeding 90 days. Violations of the ordinances may be prosecuted in the municipal district court of the city. Restricted residence districts created pursuant to sections 462.12 to 462.16 shall be subject to the provisions of section 541.023. In construing the scope and effect of a residence district restriction, equitable principles shall be utilized and the following shall be considered: the historic pattern of enforcement or nonenforcement; changed circumstances; the length of time during which current uses have been allowed to exist; the actual impact of current land uses; and detrimental reliance.

Sec. 48. Minnesota Statutes 1996, section 465.48, is amended to read:

465.48 POWERS AND DUTIES OF COUNCIL; PENALTIES.

The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. For such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding a fine of \$100 for each offense or confinement in the city workhouse not exceeding 90 days. The municipal district court of the having chambers in the county in which the city is located shall have jurisdiction of such the offenses.

Sec. 49. Minnesota Statutes 1996, section 473.608, subdivision 17, is amended to read:

Subd. 17. **ORDINANCES.** (1) It may adopt and enforce rules, regulations, and ordinances it deems necessary for the purposes of sections 473.601 to 473.679, including those relating to the internal operation of the corporation and to the management and operation of airports owned or operated by it, subject to sections 473.601 to 473.679. Any person violating any rule, regulation or ordinance is guilty of a misdemeanor.

(2) The prosecution may be before a county or municipal ~~the~~ district court having jurisdiction over the place where the violation occurs. Every sheriff, constable, police officers, and other peace officer shall arrest offenders. The fines collected shall be paid into the treasury of the corporation. The portion of the fines necessary to cover all costs and disbursements incurred in processing and prosecuting the violations in the court shall be transferred to the court administrator. All persons committed shall be received into any penal institution in the county in which the offense was committed. All persons shall take notice of the rules, regulations, and ordinances without pleading or proof.

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(3) A public hearing need not be held on rules, regulations and ordinances relating to the internal operation of the commission or to the management or operation of airports owned or operated by it unless the rule, regulation or ordinance affects substantial rights.

(4) When necessary, the corporation may adopt and enforce without a public hearing all other rules, regulations or ordinances, but it shall hold a public hearing within 30 days after their adoption. Prior to the hearing, the corporation shall give at least 15 days notice by publication in appropriate legal newspapers of general circulation in the metropolitan area and mail a copy of them to all interested parties who have registered their names with the corporation for that purpose. If the rules, regulations, or ordinances are not deemed immediately necessary, the corporation shall hold a public hearing on them after giving the required notice. The rules, regulations, or ordinances shall not be adopted and enforced until after the hearing.

(5) Notice of the adoption of rules, regulations and ordinances shall, as soon as possible after adoption, be published in appropriate legal newspapers of general circulation in the metropolitan area. Proof of publication and a copy of the rule, regulation, or ordinance shall be filed with the secretary of state. They shall then be in full force and effect.

(6) Any person substantially interested or affected in rights as to person or property by a rule, regulation or ordinance adopted by the corporation, may petition the corporation for reconsideration, amendment, modification, or waiver of it. The petition shall set forth a clear statement of the facts and grounds upon which it is based. The corporation shall grant the petitioner a public hearing within 30 days after the filing of the petition.

Sec. 50. Minnesota Statutes 1996, section 480.052, is amended to read:

480.052 ADVISORY COMMITTEE.

Before any rules are adopted the supreme court shall appoint an advisory committee consisting of eight members of the bar of the state, one judge of the court of appeals, and two judges of the district court, and ~~one judge of a court exercising municipal court jurisdiction~~ to assist the court in considering and preparing such rules as it may adopt.

Sec. 51. Minnesota Statutes 1996, section 480.054, is amended to read:

480.054 DISTRIBUTION OF PROPOSED RULES; HEARING.

Before any rule for the court of appeals or for the district, ~~county, or county municipal courts~~ court is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to any suggestions they submit to the court. The court of appeals judges, the district court judges association, the Minnesota county court judges association, or the municipal court judges association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing on it. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

Sec. 52. Minnesota Statutes 1996, section 480.055, subdivision 1, is amended to read:

Subdivision 1. **OTHER COURTS.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of the court of appeals, pursuant to

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section 480A.11, and the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A, may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 53. Minnesota Statutes 1996, section 480.059, subdivision 2, is amended to read:

Subd. 2. **ADVISORY COMMITTEE.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state, one judge of the court of appeals, and two judges of the district court, and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

Sec. 54. Minnesota Statutes 1996; section 480.0591, subdivision 2, is amended to read:

Subd. 2. **ADVISORY COMMITTEE.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state and at least two judges of the district court and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

Sec. 55. Minnesota Statutes 1996, section 480.19, is amended to read:

480.19 APPLICATION TO SUPREME AND OTHER COURTS.

Sections 480.13 to 480.20 apply to the following courts: The supreme court, the court of appeals, and the district, county, and county municipal courts.

