

Sec. 38. EFFECT OF AMENDMENTS.

A document executed prior to August 1, 1998, that purports to be a living will under Minnesota Statutes, chapter 145B, a durable power of attorney for health care under Minnesota Statutes, chapter 145C, or a declaration regarding intrusive mental health treatment under Minnesota Statutes, section 253B.03, subdivision 6a, is valid if the document:

- (1) complied with the law in effect on the date it was executed; or
- (2) complies with the requirements of Minnesota Statutes, section 145C.03.

If the document complied with the law in effect on the date it was executed but does not also comply with the requirements of Minnesota Statutes, section 145C.03, it shall be given effect in accordance with the laws in effect on the date it was executed, unless the document provides otherwise.

Nothing in sections 1 to 38 impairs the evidentiary effect under common law or reasonable medical practice with respect to other written or oral expressions of an individual's desires regarding health care.

Sec. 39. EFFECTIVE DATE.

Sections 1 to 38 are effective August 1, 1998.

Presented to the governor April 10, 1998

Signed by the governor April 21, 1998, 10:43 a.m.

CHAPTER 400—S.F.No. 1169

An act relating to personal watercraft; modifying provisions for the operation of personal watercraft; amending Minnesota Statutes 1996, sections 86B.101, subdivision 2; 86B.313, subdivisions 1, 3, and 4; and 86B.805, by adding a subdivision.

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

Section 1. Minnesota Statutes 1996, section 86B.101, subdivision 2, is amended to read:

Subd. 2. **YOUTH WATERCRAFT SAFETY COURSE.** (a) The commissioner shall establish an educational course and a testing program for personal watercraft and watercraft operators and for persons age 12 or older but younger than age 18 required to take the watercraft safety course. The commissioner shall prescribe a written test as part of the course. A personal watercraft educational course and testing program that emphasizes safe and legal operation must be required for persons age 13 or older but younger than age 18 operating personal watercraft.

(b) The commissioner shall issue a watercraft operator's permit to a person age 12 or older but younger than age 18 who successfully completes the educational program and the written test.

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

Sec. 2. Minnesota Statutes 1996, section 86B.313, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS.** (a) In addition to requirements of other laws relating to watercraft, ~~it is unlawful to a person may not~~ operate or to permit the operation of a personal watercraft:

(1) without each person on board the personal watercraft wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device;

(2) between one hour before sunset and ~~8:00~~ 9:30 a.m.;

(3) at greater than slow-no wake speed within ~~100~~ 150 feet of:

(i) a shoreline;

(ii) a dock;

(iii) a swimmer; or;

(iv) a raft used for swimming or diving raft; or

(v) a moored, anchored, or nonmotorized watercraft at greater than slow-no wake speed;

(4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other device unless:

(i) an observer is on board; or

(ii) the personal watercraft is equipped with factory-installed or factory-specified accessory mirrors that give the operator a wide field of vision to the rear;

(5) without the lanyard-type engine cutoff switch being attached to the person, clothing, or personal flotation device of the operator, if the personal watercraft is equipped by the manufacturer with such a device;

(6) if any part of the spring-loaded throttle mechanism has been removed, altered, or tampered with so as to interfere with the return-to-idle system;

(7) to chase or harass wildlife;

(8) through emergent or floating vegetation at other than a slow-no wake speed;

(9) in a manner that unreasonably or unnecessarily endangers life, limb, or property, including weaving through congested watercraft traffic, jumping the wake of another watercraft within ~~100~~ 150 feet of the other watercraft, or operating the watercraft while facing backwards; or

(10) in any other manner that is not reasonable and prudent; or

(11) without a personal watercraft rules decal, issued by the commissioner, attached to the personal watercraft so as to be in full view of the operator.

(b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft to launch or land a person on water skis, a kneeboard, or similar device by the most direct route to open water.

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

Sec. 3. Minnesota Statutes 1996, section 86B.313, subdivision 3, is amended to read:

Subd. 3. **OPERATOR'S PERMIT.** Except in the case of an emergency, a person 13 years of age or over but less than 18 years of age may not operate a personal watercraft, regardless of horsepower, without possessing a valid watercraft operator's permit as required by section 86B.305, unless there is a person ~~18~~ 21 years of age or older on board the craft. In addition to the permit requirement, a person 13 years of age operating a personal watercraft must ~~maintain unaided observation~~ remain under visual supervision by a person ~~18~~ who is 21 years of age or older. ~~It is unlawful for the~~ An owner of a personal watercraft to ~~may not~~ permit the personal watercraft to be operated contrary to this subdivision.

