

and the administrative uniformity committee must consult with the Minnesota Dental Association and Delta Dental Plan of Minnesota before requiring under this section the use of a paper document for the uniform explanation of benefits document or the uniform remittance advice report for dental care services.

Subd. 5. **EFFECTIVE DATE.** The requirements in subdivisions 1 and 2 are effective ~~12 months after the date of required compliance with the standards for the electronic remittance advice transaction under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time~~ October 16, 2004. The requirements in subdivisions 1 and 2 apply regardless of when the health care service was provided to the patient.

**Sec. 8. REVISOR INSTRUCTION.**

The revisor of statutes is instructed to amend the headnote of Minnesota Statutes, section 62J.535, to read "Uniform Billing Requirements for Claim Transactions."

**Sec. 9. REPEALER.**

Minnesota Statutes 2000, section 62J.535, subdivision 1, is repealed.

**Sec. 10. EFFECTIVE DATE.**

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

Presented to the governor March 28, 2002

Signed by the governor April 1, 2002, 9:07 a.m.

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**CHAPTER 308—S.F.No. 3145**

*An act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.*

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

Section 1. Minnesota Statutes 2000, section 192A.015, is amended to read:

**192A.015 DEFINITIONS.**

In this chapter, unless the context otherwise requires:

(1) "Accuser" means a person who signs and swears to charges, any person who directs that charges ~~nominally~~ be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused;

(2) "Active state duty" means the same as state active service defined in section 190.05, subdivision 5a;

(3) "Code" means this chapter;

(4) "Commanding officer" means a commissioned officer who is in command of any unit;

(5) "Commissioned officer" includes a commissioned warrant officer;

(6) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding ~~for the time being~~ or temporarily commanding, or a successor in command;

(7) "Enlisted member" means a person in an enlisted grade;

(8) "Federal active service" has the meaning given in section 190.05, subdivision 5c;

(9) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or rule;

~~(9)~~ (10) "In federal service" and "not in federal service" mean the same as those terms are used and construed in federal laws and regulations;

~~(10)~~ (11) "May" is used in a permissive sense. The words "no person may" mean that no person is required, authorized, or permitted to do the act prescribed;

~~(11)~~ (12) "Military" refers to any or all of the armed forces of the United States or any state;

~~(12)~~ (13) "Military court" means a court-martial, a court of inquiry;

~~(13)~~ (14) "Officer" means commissioned or warrant officer;

~~(14)~~ (15) "Rank" means the order of precedence among members of the state military forces;

~~(15)~~ (16) "Shall" is used in a mandatory sense;

~~(16)~~ (17) "State judge advocate" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces and appointed pursuant to section 192A.04;

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(17) (18) "State military forces" means the national guard of the state, as defined in United States Code, title 32, section 101(3) and any other military force organized under the laws of the state;

(18) (19) "Superior commissioned officer" means a commissioned officer superior in rank and command.

Sec. 2. Minnesota Statutes 2000, section 192A.02, subdivision 3, is amended to read:

Subd. 3. **PRIMARY AND CONCURRENT MILITARY JURISDICTION.** (a) Courts-martial have primary jurisdiction of purely military offenses listed in section 192A.021. Except for crimes designated as purely military offenses in section 192A.021, a proper civilian tribunal has primary jurisdiction over an act or omission that violates both this code and local criminal law, foreign or domestic. In such cases a court-martial may be initiated only after the civilian authority has declined or dismissed charges, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, and accessory crimes must be determined by the underlying offense pursuant to section 192A.021.

(b) If an act or omission is subject to trial by court-martial and prosecution by one or more civil tribunals, foreign or domestic, the determination of which nation, state, or agency will exercise jurisdiction is a matter for the nations, states, and agencies concerned, and is not a right of the suspect or accused.

(c) The provisions of this chapter conferring jurisdiction over persons shall not be construed as depriving military commissions or other military tribunals of concurrent jurisdiction in respect to offenders or offenses that by statute or by law of war may be tried by such military commissions or other military tribunals.

Sec. 3. Minnesota Statutes 2000, section 192A.02, is amended by adding a subdivision to read:

Subd. 4. **PRESUMPTION OF JURISDICTION.** The jurisdiction of the military courts and boards established by this code are presumed and the burden of proof rests on any person seeking to challenge those courts or boards of jurisdiction in any action or proceeding.

Sec. 4. **[192A.021] PURELY MILITARY OFFENSES.**

Purely military offenses include the offenses contained in the following sections: 192A.39 (Principles), 192A.395 (Accessory after the fact), 192A.405 (Attempts), 192A.41 (Conspiracy), 192A.415 (Solicitation), 192A.42 (Fraudulent enlistment, appointment, or separation), 192A.425 (Unlawful enlistment, appointment, or separation), 192A.43 (Desertion), 192A.435 (Absent without leave), 192A.44 (Missing movement), 192A.445 (Contempt towards officials), 192A.45 (Disrespect towards superior commissioned officer), 192A.455 (Assaulting or willfully disobeying superior commissioned officer), 192A.46 (Insubordinate conduct toward warrant officer or noncommissioned officer), 192A.465 (Failure to obey order or rule), 192A.47 (Cruelty and maltreatment), 192A.475 (Mutiny or sedition), 192A.48 (Resistance, breach of

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arrest, and escape), 192A.495 (Noncompliance with procedural rules), 192A.50 (Misbehavior before the enemy), 192A.51 (Improper use of countersign), 192A.515 (Forcing a safeguard), 192A.525 (Aiding the enemy), 192A.54 (Military property; loss, damage, destruction, or wrongful disposition), 192A.55 (Improper hazarding of vessel), 192A.56 (Drunk on duty; sleeping on post; leaving post before relief), 192A.57 (Malingering), 192A.60 (Conduct unbecoming an officer), and 192A.605 (General article).

