

(e) Minnesota Rules, part 7503.2400, is repealed.

(f) Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; and 8855.0500, subpart 1, are repealed.

**Sec. 109. EFFECTIVE DATE; EXPIRATION.**

Sections 91 to 98 are effective the day following final enactment and expire on June 10, 2006.

---

**ARTICLE 4**

**EFFECTIVE DATES**

**Section 1. EFFECTIVE DATES.**

(a) Except as otherwise provided in this act, all provisions of this act are effective the day following final enactment.

(b) All provisions in article 2 that provide for the deposit of money in the driver services operating account or the vehicle services operating account in the special revenue fund are effective retroactively from July 1, 2005.

(c) All fee increases provided for in article 2 are effective August 1, 2005.

(d) Appropriations in this act are effective retroactively from July 1, 2005, and supersede and replace funding authorized by order of the Ramsey County District Court in Case No. C9-05-5928, as well as by Laws 2005, First Special Session chapter 2, which provided temporary funding through July 14, 2005.

Presented to the governor July 13, 2005

Signed by the governor July 14, 2005, 1:00 p.m.

---

**CHAPTER 7—H.F.No. 53**

*An act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2004, sections 13.72, subdivision 14, as added; 65A.08, subdivision 2, as amended, if enacted; 66A.02, as amended, if enacted; 152.02, subdivision 6, as amended; 168.011, subdivision 4; 168.012, subdivision 1, as amended; 168.27, subdivision 29, as amended; 203B.12, subdivision 2, as amended; 203B.24, subdivision 1, as amended; 244.10, subdivision 5, as added; 290.01, subdivision 19a, as amended; 290.0675, subdivision 1, as amended; 383B.217, subdivision 7, as*

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

*amended; 515B.4-106, as amended; 515B.4-108, as amended; Laws 2003, First Special Session chapter 11, article 2, section 21, as amended; Laws 2005, chapter 20, article 1, section 7, subdivision 15; Laws 2005, chapter 20, article 1, section 21, subdivision 5; Laws 2005, chapter 20, article 1, section 46, subdivision 1; Laws 2005, chapter 125, article 1, section 13, subdivision 5; Laws 2005, chapter 125, article 1, sections 16, 29; Laws 2005, chapter 136, article 1, section 9, subdivisions 3, 6; Laws 2005, chapter 136, article 14, sections 6, 9, 10, 11; Laws 2005, chapter 164, sections 26, 29; Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 4; Laws 2005, First Special Session H.F. No. 139, article 9, section 16, if enacted; 2005 H.F. No. 1, article 1, sections 1, if enacted, 9, subdivisions 1, 7, if enacted; 2005 S.F. No. 917, section 2, if enacted.*

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

Section 1. Minnesota Statutes 2004, section 65A.08, subdivision 2, as amended by 2005 S.F. No. 314, if enacted, is amended to read:

Subd. 2. **AMOUNT COLLECTIBLE.** (a) In the absence of any change increasing the risk, without the consent of the insurer, of which the burden of proof shall be upon it, and in the absence of intentional fraud on the part of the insured, the insurer shall pay the whole amount mentioned in the policy or renewal upon which it receives a premium, in case of total loss, and in case of partial loss, the full amount thereof.

(b) Notwithstanding paragraph (a), on a policy issued by the Minnesota FAIR plan under section 65A.36, the Minnesota FAIR plan may contest the whole amount set forth in the policy in the case of a total loss. If the Minnesota FAIR plan takes the position that the value of the property was less than the whole amount set forth in the policy, the Minnesota FAIR plan has the burden of proving by clear and convincing evidence that the value was less than that set forth in the policy. If the Minnesota FAIR plan pays less than the whole amount mentioned in the policy for a total loss, pursuant to this paragraph, the Minnesota FAIR plan shall refund to the insured the premium paid attributable to the difference between the whole amount mentioned in the policy and the amount paid for the total loss.

Sec. 2. Minnesota Statutes 2004, section 66A.02, as amended by 2005 S.F. No. 767, article 2, section 12, if enacted, is amended to read:

**66A.02 APPLICABILITY OF BUSINESS CORPORATION STATUTES.**

Subdivision 1. **GENERAL.** Chapter 302A shall apply to domestic mutual insurance companies except to the extent inconsistent with any provisions in this chapter or section 60A.07, or otherwise in conflict with any provisions in chapters 60A to 79A. Provisions of chapter 302A relating to share certificates, classes of shares, share values, or any other provisions relevant only to stock companies do not apply to mutual insurance companies.