Sec. 4. Minnesota Statutes 1996, section 86B.313, subdivision 4, is amended to read:

Subd. 4. **DEALERS AND RENTAL OPERATIONS.** (a) A dealer of personal watercraft shall distribute a summary of the laws and rules governing the operation of personal watercraft and, upon request, shall provide instruction to a purchaser regarding:

- (1) the laws and rules governing personal watercraft; and
 - (2) the safe operation of personal watercraft.
- (b) A person who offers personal watercraft for rent:

(1) shall provide a summary of the laws and rules governing the operation of personal watercraft and provide instruction regarding the laws and rules and the safe operation of personal watercraft to each person renting a personal watercraft; and

(2) shall provide a United States Coast Guard approved Type I, II, III, or V personal flotation device and any other required safety equipment to all persons who rent a personal watercraft at no additional cost; and

(3) shall require that a watercraft operator's permit from this state or from the operator's state of residence be shown each time a personal watercraft is rented to any person younger than age 18 and shall record the permit on the form provided by the commissioner.

(c) Each dealer of personal watercraft or person offering personal watercraft for rent shall have the person who purchases or rents a personal watercraft sign a form provided by the commissioner acknowledging that the purchaser or renter has been provided a copy of the laws and rules regarding personal watercraft operation and has read them. The form must be retained by the dealer or person offering personal watercraft for rent for a period of six months following the date of signature and must be made available for inspection by sheriff's deputies or conservation officers during normal business hours.

Sec. 5. Minnesota Statutes 1996, section 86B.805, is amended by adding a subdivision to read:

Subd. 3. **EXEMPTIONS FOR ENFORCEMENT WATERCRAFT.** The restrictions on hours and location of operation in this chapter do not apply to emergency, safety, and enforcement watercraft.

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

Sec. 6. EFFECTIVE DATE.

Section 1 is effective the day following final enactment. Sections 2 to 5 are effective on June 1, 1998.

Presented to the governor April 10, 1998

Signed by the governor April 20, 1998, 11:15 a.m.

CHAPTER 401—S.F.No. 3353

An act relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; providing for regulation of certain activities and practices; amending Minnesota Statutes 1996, sections 3.737, subdivisions 1, 4, and by adding a subdivision; 18C.141; 35.82, subdivision 2; 41A.09, subdivision 1a; 84.871; 86B.101, subdivision 2; 86B.415, subdivision 1, and by adding a subdivision; 89A.03, subdivision 1; 90.193; 93.002, subdivision 1; 97A.037, subdivision 1; 97A.245; 103C.315, subdivision 4; 103F.155, subdivision 2; 103F.161, subdivision 2; 103G.271, subdivision 6; 115.076, subdivision 1; 116.07, by adding subdivisions; 308A.131, subdivision 1; 308A.705, subdivision 3; Minnesota Statutes 1997 Supplement, sections 17.101, subdivision 5; 41A.09, subdivision 3a; 84.8205; 84.86, subdivision 1; 85.015, subdivision 1c; 115.55, subdivision 5a; 116.07, subdivision 7; 116.18, subdivision 3c; 169.1217, subdivision 1; and 308A.705, subdivision 1; Laws 1997, chapter 216, section 15, subdivision 8; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; and 84; repealing Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c; and Laws 1991, chapter 275, section 3.

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

Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums in the columns headed "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act to be available for the fiscal years indicated for each purpose. The figures "1998" and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1998, or June 30, 1999, respectively.

SUMMARY BY FUND

	1998	1999
General Fund	\$ 5,294,000	\$ 12,498,000
Natural Resources Fund	-0-	500,000
Total	5,294,000	12,998,000

APPROPRIATIONS
Available for the Year
Ending June 30

	1998	1999
Sec. 2. POLLUTION CONTROL AGENCY	180,000	1,210,000

\$350,000 in fiscal year 1999 is added to the appropriation for county feedlot program

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