Sec. 5. Minnesota Statutes 2000, section 192A.025, is amended to read:

**192A.025 JURISDICTION TO TRY CERTAIN PERSONNEL.**

Subdivision 1. **FRAUDULENT DISCHARGE.** Each person discharged from the state military forces not in federal active service who is later charged with having fraudulently obtained the discharge is, subject to section 192A.235, subject to trial by court-martial on that charge and is after apprehension subject to this code while in the custody of the military for that trial. Upon conviction of that charge the person is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

Subd. 2. **DESERTERS.** No person who has deserted from the state military forces not in federal active service may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

Sec. 6. Minnesota Statutes 2000, section 192A.045, subdivision 2, is amended to read:

Subd. 2. Any person authorized by this code, or by rules issued under it, or any licensed peace officer, may apprehend persons subject to this code upon reasonable belief probable cause to believe that an offense has been committed and that the person apprehended committed it.

Sec. 7. Minnesota Statutes 2000, section 192A.045, subdivision 3, is amended to read:

Subd. 3. If any person subject to this code misses a movement to, or is absent without official leave from, annual field training or active state duty, such person may be apprehended and delivered to the person's commanding officer. Apprehension may be made by military police personnel or by any ~~civil~~ licensed peace officer pursuant to a warrant issued by a military judge upon a finding of probable cause.

Sec. 8. Minnesota Statutes 2000, section 192A.05, is amended to read:

**192A.05 APPREHENSION OF DESERTERS.**

Any ~~civil~~ licensed peace officer having authority to apprehend offenders under the laws of the United States or of a state, territory, commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the state military forces and deliver the deserter into the custody of the state military forces. If an offender is apprehended outside the state, the offender's return to the area must be in accordance with normal extradition procedures or reciprocal agreement.

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Sec. 9. Minnesota Statutes 2000, section 192A.055, is amended to read:

**192A.055 IMPOSITION OF PRETRIAL RESTRAINT.**

Subdivision 1. **DEFINITION.** Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within certain specified limits. Confinement is the physical restraint of a person. "Pretrial restraint" means any restraint on a person's liberty which is imposed before and during disposition of offenses and may consist of conditions on liberty, restriction, or confinement.

For the purposes of this section:

(1) "conditions on liberty" are imposed by orders directing a person to do or refrain from doing specified acts;

(2) "restriction" is the restraint of a person by oral or written orders directing the person to remain within specified limits; and

(3) "confinement" is physical restraint, imposed by order of competent authority, depriving a person of freedom pending disposition of offenses.

Subd. 2. **ENLISTED MEMBERS.** An enlisted member may be ordered into arrest or confinement pretrial restraint by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code or through any person authorized by this code to apprehend persons. A commanding officer may authorize warrant officers, ~~petty officers,~~ or noncommissioned officers to order enlisted members of the authorizing officer's command or subject to the authorizing officer's authority into arrest or confinement pretrial restraint.

Subd. 3. **COMMISSIONED OFFICERS OR WARRANT OFFICERS.** A commissioned officer or a warrant officer may be ordered apprehended or into arrest or confinement only by a commanding officer to whose authority the commissioned officer or warrant officer is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons apprehended or into arrest or confinement pretrial restraint may not be delegated.

Subd. 4. **PROBABLE CAUSE.** No person may be ordered apprehended or into arrest or confinement pretrial restraint except for probable cause.

Subd. 5. **AUTHORITY TO SECURE ALLEGED OFFENDERS.** This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Sec. 10. Minnesota Statutes 2000, section 192A.07, is amended to read:

**192A.07 REPORTS AND RECEIVING OF PRISONERS.**

Subdivision 1. No provost marshal, commander of a guard, master at arms, warden, keeper, or officer of a city or county jail or any other jail, penitentiary, or prison designated under section 192A.065 may refuse to receive or keep any prisoner committed to the charge of that official, ~~when the committing person furnishes and~~

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signs a statement of the offense charged against the prisoner or facility.

Subd. 2. Every commander of a guard, master at arms, warden, keeper, or officer of a city or county jail or of any other jail, penitentiary, or prison designated under section 192A.065, to whose charge a prisoner is committed, shall, within 24 hours after that commitment or as soon as the person is relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

Sec. 11. Minnesota Statutes 2000, section 192A.08, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** Under such rules as may be prescribed under this code a person subject to this code who is ~~on an active state duty~~ who is accused of an criminal offense against civil authority may be delivered, upon request, to the civil authority for trial.