Subd. 2. **MUTUAL HOLDING COMPANIES.** For purposes of sections 66A.01 to 66A.07 and 66A.21, the term "domestic mutual insurance company" is deemed to include domestic mutual insurance holding companies organized under section

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

60A.077 and the term "member" is deemed to include members of a domestic mutual insurance holding company as specified in section 60A.077, subdivision 1, paragraph (b). For purposes of section 60A.07, subdivisions 1, 1a, 1b, 1c, 1d, and 1e, a domestic mutual insurance holding company is deemed to be an insurance corporation.

Subd. 3. **TERMS.** For purposes of applying chapter 302A to domestic mutual insurance companies, members of a domestic mutual insurance company must be treated in the same manner as shareholders of a stock corporation, except as otherwise provided in this chapter. Every member of the mutual insurance company shall be deemed to hold one share of the company for purposes of applying provisions of chapter 302A relating to voting. Mutual insurance companies are not included in the definitions of "closely held corporation," "publicly held corporation," or "issuing public corporation." The term "distribution" does not include dividends paid on participating policies issued by the mutual insurance company or any insurance company subsidiary in the case of a mutual insurance holding company.

Subd. 4. **EXCEPTIONS.** The following provisions of chapter 302A do not apply to domestic mutual insurance companies: sections 302A.011, subdivisions 2, 6, 6a, 7, 10, 20, 21, 25, 26, 27, 28, 29, 31, 32, and 37 to 59; 302A.105; 302A.137; 302A.161, subdivision 19; 302A.201, subdivision 2; 302A.401 to 302A.429; 302A.433, subdivisions 1, paragraphs (a), (b), (c), and (e), and 2; 302A.437, subdivision 2; 302A.445, subdivisions 3 to 6; 302A.449, subdivision 7; 302A.453 to 302A.457; 302A.461; 302A.463; 302A.471 to 302A.473; 302A.553; 302A.601 to 302A.651; 302A.671 to 302A.675; 302A.681 to 302A.691; and 302A.701 to 302A.791. Those clauses of section 302A.111 that refer to any of the sections previously referenced in this subdivision do not apply to domestic mutual insurance companies. The following sections of chapter 302A are modified in their application to domestic mutual insurance companies in the manner indicated:

(1) with regard to section 302A.133, the articles may be amended pursuant to section 302A.171 by the incorporators or by the board before the issuance of any policies by the company;

(2) with regard to section 302A.135, subdivision 2, a resolution proposing an amendment to the certificate of authority must be filed with the corporate secretary no less than 30 days before the meeting to consider the proposed amendment;

(3) with regard to section 302A.161, subdivision 19 of that section does not apply, except this must not be construed to limit the power of a mutual insurance company from issuing securities other than stock;

(4) with regard to section 302A.201, the references in subdivision 1 of that section to "subdivision 2" and "section 302A.457" do not apply;

(5) with regard to section 302A.203, the board shall consist of no less than five directors;

(6) with regard to section 302A.215, subdivisions 2 and 3 of that section only apply if the corporation's certificate of incorporation provides cumulative voting;

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

(7) with regard to section 302A.433, subdivision 1 of that section, special meetings of the ~~shareholders~~ members may be called for any purpose or purposes at any time by a person or persons authorized in the articles or bylaws to call special meetings, and with regard to subdivision 3 of that section, special meetings must be held on the date and at the time and place fixed by a person or persons authorized by the articles or bylaws to call a meeting; and

(8) with regard to section 302A.435, if the company complies substantially and in good faith with the notice requirements of section 302A.435, the company's failure to give any member or members the required notice does not impair the validity of any action taken at the members' meeting.

Sec. 3. Laws 2003, First Special Session chapter 11, article 2, section 21, as amended by Laws 2005, chapter 10, article 1, section 78, is amended to read:

**Sec. 21. INDEPENDENT STUDY ON INTERMITTENT RESOURCES.**

The commission shall order the electric utility subject to Minnesota Statutes, section 216B.1691, subdivision 6, to contract with a firm selected by the commissioner of commerce for an independent engineering study of the impacts of increasing wind capacity on its system above the 825 megawatts of nameplate wind energy capacity to which the utility is already committed, to evaluate options available to manage the intermittent nature of this renewable resource. The study shall be completed by June 1, 2004, and incorporated into the utility's next resource plan filing. The costs of the study, options pursued by the utility to manage the intermittent nature of wind energy, and the costs of complying with Minnesota Statutes, section 216B.1691, subdivision 7 6, shall be recoverable under Minnesota Statutes, section 216B.1645.