Sec. 56. **REPEALER; SECTION 484.015.**

Minnesota Statutes 1996, section 484.015, is repealed.

Sec. 57. Minnesota Statutes 1996, section 484.66, subdivision 2, is amended to read:

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the court administrator of district court shall be performed by the district administrator, who shall be appointed pursuant to section 484.68.

The district administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county municipal court in the fourth judicial district, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the court administrator of district court.

Sec. 58. Minnesota Statutes 1996, section 485.01, is amended to read:

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485.01 APPOINTMENT; BOND; DUTIES.

A clerk of the district court for each county within the judicial district, who shall be known as the court administrator, shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of office, shall give bond to the state, to be approved by the chief judge of the judicial district, conditioned for the faithful discharge of official duties. The bond, with an oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned by law and by the rules of the court. The clerk and all deputy clerks must not practice as attorneys in the court in which they are employed.

The duties, functions, and responsibilities which have been and may be required by law or rule to be performed by the clerk of district or county court shall be performed by the court administrator.

Sec. 59. Minnesota Statutes 1996, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **TERM OF LICENSE; FEE.** The court administrator shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, the court administrator shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the county court or a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 60. Minnesota Statutes 1996, section 550.07, is amended to read:

550.07 ISSUANCE OF EXECUTION.

When the execution is against the personal property or money of the judgment debtor, it may be issued to the sheriff of any county from the district, county, or county municipal court where the judgment was originally docketed. When it requires the delivery of real property, it shall be issued to the sheriff of the county where the property or some part thereof is situated after the judgment is docketed in that county. Executions may be issued at the same time to different counties.

Sec. 61. Minnesota Statutes 1996, section 559.211, subdivision 1, is amended to read:

Subdivision 1. **ORDER; PROCEEDINGS; SECURITY.** In an action arising under or in relation to a contract for the conveyance of real estate or any interest therein, the

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county or district court, notwithstanding the service or publication pursuant to the provisions of section 559.21 of a notice of termination of the contract, has the authority at any time prior to the effective date of termination of the contract and subject to the requirements of Rule 65 of the Rules of Civil Procedure for the District Courts or ~~comparable county court rule~~ to enter an order temporarily restraining or enjoining further proceedings to effectuate the termination of the contract, including recording of the notice of termination with proof of service, recording of an affidavit showing noncompliance with the terms of the notice, taking any action to recover possession of the real estate, or otherwise interfering with the purchaser's lawful use of the real estate. In the action, the purchaser may plead affirmatively any matter that would constitute a defense to an action to terminate the contract. Upon a motion for a temporary restraining order the court has the discretion, notwithstanding any rule of court to the contrary, to grant the order without requiring the giving of any security or undertaking, and in exercising that discretion, the court shall consider, as one factor, the moving party's ability to afford monetary security. Upon a motion for a temporary injunction, the court shall condition the granting of the order either upon the tender to the court or vendor of installments as they become due under the contract or upon the giving of other security in a sum as the court deems proper. Upon written application, the court may disburse from payments tendered to the court an amount the court determines necessary to insure the timely payment of property taxes, property insurance, installments of special assessments, mortgage installments, prior contract for deed installments or other similar expenses directly affecting the real estate, or for any other purpose the court deems just. If a temporary restraining order or injunction is granted pursuant to this subdivision, the contract shall not terminate until the expiration of 15 days after the entry of the order or decision dissolving or modifying the temporary restraining order or injunction.