Sec. 12. Minnesota Statutes 2000, section 192A.085, subdivision 1, is amended to read:

Subdivision 1. **DISCIPLINARY PUNISHMENTS.** Under such rules as the governor may prescribe any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(1) upon an officer of the command:

(a) (i) withholding of privileges for not more than two consecutive weeks;

(b) (ii) restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks; or

(c) (iii) if imposed by the governor, the commanding officer of a force of the state military forces, or the commanding general of a division, a forfeiture of not more than 15 days pay or a fine in an equivalent amount;

(2) upon other military personnel of the command:

(a) (i) withholding of privileges for not more than two consecutive weeks;

(b) (ii) restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks;

(c) (iii) extra duties for not more than 14 days, which need not be consecutive, and ~~for not more than two hours per day, holidays included;~~

(d) (iv) reduction to the next inferior grade if the grade from which demoted was established by the command or an equivalent or lower command; by the commander with promotion authority or higher command; or

(e) ~~if imposed upon a person attached to or embarked in a vessel, confinement for not more than seven consecutive days; or~~

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(f) a (v) forfeiture of not more than four days pay or a fine in an equivalent amount.

Sec. 13. Minnesota Statutes 2000, section 192A.085, subdivision 3, is amended to read:

Subd. 3. **DEMAND FOR COURT-MARTIAL.** Punishment may not be imposed upon any person subject to this code if such person, before imposition of such punishment, has demanded trial by court-martial in lieu of such punishment, except in the case of a person attached to or embarked on a vessel.

Sec. 14. Minnesota Statutes 2000, section 192A.085, subdivision 5, is amended to read:

Subd. 5. **RELATED SERIOUS OFFENSES.** The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial or prosecution by civilian authorities for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but, whether an offense is serious depends on several factors including, but not limited to, the nature of the offense; the circumstances surrounding its commission; and the defendant's age, rank, duty assignment, records, and experience. If the soldier declines nonjudicial punishment and the matter is referred to trial by summary court-martial, jurisdiction must be determined pursuant to section 192A.02, subdivision 3, paragraph (a). The fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilt.

Sec. 15. Minnesota Statutes 2000, section 192A.085, subdivision 7, is amended to read:

Subd. 7. For purposes of this section, "consecutive" means time on active state duty or duty status other than active state duty excluding any intervening period or periods when the person concerned is not on such duty as a member of the state military forces not in federal active service.

192A.09 COURTS-MARTIAL OF MEMBERS OF THE STATE MILITARY FORCES NOT IN FEDERAL ACTIVE SERVICE; COMPOSITION; JURISDICTION; POWERS AND PROCEEDINGS.

In the state military forces not in federal active service, there shall be the following three types of courts-martial:

(1) general courts-martial, consisting of:

(a) (i) a military judge and not less than five members; or

(b) (ii) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel,

requests in writing a court composed only of a military judge and the military judge approves; and

(2) special courts-martial, consisting of:

(a) (i) a military judge and not less than three members; or

(b) (ii) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves; and

(3) summary courts-martial, consisting of a military judge.

Sec. 17. Minnesota Statutes 2000, section 192A.095, is amended to read:

**192A.095 JURISDICTION OF COURTS-MARTIAL IN GENERAL.**

Each force of the state military forces not in federal active service has court-martial jurisdiction over all persons subject to this code. The exercise of jurisdiction by one force over personnel of another force shall be in accordance with rules prescribed by the governor.

Sec. 18. Minnesota Statutes 2000, section 192A.10, is amended to read:

**192A.10 JURISDICTION OF GENERAL COURTS-MARTIAL.**

Subject to section 192A.095 general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

(1) a reprimand;

(2) confinement for not more than 200 days or a fine of not more than \$200;

(3) forfeiture of not more than 48 days pay;

(4) dismissal, bad conduct discharge, or dishonorable discharge;

(5) reduction in rank of an enlisted member to any lower enlisted rank including the lowest enlisted rank; or

(6) ~~Confinement of not more than six months; or~~

(7) any combination of these punishments.

Sec. 19. Minnesota Statutes 2000, section 192A.105, is amended to read:

**192A.105 JURISDICTION OF SPECIAL COURTS-MARTIAL.**

Subject to section 192A.095 special courts-martial have jurisdiction to try persons subject to this code, except commissioned or warrant officers, for any offense for which they may be punished under this code. A special court-martial may adjudge the following punishments:

(1) a reprimand;

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- (2) confinement of not more than 90 days or a fine of not more than \$100;
- (3) forfeiture of not more than 24 days pay;
- (4) reduction in rank of an enlisted member to any lower enlisted rank including the lowest enlisted grade;
- (5) a bad conduct discharge; or
- (6) ~~Confinement of not more than 90 days;~~ or
- (7) any combination of these punishments.

Sec. 20. Minnesota Statutes 2000, section 192A.11, subdivision 1, is amended to read:

Subdivision 1. **JURISDICTIONS.** Subject to section 192A.095 summary courts-martial have jurisdiction to try persons subject to this code, except commissioned or warrant officers, for any offense made punishable by this code.

