

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.

New language is indicated by underline, deletions by strikeout.

Subd. 3. POWER TO ANSWER. The supreme court of this state may answer a question of law certified to it by a court of the United States or by an appellate court of another state, of a tribe, of Canada or a Canadian province or territory, or of Mexico or a Mexican state, if the answer may be determinative of an issue in pending litigation in the certifying court and there is no controlling appellate decision, constitutional provision, or statute of this state.

Subd. 4. POWER TO REFORMULATE QUESTION. The supreme court of this state may reformulate a question of law certified to it.

Subd. 5. CERTIFICATION ORDER; RECORD. The court certifying a question of law to the supreme court of this state shall issue a certification order and forward it to the supreme court of this state. Before responding to a certified question, the supreme court of this state may require the certifying court to deliver all or part of its record to the supreme court of this state.

Subd. 6. CONTENTS OF CERTIFICATION ORDER. (a) A certification order must contain:

(1) the question of law to be answered;

(2) the facts relevant to the question, showing fully the nature of the controversy out of which the question arose;

(3) a statement acknowledging that the supreme court of this state, acting as the receiving court, may reformulate the question; and

(4) the names and addresses of counsel of record and parties appearing without counsel.

(b) If the parties cannot agree upon a statement of facts, the certifying court shall determine the relevant facts and state them as a part of its certification order.

Subd. 7. NOTICE; RESPONSE. The supreme court of this state, acting as a receiving court, shall notify the certifying court of acceptance or rejection of the question and, in accordance with notions of comity and fairness, respond to an accepted certified question as soon as practicable.

Subd. 8. PROCEDURES. After the supreme court of this state has accepted a certified question, proceedings are governed by the rules and statutes of this state. Procedures for certification from this state to a receiving court are those provided in the rules and statutes of the receiving forum.

Subd. 9. OPINION. The supreme court of this state shall state in a written opinion the law answering the certified question and send a copy of the opinion to the certifying court, counsel of record, and parties appearing without counsel.

Subd. 10. COST OF CERTIFICATION. Fees and costs are the same as in civil appeals docketed before the supreme court of this state and must be equally divided between the parties unless otherwise ordered by the certifying court.

Subd. 11. SHORT TITLE. This section may be cited as the "Uniform Certification of Questions of Law Act (1997)."

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

Sec. 2. REPEALER.

Minnesota Statutes 1996, section 480.061, is repealed.

Presented to the governor February 17, 1998

Signed by the governor February 19, 1998, 11:50 a.m.

CHAPTER 256—H.F.No. 2372

An act relating to public contracts; exempting the reconstruction of the Bridges Medical Center in Norman County from competitive bid requirements.

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

Section 1. EXEMPTION.

Because the project for the repair and reconstruction of the damaged Bridges Medical Center in Norman County is emergency construction, that project is exempt from the competitive bid requirements of Minnesota Statutes, section 471.345, or other law or charter.

Sec. 2. EFFECTIVE DATE; NO LOCAL APPROVAL.

Section 1 is effective the day after its final enactment. Under Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), no local approval is required.

Presented to the governor February 23, 1998

Signed by the governor February 25, 1998, 3:02 p.m.

CHAPTER 257—H.F.No. 2550

An act relating to health; providing for rural critical access hospitals; amending Minnesota Statutes 1996, section 144.1483.

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

Section 1. Minnesota Statutes 1996, section 144.1483, is amended to read:

144.1483 RURAL HEALTH INITIATIVES.

The commissioner of health, through the office of rural health, and consulting as necessary with the commissioner of human services, the commissioner of commerce, the higher education services office, and other state agencies, shall:

(1) develop a detailed plan regarding the feasibility of coordinating rural health care services by organizing individual medical providers and smaller hospitals and clinics into referral networks with larger rural hospitals and clinics that provide a broader array of services;

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