Sec. 62. Minnesota Statutes 1996, section 566.175, subdivision 1, is amended to read:

Subdivision 1. **UNLAWFUL EXCLUSION OR REMOVAL.** For purposes of this section, "unlawfully removed or excluded" means actual or constructive removal or exclusion. Actual or constructive removal or exclusion may include the termination of utilities, or the removal of doors, windows, or locks. Any tenant who is unlawfully removed or excluded from lands or tenements which are demised or let to the tenant may recover possession of the premises in the following manner:

(a) The tenant shall present a verified petition to the ~~county or municipal district court of the~~ judicial district of the county in which the premises are located, which petition shall:

(1) describe the premises of which possession is claimed and the owner, as defined in section 566.18, subdivision 3, of the premises;

(2) specifically state the facts and grounds that demonstrate that the removal or exclusion was unlawful including a statement that no judgment and writ of restitution have been issued under section 566.09 in favor of the owner and against petitioner as to the premises and executed in accordance with section 566.17; and

(3) ask for possession thereof.

(b) If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of petitioner or the petitioner's counsel or agent that the re-

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moval or exclusion was unlawful, the court shall immediately order that petitioner have possession of the premises.

(c) The petitioner shall furnish monetary or other security if any as the court deems appropriate under the circumstances for payment of all costs and damages the defendant may sustain if the order is subsequently found to have been obtained wrongfully. In determining the appropriateness of any security the court shall consider petitioner's ability to afford monetary security.

(d) The court shall direct the order to the sheriff or any constable of the county in which the premises is located and the sheriff or constable shall execute the order immediately by making a demand upon the defendant, if found, or the defendant's agent or other person in charge of the premises, for possession of the premises. If the defendant fails to comply with the demand, the officer shall take whatever assistance may be necessary and immediately place the petitioner in possession of the premises. If the defendant or the defendant's agent or other person in control of the premises cannot be found and if there is no person in charge of the premises detained so that no demand can be made, the officer shall immediately enter into possession of the premises and place the petitioner in possession of the premises. The officer shall also serve the order and verified petition or affidavit without delay upon the defendant or agent, in the same manner as a summons is required to be served in a civil action in district court.

Sec. 63. Minnesota Statutes 1996, section 574.18, is amended to read:

574.18 UNDERTAKING IN LIEU OF BOND.

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, in all actions begun in the district, county or municipal court, in all cases of appeal or writ of error to remove a cause or proceeding to the court of appeals or the supreme court, and in all cases of special or equitable proceedings in the district court, the court of appeals, or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law may require, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, shall be deemed a sufficient compliance with the law to sustain the action, appeal, or proceeding. Every undertaking shall save and secure all rights and liabilities to the same extent as a bond. The damages presumed to accrue to the party against whom the proceeding is taken shall be deemed a sufficient consideration for the undertaking, though no consideration is mentioned in it. No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district in it, or of any executor or administrator as such.

Sec. 64. Minnesota Statutes 1996, section 574.34, subdivision 2, is amended to read:

Subd. 2. **MUNICIPAL PROSECUTION; GROSS MISDEMEANORS.** If a city or municipal attorney prosecutes a gross misdemeanor offense, the proceeds of any fine collected by the court shall be disbursed in the same manner as though the offense was a misdemeanor prosecuted by the city or municipal attorney in county or municipal district court. The county shall pay for any costs associated with incarceration.

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Sec. 65. Minnesota Statutes 1996, section 574.35, is amended to read:

574.35 PROSECUTION FOR FINES; COURT; COMMITMENT.

All fines and forfeitures imposed as a punishment for any offense or for the violation of any duty imposed by statute may be prosecuted for and recovered by indictment in the district court, ~~or, when the amount or value does not exceed \$100, before a judge of county or municipal court, who shall have jurisdiction concurrently with the district court.~~ In all cases of the imposition of a fine pursuant to statute, as punishment for any offense, the offender may be committed until it is paid or the offender is otherwise discharged according to law.

Sec. 66. Minnesota Statutes 1996, section 617.27, is amended to read:

617.27 SEARCH WARRANT; DESTRUCTION OF PROPERTY.

A ~~county or municipal~~ district court, upon complaint under oath that any person has in possession or under control any of the obscene books, papers, or other matter specified in sections 617.241 to 617.26, shall issue a warrant directed to the sheriff or any constable of the county, directing the sheriff or constable to search for, seize, and take possession of the obscene matter. Upon conviction of the person in whose possession the obscene matter was found, the judge shall cause it to be destroyed, and the fact to be entered upon the records of the court.