Sec. 21. Minnesota Statutes 2000, section 192A.11, subdivision 3, is amended to read:

Subd. 3. **PUNISHMENT OPTIONS.** A summary court-martial may adjudge the following punishments:

- (1) a reprimand;
- (2) confinement of not more than 15 days or a fine of not more than \$25;
- (3) forfeiture of not more than 12 days pay;
- (4) reduction in rank of an enlisted member to any lower enlisted rank including the lowest enlisted grade; or
- (5) ~~Confinement of not more than 15 days;~~
- (6) any combination of these punishments.

Sec. 22. Minnesota Statutes 2000, section 192A.115, is amended to read:

**192A.115 SENTENCES OF DISMISSAL OR DISHONORABLE DISCHARGE TO BE APPROVED BY THE GOVERNOR.**

In the ~~organized militia~~ state military forces not in federal active service, no sentence of dismissal or dishonorable discharge may be executed until it is approved by the governor.

Sec. 23. Minnesota Statutes 2000, section 192A.13, is amended to read:

**192A.13 WHO MAY CONVENE GENERAL COURTS-MARTIAL.**

In the state military forces not in federal active service, general courts-martial may be convened by the governor.

Sec. 24. Minnesota Statutes 2000, section 192A.135, is amended to read:

**192A.135 WHO MAY CONVENE SPECIAL COURTS-MARTIAL.**

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In the state military forces not in federal active service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

Sec. 25. Minnesota Statutes 2000, section 192A.14, is amended to read:

**192A.14 WHO MAY CONVENE SUMMARY COURTS-MARTIAL.**

In the state military forces not in federal active service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a battalion, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of a military judge. The proceedings shall be informal. Summary courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

Sec. 26. Minnesota Statutes 2000, section 192A.15, subdivision 3, is amended to read:

Subd. 3. **DETAIL.** The A military judge to must be detailed to a court-martial shall all courts-martial and be designated by the adjutant general, or the adjutant general's designee, for detail by the convening authority. A military judge may be detailed generally to act as summary court officer.

Sec. 27. Minnesota Statutes 2000, section 192A.15, subdivision 5, is amended to read:

Subd. 5. **LIMITATIONS.** The military judge of a general or special court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, if any, nor may the military judge vote with the members of the court.

Sec. 28. Minnesota Statutes 2000, section 192A.155, is amended to read:

**192A.155 DETAIL OF TRIAL COUNSEL AND DEFENSE COUNSEL.**

Subdivision 1. **WHO MAY BE DETAILED.** For each general and, special, or summary court-martial or posttrial review the authority convening the court shall detail trial counsel and defense counsel, and such assistants as considered appropriate. No person who has acted as investigating officer, military judge, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

Subd. 1a. **RIGHT TO COUNSEL.** The accused has the right to be represented before a general, special, and summary court-martial by military defense counsel or by

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civilian counsel if provided by the accused at the accused's own expense. Should the accused have personally selected civilian counsel, the military defense counsel, and assistant defense counsel, if any, who were detailed shall, if the accused so desires, act as associate defense counsel; otherwise they shall be excused by the military judge.

Subd. 2. **QUALIFICATIONS OF COUNSEL.** Trial counsel or defense counsel detailed for either a general, special, or summary court-martial or a special court-martial:

(1) must be a person who is a member of the bar of the highest court of the state, or a member of the bar of a federal court; and

(2) must be certified as competent to perform such duties by the state judge advocate.

Sec. 29. Minnesota Statutes 2000, section 192A.16, is amended to read:

**192A.16 DETAIL OR EMPLOYMENT OF REPORTERS AND INTERPRETERS.**

The convening authority of a general ~~or~~, special, or summary court-martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. The convening authority of a military court may shall detail or employ certified interpreters, as necessary, who shall interpret for the court.

Sec. 30. Minnesota Statutes 2000, section 192A.205, is amended to read:

**192A.205 UNLAWFULLY INFLUENCING ACTION OF COURT UNLAWFUL COMMAND INFLUENCE.**

Subdivision 1. No authority convening a general, special, or summary court-martial nor any other commanding officer may censure, reprimand, or admonish the court or any member, military judge or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of functions in the conduct of the proceeding. No person subject to this code may attempt to coerce or, by any unauthorized means, influence the action of the court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to judicial acts. The foregoing provisions of this subdivision shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge or counsel. GENERAL PROHIBITIONS. (a) No convening authority or commander may censure, reprimand, admonish, or otherwise retaliate against any member, military judge, counsel, or witness involved in the investigation, prosecution, or defense of military actions, punitive or administrative.

(b) No person subject to the code may attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any

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member of a court-martial or other military tribunal, in reaching the findings or sentence in any case or the action of any convening, approving, or reviewing authority with respect to that authority's judicial acts.

(c) This subdivision does not prohibit general instructional or informational courses in military justice if the courses are designed solely for the purpose of instructing personnel of a command in the substantive and procedural aspects of courts-martial.

(d) This subdivision does not prohibit statements and instructions given in open session by the military judge or counsel.

(e) This subdivision does not prohibit professional supervision by senior judge advocates regarding adherence to local and military standards of professional conduct and responsibility.

(f) This subdivision does not prohibit appropriate action against a person for an offense committed while detailed as a military judge, counsel, or member of a court-martial, or while serving as individual counsel.

