

(b) The land that may be sold is described as:

The West 100 feet of the East 215 feet of the West one-half of the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 20, Township 27, Range 24, Hennepin county, Minnesota, lying North of the South 437 feet thereof and South of County Road No. 1 (also known as Old Shakopee Road).

Sec. 2. USE OF PROCEEDS.

Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, or any other law to the contrary, the proceeds of the sale are appropriated to the commissioner of administration to purchase replacement property for the commissioner of human services.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor April 16, 1999

Signed by the governor April 20, 1999, 9:09 a.m.

CHAPTER 81—S.F.No. 972

An act relating to game and fish; modifying migratory waterfowl refuge provisions; designating a migratory waterfowl refuge; repealing a commissioner's order; amending Minnesota Statutes 1998, section 97A.095, subdivision 1.

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

Section 1. Minnesota Statutes 1998, section 97A.095, subdivision 1, is amended to read:

Subdivision 1. **MIGRATORY WATERFOWL REFUGES.** The commissioner shall designate by rule any part of a state game refuge as a migratory waterfowl refuge if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge. A person may not enter a posted migratory waterfowl refuge during the open migratory waterfowl season unless accompanied by or under a permit issued by a conservation officer or game refuge manager. Upon a request from a private landowner within a migratory waterfowl refuge, an annual permit must be issued to provide access to the property during the waterfowl season. The permit shall include conditions that allow no activity which would disturb waterfowl using the refuge during the waterfowl season.

Sec. 2. SWAN LAKE MIGRATORY WATERFOWL REFUGE.

(a) The land described in paragraph (b) is designated a migratory waterfowl refuge under Minnesota Statutes, section 97A.095, subdivision 1.

(b) All of the area contained within the following boundary lines: beginning at the northeast corner of Section 24, Township 110 North, Range 29 West, and running thence

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

West on the Section line 160 rods, more or less, to the Northwest Quarter corner of said Section 24; thence South on the center line of said Section 24, eighty rods more or less; thence in a southwesterly direction to the center of the Southeast Quarter of Section 23; thence South eighty rods more or less to the south section line of said Section 23; thence East on said south line of said Section 23, to a point one rod West of the meandered line of Johnson Island; thence southerly and easterly on a line parallel with and one rod distant, from said meandered line of Johnson Island to a point where said line intersects the north and south center line of Section 25 in said Township and Range; thence 200 feet South; thence East to the east line of Section 25 in said Township and Range; thence running North on the east line of said Sections 25 and 24, to the point of commencement.

Sec. 3. REPEAL OF COMMISSIONER'S ORDER.

The order from the commissioner of conservation dated September 26, 1955, designating the migratory waterfowl refuge on Swan lake is repealed.

Presented to the governor April 16, 1999

Signed by the governor April 20, 1999, 9:25 a.m.

CHAPTER 82—S.F.No. 1188

VETOED

CHAPTER 83—H.F.No. 40

An act relating to health; allowing a nursing home resident to request and consent to the use of a physical restraint; requiring certain actions by the commissioner of health with respect to immediate jeopardy citations; amending Minnesota Statutes 1998, sections 144.651, by adding a subdivision; and 144A.10, by adding a subdivision.

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

Section 1. Minnesota Statutes 1998, section 144.651, is amended by adding a subdivision to read:

Subd. 33. **RESTRAINTS.** (a) Competent nursing home residents, family members of residents who are not competent, and legally appointed conservators, guardians, and health care agents as defined under section 145C.01, have the right to request and consent to the use of a physical restraint in order to treat the medical symptoms of the resident.

(b) Upon receiving a request for a physical restraint, a nursing home shall inform the resident, family member, or legal representative of alternatives to and the risks involved with physical restraint use. The nursing home shall provide a physical restraint to a resident only upon receipt of a signed consent form authorizing restraint use and a written order from the attending physician that contains statements and determinations regarding medical symptoms and specifies the circumstances under which restraints are to be used.

New language is indicated by underline, deletions by strikeout.