Sec. 67. Minnesota Statutes 1996, section 624.7131, subdivision 8, is amended to read:

Subd. 8. **HEARING UPON DENIAL.** Any person aggrieved by denial of a transferee permit may appeal the denial to the ~~county court or county municipal district court~~ having jurisdiction over the county or municipality in which the denial occurred.

Sec. 68. Minnesota Statutes 1996, section 624.7132, subdivision 13, is amended to read:

Subd. 13. **APPEAL.** A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol or semi-automatic military-style assault weapon may appeal the determination as provided in this subdivision. ~~In Hennepin and Ramsey counties The municipal district court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.~~

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol or semiautomatic military-style assault weapon by section 624.713.

Sec. 69. Minnesota Statutes 1996, section 624.714, subdivision 12, is amended to read:

Subd. 12. **HEARING UPON DENIAL.** Any person aggrieved by denial of a permit to carry may appeal the denial to the ~~county~~ district court having jurisdiction over the county or municipality wherein the notification or denial occurred. The matter shall be heard de novo without a jury.

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Sec. 70. Minnesota Statutes 1996, section 625.01, is amended to read:

625.01 CONSERVATORS OF THE PEACE.

The judges of the district, ~~county, and municipal courts~~ court, in vacation, within their respective districts, as well as in open court shall enforce laws made for the preservation of the public peace. In the execution of that power, they may require persons to give security to keep the peace, or for their good behavior, or both, in the manner provided in this chapter.

Sec. 71. Minnesota Statutes 1996, section 626.21, is amended to read:

626.21 RETURN OF PROPERTY AND SUPPRESSION OF EVIDENCE.

A person aggrieved by an unlawful search and seizure may move the district court for the district in which the property was seized or the ~~municipal district court~~ having jurisdiction of the substantive offense for the return of the property and to suppress the use, as evidence, of anything so obtained on the ground that (1) the property was illegally seized, or (2) the property was illegally seized without warrant, or (3) the warrant is insufficient on its face, or (4) the property seized is not that described in the warrant, or (5) there was not probable cause for believing the existence of the grounds on which the warrant was issued, or (6) the warrant was illegally executed, or (7) the warrant was improvidently issued. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention, and it shall not be admissible in evidence at any hearing or trial. The motion to suppress evidence may also be made in the district where the trial is to be had. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing.

Sec. 72. Minnesota Statutes 1996, section 630.17, is amended to read:

630.17 FINE, HOW COLLECTED.

If the corporation is found guilty and a fine imposed, it shall be entered and docketed by the court administrator, ~~county judge, or municipal district judge~~ as a judgment against the corporation. It shall be enforced against the corporation in the same manner as if the judgment had been recovered against it in a civil action.

Sec. 73. Minnesota Statutes 1996, section 631.04, is amended to read:

631.04 EXCLUDING MINORS FROM ATTENDANCE AT CRIMINAL TRIALS; DUTY OF OFFICER; PENALTY.

A minor under the age of 17 who is not a party to, witness in, or directly interested in a criminal prosecution or trial before a district, ~~county, or municipal~~ court, may not be present at the trial. A police officer, constable, sheriff, or other officer in charge of a court and attending upon the trial of a criminal case in the court, shall exclude a minor under age of 17 from the room in which the trial is being held. This section does not apply when the minor is permitted to attend by order of the court before which the trial is being held. A police officer, constable, sheriff, or deputy sheriff who knowingly neglects or refuses to carry out the provisions of this section is guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$25.

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Sec. 74. Minnesota Statutes 1996, section 643.01, is amended to read:

643.01 TRANSFER OF PRISONERS BETWEEN JAIL AND WORKHOUSE.

In any county of this state in which there is now or shall be hereafter maintained by any county or by any city and county, a workhouse, correctional or work farm for the confinement of criminal offenders, and a county jail, any district court or ~~county court~~ judge of the judicial district in which the county is situated, shall have the power, either of the judge's own motion, or on the application of the county attorney of the county, in accordance with written county policy approved by the commissioner of corrections, to order:

(1) any prisoner who shall be confined in the county jail under sentence, to be transferred and recommitted to the workhouse, correctional or work farm at hard labor, for the remainder of the term for which sentenced; or

(2) any prisoner who shall be confined in the workhouse, correctional or work farm under sentence, to be transferred and recommitted to the county jail for the remainder of the term for which sentenced; or

(3) any prisoner who shall be confined in the county jail, convicted and awaiting sentence, to be transferred to and confined in the workhouse, correctional or work farm while awaiting sentence.