Subd. 2. In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the state military forces is qualified to be advanced in grade, or in determining the assignment or transfer of such a member or in determining whether such member should be retained on any type of duty or status, no person subject to this code may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member because of the zeal with which such member, as counsel, represented any accused before a court-martial. This section shall not apply to evaluations made by a judge advocate on the performance of that judge advocate's own staff. **PROHIBITIONS CONCERNING EVALUATIONS.** (a) In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty, no person subject to the code may:

(1) consider or evaluate the performance of duty of the person as a member of a court-martial or administrative hearing; or

(2) give a less favorable rating or evaluation of a defense counsel because of the zeal with which the counsel represented an accused.

(b) For general, special, and summary courts-martial, neither the convening authority nor any member of the convening authority's staff may prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge, which relates to the performance of duty as a military judge. When the military judge is normally rated or the military judge's report is reviewed by the convening authority, the manner in which the military judge will be rated or evaluated upon the performance of duty as a military judge may be as prescribed in regulations of the national guard

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concerned which must ensure the absence of any command influence in the rating or evaluation of the military judge's judicial performance.

Sec. 31. Minnesota Statutes 2000, section 192A.235, subdivision 3, is amended to read:

Subd. 3. **THREE-YEAR LIMITATION.** Except as otherwise provided in ~~this section~~ subdivision 1, a person charged with any offense is not liable to be tried by court-martial or punished under section 192A.085 if the offense was committed more than ~~two~~ three years before the receipt of sworn charges and specifications by an officer exercising ~~summary~~ court-martial jurisdiction over the command or before the imposition of punishment under section 192A.085.

Sec. 32. Minnesota Statutes 2000, section 192A.25, subdivision 3, is amended to read:

Subd. 3. **SERVICE OF PROCESS.** Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall ~~run to~~ may be executed and served in any part of the state and shall be executed by ~~civil~~ officers as prescribed by the laws of the state law.

Sec. 33. Minnesota Statutes 2000, section 192A.28, is amended to read:

**192A.28 NUMBER OF VOTES REQUIRED GROUNDS FOR CONVIC-TION.**

Subdivision 1. No person may be convicted of an offense except as ~~provided in section 192A.245, subdivision 2;~~

- (1) pursuant to a proper plea which has been duly accepted by the court;
- (2) pursuant to a finding of guilty by the trial judge in a summary court-martial or where the defense has properly waived a trial by members; or
- (3) by the concurrence of two-thirds of the members present at the time the vote is taken.

Subd. 2. All sentences shall be determined by the concurrence of ~~two-thirds~~ of the members present at the time that the vote is taken.

Subd. 3. All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote, but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

Sec. 34. Minnesota Statutes 2000, section 192A.31, subdivision 1, is amended to read:

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

Subdivision 1. **LOCATION; CONDITIONS.** A sentence of confinement adjudged by a military court, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the state military forces or in any jail, penitentiary, or prison designated for that purpose. Persons so confined in a jail, penitentiary, or prison are subject to the same discipline and treatment as persons confined or committed to the jail, penitentiary, or prison by the courts of the state or of any political subdivision thereof.

Sec. 35. Minnesota Statutes 2000, section 192A.384, is amended to read:

**192A.384 OFFENSES SUBJECT TO COURT-MARTIAL.**

The jurisdiction of courts-martial shall be limited to violations of the punitive articles in this code. Any person subject to this code who is charged with the commission of an offense which is not a ~~military~~ offense under this code may be surrendered to civil authorities for process in accordance with civil law.

Sec. 36. Minnesota Statutes 2000, section 192A.385, is amended to read:

**192A.385 PERSONS TO BE TRIED OR PUNISHED.**

Subdivision 1. **DUTY STATUS REQUIRED.** No person may be tried or punished for any offense provided for in sections 192A.39 to 192A.605 unless it was committed while that person was in a duty status as a member of the state military forces not in federal active service.

Subd. 2. **DETERMINATION.** Duty status may extend to any soldier while acting in the line of duty or during any consecutive duty periods. Consecutive duty periods run from the time the soldier is required to be at the assigned duty station until the soldier is dismissed from duty. Duty status may be determined by weighing factors including, but not limited to, whether the soldier:

- (1) is in uniform;
- (2) is attending a unit endorsed event;
- (3) is drilling in excess of 50 miles from the soldier's normal duty station;
- (4) is involved in an activity which is service-connected;
- (5) has been released versus dismissed from duty; and
- (6) is staying at lodging provided by the military or at military expense.

Sec. 37. Minnesota Statutes 2000, section 192A.39, is amended to read:

**192A.39 PRINCIPALS.**

Any person subject to this code who:

- (1) commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or

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

(2) causes an act to be done which if directly performed by that person would be punishable by this code;

is a principal and shall be punished as a court-martial may direct.