Transferred prisoners are subject to the rules and discipline of the confining institution. Transportation of prisoners is the responsibility of the sending institution.

Sec. 75. Minnesota Statutes 1996, section 643.02, is amended to read:

643.02 PROCEDURE OF DISTRICT COURT OR COUNTY COURT JUDGE IN CHARGE AND DUTY OF SHERIFF.

When any district court or ~~county court~~ judge shall make an order for the transfer of any prisoner as provided in section 643.01, the order shall be made in duplicate by the judge, shall recite therein the name of the court by which the prisoner was sentenced or convicted, the date of sentence or conviction, the general nature of the offense for which sentenced or convicted, the length of the original sentence and the length of the sentence still remaining or the sentencing date if known, and any other facts that will furnish material information regarding the case, and shall direct the superintendent or other keeper of the workhouse, correctional or work farm, or sheriff or other keeper of the county jail to safely keep the prisoner at hard labor for the remainder of the original term of sentence, or until further sentencing proceedings, as stated in the order, unless otherwise released according to law, or the parole rules and regulations of the workhouse, correctional or work farm, or county jail. Both of the orders for transfer of the prisoner to the workhouse, correctional or work farm, or county jail shall be filed forthwith with the sheriff or other keeper of the jail, or superintendent or other keeper of the workhouse, correctional or work farm and the sheriff or other keeper of the jail, or superintendent or other keeper of the workhouse, correctional or work farm shall thereupon retain one of the orders of transfer and shall without delay transfer and deliver the prisoner named in the order, together with the other of the duplicate orders for the transfer of the prisoner to the superintendent or other keeper of the workhouse, correctional or work farm, or sheriff or other keeper of the jail, who shall retain the order and safely keep the prisoner named therein for the remainder of the sentence at hard labor or until further sentencing proceedings, as

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specified in the order, unless otherwise released as hereinbefore provided. The order for transfer of any prisoner, as hereinbefore mentioned, shall have the same force and effect as the writ of commitment issued by the court which sentenced the prisoner in the first instance or as the order for confinement issued by the court in the first instance, and in addition shall be full authority for the holding and keeping of the prisoner by the superintendent or other keeper of the workhouse, correctional or work farm, or the sheriff or other keeper of the jail, and for the prisoner's apprehension by any peace officer in case of the escape of the prisoner from the workhouse, correctional or work farm, or county jail. On the request of any district court or county court judge of the district in which the workhouse, correctional or work farm, and county jail are located, the sheriff of the county, or superintendent, shall without delay furnish a copy to the judge of any commitment or order in the sheriff's or superintendent's possession.

Presented to the governor February 17, 1998

Signed by the governor February 18, 1998, 2:25 p.m.

CHAPTER 255—S.F.No. 1440

An act relating to appellate courts; providing for questions of law certified between the appellate courts of this state and other states and nations; enacting the 1997 Uniform Certification of Questions of Law Act; proposing coding for new law in Minnesota Statutes, chapter 480; repealing Minnesota Statutes 1996, section 480.061.

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

Section 1. [480.065] UNIFORM CERTIFICATION OF QUESTIONS OF LAW.

Subdivision 1. DEFINITIONS. In this section:

(1) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(2) "Tribe" means a tribe, band, or village of native Americans which is recognized by federal law or formally acknowledged by a state.

Subd. 2. POWER TO CERTIFY. The supreme court or the court of appeals of this state, on the motion of a party to pending litigation or its own motion, may certify a question of law to the highest court of another state, of a tribe, of Canada or a Canadian province or territory, or of Mexico or a Mexican state if:

(1) the pending litigation involves a question to be decided under the law of the other jurisdiction;

(2) the answer to the question may be determinative of an issue in the pending litigation; and

(3) the question is one for which an answer is not provided by a controlling appellate decision, constitutional provision, or statute of the other jurisdiction.

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