Sec. 38. Minnesota Statutes 2000, section 192A.415, is amended to read:

**192A.415 SOLICITATION.**

Subdivision 1. **DESERTION OR MUTINY.** Any person subject to this code who solicits or advises another or others to desert in violation of section 192A.43 or mutiny in violation of section 192A.475 shall, ~~if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed or attempted the person shall be punished as a court-martial may direct.~~

Subd. 2. **MISBEHAVIOR BEFORE A HOSTILE GROUP OR BODY THE ENEMY; SEDITION.** Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of section 192A.50 or sedition in violation of section 192A.475 shall, ~~if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed the person shall be punished as a court-martial may direct.~~

Sec. 39. Minnesota Statutes 2000, section 192A.43, subdivision 1, is amended to read:

Subdivision 1. **GENERAL RULE.** Any member of the state military forces person subject to this code who:

(1) without authority goes or remains absent from that member's unit, organization, or place of duty with intent to remain away therefrom permanently;

(2) quits that member's unit, organization, or place of duty with intent to avoid hazardous duty or to shirk ~~important~~ service; or

(3) without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without fully disclosing the fact that that member has not been regularly separated;

is guilty of desertion shall be punished as a court-martial may direct.

Sec. 40. Minnesota Statutes 2000, section 192A.43, subdivision 2, is amended to read:

Subd. 2. **OFFICERS AFTER RESIGNATION.** Any commissioned officer of the state military forces who, after tender of the officer's resignation and before notice of its acceptance, quits the post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion shall be punished as a court-martial may direct.

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

Sec. 41. Minnesota Statutes 2000, section 192A.46, is amended to read:

**192A.46 INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER, OR NONCOMMISSIONED OFFICER, OR PETTY OFFICER.**

Any warrant officer or enlisted member who:

(1) strikes or assaults a warrant officer, or noncommissioned officer, or petty officer while that officer is in the execution of official duties;

(2) willfully disobeys the lawful order of a warrant officer, or noncommissioned officer, or petty officer; or

(3) treats with contempt or is disrespectful in language or deportment toward a warrant officer, or noncommissioned officer, or petty officer while that officer is in the execution of official duties;

shall be punished as a court-martial may direct.

Sec. 42. Minnesota Statutes 2000, section 192A.47, is amended to read:

**192A.47 CRUELTY AND MALTREATMENT.**

Any person subject to this code who acts cruelly, oppressively or maltreats any person individual subject to the person's orders or control shall be punished as a court-martial may direct.

Sec. 43. Minnesota Statutes 2000, section 192A.48, is amended to read:

**192A.48 RESISTANCE, BREACH OF ARREST, AND ESCAPE.**

Any person subject to this code who resists apprehension or breaks arrest or who escapes from physical restraint lawfully imposed by a member of the state military forces not in federal active service shall be punished as a court-martial may direct.

Sec. 44. Minnesota Statutes 2000, section 192A.485, is amended to read:

**192A.485 RELEASING PRISONER WITHOUT PROPER AUTHORITY.**

Any person subject to this code who, without proper authority, releases any prisoner committed to that person's charge, or who through neglect or design suffers allows any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

Sec. 45. Minnesota Statutes 2000, section 192A.50, is amended to read:

**192A.50 MISBEHAVIOR BEFORE THE ENEMY.**

Any person subject to this code who before or in the presence of the enemy:

(1) runs away;

(2) shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is the person's duty to defend;

(3) through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4) casts away the person's arms or ammunition;

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



(5) ~~Is guilty of~~ engages in cowardly conduct;

(6) quits a place of duty to plunder or pillage;

(7) causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces;

(8) willfully fails to do the utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing which it is that person's duty so to encounter, engage, capture, or destroy; or

(9) does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies, to the state, or to any other state, when engaged in battle a hostile encounter; shall be punished as a court-martial may direct.

Sec. 46. Minnesota Statutes 2000, section 192A.51, is amended to read:

**192A.51 IMPROPER USE OF COUNTERSIGN.**

Any person subject to this code who ~~in time of war, during a time when the state~~ military forces are engaged with the enemy, discloses the parole or countersign or code word to any person not entitled to receive it, or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to that person's knowledge, the person was authorized and required to give, shall be punished as a court-martial may direct.

Sec. 47. Minnesota Statutes 2000, section 192A.525, is amended to read:

**192A.525 AIDING THE ENEMY.**

Any person subject to this code who:

(1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

(2) Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with ~~or holds any intercourse with~~ the enemy, either directly or indirectly;

shall be punished as a court-martial may direct.

Sec. 48. Minnesota Statutes 2000, section 192A.54, is amended to read:

**192A.54 MILITARY PROPERTY; LOSS, DAMAGE, DESTRUCTION, OR WRONGFUL DISPOSITION.**

Any person subject to this code who, without proper authority:

(1) Sells or otherwise disposes of;

(2) Willfully or through ~~neglect~~ gross negligence damages, destroys, or loses; or

(3) Willfully or through ~~neglect~~ suffers gross negligence allows to be damaged, destroyed, sold, or wrongfully disposed of;

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

any military property of the United States or of the state shall be punished as a court-martial may direct.

Sec. 49. Minnesota Statutes 2000, section 192A.55, is amended to read:

**192A.55 IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.**

Subdivision 1. Any person subject to this code who willfully and, wrongfully, or through gross negligence hazards or suffers allows to be hazarded any vessel or aircraft of the armed forces of the United States or of the state military forces shall be punished as a court-martial may direct.

~~Subd. 2. Any person subject to this code who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or of the state military forces shall be punished as a court-martial may direct.~~

Sec. 50. Minnesota Statutes 2000, section 192A.555, is amended to read:

**192A.555 ~~DRUNKEN~~ DRIVING WHILE UNDER THE INFLUENCE OR RECKLESS DRIVING.**

Any person subject to this code who drives, operates or is in actual physical control of any motor vehicle or aircraft while under the influence of an alcoholic beverage or narcotic drug controlled substance or a combination thereof or whose blood contains 0.10 percent or more by weight of alcohol or who operates said motor vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct. ~~Chemical and other tests for intoxication shall be made only in accordance with rules issued under this code.~~

Sec. 51. Minnesota Statutes 2000, section 192A.56, is amended to read:

**192A.56 ~~DRUNK~~ UNDER THE INFLUENCE OF ALCOHOL WHILE ON DUTY; SLEEPING ON POST; LEAVING POST BEFORE RELIEF.**

Any person subject to this code who is found drunk to be under the influence of alcohol while on duty or sleeping upon an assigned post, or who leaves that post before being regularly relieved, shall be punished as a court-martial may direct.

Sec. 52. Minnesota Statutes 2000, section 192A.57, is amended to read:

**192A.57 MALINGERING.**

Any person subject to this code who for the purpose of avoiding work, duty, or service in the state military forces not in federal active service:

- (1) Feigns illness, physical disablement, mental lapse, or derangement; or
- (2) Intentionally inflicts self injury;

shall be punished as a court-martial may direct.

Sec. 53. **[192A.582] ASSAULT.**

Any person subject to this code who:

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

(1) commits an act with intent to cause fear in another of immediate bodily harm or death; or

(2) intentionally inflicts or attempts to inflict bodily harm upon another; shall be punished as a court-martial may direct.

Sec. 54. Minnesota Statutes 2000, section 192A.585, is amended to read:

**192A.585 PERJURY.**

Any person subject to this code who willfully gives false testimony under oath in the course of a judicial proceeding ~~on the issue under material to the issue or matter of inquiry~~ shall be punished as a court-martial may direct.

Sec. 55. Minnesota Statutes 2000, section 192A.59, is amended to read:

**192A.59 FRAUDS AGAINST THE GOVERNMENT.**

Any person subject to this code:

(1) Who, knowing it to be false or fraudulent

(a) makes any claim against the United States, the state, or any officer thereof; or

(b) presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States, the state, or any officer thereof;

(2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof

(a) makes or uses any writing ~~or other~~, paper, or electronic submission knowing it to contain any false or fraudulent statements;

(b) makes any oath to any fact or to any writing ~~or other~~, paper, or electronic submission knowing the oath to be false; or

(c) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) Who, having charge, possession, custody, or control of any money or other property of the United States or the state furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it any amount thereof less than that for which that person receives a certificate or receipt; or

(4) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state;

shall, ~~upon conviction,~~ be punished as a court-martial may direct.

Sec. 56. Minnesota Statutes 2000, section 192A.60, is amended to read:

**192A.60 CONDUCT UNBECOMING AN OFFICER.**

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

Any commissioned officer who is ~~convicted of~~ does or omits to do certain acts that, under the circumstances, constitute conduct unbecoming an officer shall be punished as a court-martial may direct.

Sec. 57. Minnesota Statutes 2000, section 192A.605, is amended to read:

**192A.605 GENERAL ARTICLE.**

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces, ~~of which persons subject to this code may be guilty,~~ shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and all conduct of a nature to bring discredit upon the state military forces shall be punished at the discretion of that court as a court-martial may direct. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault, burglary or housebreaking, ~~jurisdiction of which is reserved to civil courts where a crime constitutes an offense that violates both this code and the criminal laws of the state where the offense occurs or criminal laws of the United States, jurisdiction of the military court must be determined in accordance with section 192A.02, subdivision 3, paragraph (a).~~

Sec. 58. Minnesota Statutes 2000, section 192A.61, subdivision 3, is amended to read:

Subd. 3. Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed by or for the state military forces who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by military counsel, or by civilian counsel at the person's own expense, to cross examine witnesses, and to introduce evidence.

Sec. 59. Minnesota Statutes 2000, section 192A.612, is amended to read:

**192A.612 SEARCH WARRANTS.**

During any period of active service under section 190.05, subdivision 5a or 5b, a military judge, designated as the ~~summary court officer~~ during such service, is authorized to issue search warrants, directed to a member of the military police of the state military forces, to search any person, place, or vehicle within the confines of the property or premises being used for such active service or any person or vehicle pursued therefrom. No search warrant shall be issued except upon probable cause, supported by affidavit or sworn testimony naming and describing the person and particularly describing the property or thing to be seized and particularly describing the place to be searched.

Sec. 60. Minnesota Statutes 2000, section 192A.615, subdivision 1, is amended to read:

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

Subdivision 1. **AUTHORIZED PERSONS.** The following members of the state military forces may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

- (1) the state judge advocate and all assistant state judge advocates;
- (2) staff judge advocates and acting or assistant staff judge advocates;
- (3) ~~All summary courts-martial;~~
- (4) all adjutants, assistant adjutants, acting adjutants, and personnel adjutants;
- (5) (4) the president, military judge, trial counsel, and assistant trial counsel for all general and, special, and summary courts-martial;
- (6) (5) the president and the counsel for the court of any court of inquiry;
- (7) (6) all officers designated to take a deposition;
- (8) (7) all persons detailed to conduct an investigation; and
- (9) (8) all other persons designated by rules of the governor.

Sec. 61. Minnesota Statutes 2000, section 192A.615, subdivision 2, is amended to read:

Subd. 2. **ON DUTY REQUIREMENT.** Officers of the state military forces may not be authorized to administer oaths as provided in this section unless they are on duty in or with those forces under orders of the governor as prescribed in this code.

Sec. 62. Minnesota Statutes 2000, section 192A.62, is amended to read:

**192A.62 SECTIONS TO BE EXPLAINED.**

Sections 192A.02, 192A.025, 192A.045 to, 192A.065, 192A.07, 192A.08, 192A.085, 192A.145, 192A.155, 192A.205, 192A.295, 192A.385 to 192A.595, and 192A.62 to 192A.63 shall be carefully explained to every enlisted member at the time of the member's enlistment or transfer or induction into, or at the time of the member's order to duty in or with any of the state military forces or within 30 days thereafter. They shall also be explained annually to each unit of the state military forces. A complete text of this code and of the rules prescribed by the governor thereunder shall be made available to any member of the state military forces, upon the member's request, for personal examination. Failure to provide briefings to soldiers or otherwise explain this code to soldiers shall not be a defense to a court-martial proceeding, except as mitigation in sentencing.

Sec. 63. Minnesota Statutes 2000, section 192A.635, is amended to read:

**192A.635 EXECUTION OF PROCESS AND SENTENCE.**

In the state military forces not in federal active service the processes and sentences of its courts-martial shall be executed by the civil officers prescribed by the laws of the state.

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

Sec. 64. Minnesota Statutes 2000, section 192A.64, subdivision 1, is amended to read:

Subdivision 1. **KINDS OF PROCESS.** Military courts may issue any process or mandate, including writs and warrants necessary to carry into effect their powers. Such a court may issue subpoenas and subpoenas duces tecum and enforce by attachment attendance of witnesses and production of books and records, when it is sitting within the state and the witnesses, books, and records sought are also so located.

Sec. 65. Minnesota Statutes 2000, section 192A.64, subdivision 2, is amended to read:

Subd. 2. **TO WHOM DIRECTED.** Process and mandates may be issued by ~~summary courts-martial, provost courts, or the president of other military courts and may be directed to and may be executed by the marshals of the military court or any peace officer directed to the provost marshal, the military police, or any licensed peace officer of the state~~ and shall be in such form as may be prescribed by rules issued under this code.

Sec. 66. Minnesota Statutes 2000, section 192A.645, is amended to read:

**192A.645 PAYMENT OF FINES AND DISPOSITION THEREOF.**

Fines imposed by a military court may be paid to it or to an officer executing its process. The amount of such a fine may be noted upon any state roll or account for pay of the ~~delinquent~~ military member and deducted from any pay or allowance due or thereafter to become due the ~~delinquent~~ military member, until the fine is liquidated. Any sum so deducted shall be turned in to the military court which imposed the fine. The proceeds of all such fines shall be disposed of in accordance with section 192.68. All moneys so deposited with the adjutant general are appropriated for the purposes stated.

Sec. 67. Minnesota Statutes 2000, section 192A.65, is amended to read:

**192A.65 IMMUNITY FOR ACTION OF MILITARY COURTS.**

No ~~accused or convicted member of the state military forces~~ may bring an action or proceeding against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings because of the approval, imposition, or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.

Sec. 68. Minnesota Statutes 2000, section 192A.66, is amended to read:

**192A.66 DELEGATION OF AUTHORITY BY THE GOVERNOR.**

Except for the power in sections 192A.115 and 192A.13, the authority vested in the governor under this code may be delegated, and provisions made for the subdelegation of any such authority or subdelegated.

Sec. 69. Minnesota Statutes 2000, section 192A.665, is amended to read:

**192A.665 UNIFORMITY OF INTERPRETATION.**

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

This chapter shall be so construed as to effectuate its general purpose to make uniform the law of these states which enact it and, so far as practical, to make that law these laws uniform with the law of the United States.

**Sec. 70. REVISOR INSTRUCTION.**

The revisor shall renumber Minnesota Statutes, section 192A.30 as section 192A.111 and correct all references to that section in Minnesota Statutes and Minnesota Rules.

**Sec. 71. REPEALER.**

Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; and 192A.655, are repealed.

Presented to the governor March 28, 2002

Signed by the governor April 1, 2002, 9:14 a.m.

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**CHAPTER 309—S.F.No. 3084**

**VETOED**

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**CHAPTER 310—H.F.No. 1224**

*An act relating to health; creating registration for medical response units; proposing coding for new law in Minnesota Statutes, chapter 144E.*

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

**Section 1. [144E.275] MEDICAL RESPONSE UNIT REGISTRATION.**

Subdivision 1. DEFINITION. For purposes of this section, the following definitions apply:

(a) “Medical response unit” means an organized service recognized by a local political subdivision whose primary responsibility is to respond to medical emergencies to provide initial medical care before the arrival of a licensed ambulance service.

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