Sec. 4. Laws 2005, chapter 20, article 1, section 7, subdivision 15, is amended to read:

Subd. 15. Trail Connections

885,000

For matching grants under Minnesota Statutes, section 85.019, subdivision 4c.

\$365,000 is to Stearns County for land acquisition, engineering, and construction of trail connections on the Lake Koronis Trail. Nonstate money previously spent for these purposes may be used to match this appropriation.

\$220,000 is for a grant to Stearns County to link the Lake Wobegon Trail to the Central Lakes State Trail.

\$300,000 is for a grant to the St. Louis and Lake Counties Regional Railroad Authority

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

to complete constructing, furnishing, and equipping Mesabi Station along the 132-mile recreational trail known as Mesabi Trail and located on Lake Mesabi at the intersection of U.S. 53 and U.S. 169 and marked Trunk Highway ~~135~~ 37. This appropriation is dependent upon a matching contribution of \$800,000 from other sources, public or private.

Sec. 5. Laws 2005, chapter 20, article 1, section 21, subdivision 5, is amended to read:

Subd. 5. Willmar Veterans Home Pre-design

100,000

To predesign a veterans nursing home on the at Willmar Regional Treatment Center campus, including a 60-bed skilled nursing facility in the medical treatment center annex building (building 24) and possibly new construction for a veterans geriatric behavioral program.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 6. **CORR05-7** 2005 S.F. No. 917, section 3, if enacted, is amended to read:

Sec. 3. **APPROPRIATIONS; COMMUNITY HEALTH AND FAMILY PROMOTION.**

\$2,500,000 is appropriated from the general fund to the commissioner of health for positive abortion alternatives under new Minnesota Statutes, section ~~127A.145~~ 145.4235. Of this amount, \$50,000 is available for the fiscal year ending June 30, 2006, and \$100,000 is available for the fiscal year ending June 30, 2007, for administrative costs of implementing the grant program. The balance of the appropriation is available for the fiscal year ending June 30, 2007. The base funding for fiscal years 2008 and 2009 is \$2,500,000 per year.

Sec. 7. **CORR05-8** 2005 H.F. No. 1, article 1, section 1, if enacted, is amended to read:

Section 1. **PUBLIC SAFETY APPROPRIATIONS.**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. The figures "2006" and "2007" where used in this article, mean that the appropriation

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

or appropriations listed under them are available for the year ending June 30, 2006, or June 30, 2007, respectively. The term "first year" means the fiscal year ending June 30, 2006, and the term "second year" means the fiscal year ending June 30, 2007.

## SUMMARY BY FUND

	2006	2007	TOTAL
General	\$ 835,043,000	\$ 849,704,000	\$1,684,747,000
State Government Special Revenue	43,662,000	44,415,000	88,077,000
	<u>44,375,000</u>	<u>44,642,000</u>	<u>89,017,000</u>
Environmental	49,000	49,000	98,000
Special Revenue	5,634,000	5,493,000	11,127,000
Trunk Highway	392,000	362,000	754,000
Bond Proceeds	62,500,000	-0-	62,500,000
TOTAL	\$ <u>947,280,000</u>	\$ <u>900,023,000</u>	\$ <u>1,847,303,000</u>
	<u>947,993,000</u>	<u>900,250,000</u>	<u>1,848,243,000</u>

## APPROPRIATIONS

Available for the Year  
Ending June 30

2006                      2007

Sec. 8. **CORR05-8A** 2005 H.F. No. 1, article 1, section 9, subdivision 1, if enacted, is amended to read:

Subdivision 1. Total Appropriation	188,774,000	126,747,000
	<u>189,487,000</u>	<u>126,974,000</u>

## Summary by Fund

General	81,581,000	81,332,000
Special Revenue	590,000	589,000
State Government Special Revenue	43,662,000	44,415,000
	<u>44,375,000</u>	<u>44,642,000</u>
Environmental	49,000	49,000
Trunk Highway	392,000	362,000
Bond Proceeds	62,500,000	-0-

**APPROPRIATIONS FOR PROGRAMS.** The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Sec. 9. **CORR05-8B** 2005 H.F. No. 1, article 1, section 9, subdivision 7, if enacted, is amended to read:

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

Subd. 7. 911 Emergency  
Services/ARMER

43,655,000	44,408,000
<u>44,368,000</u>	<u>44,635,000</u>

This appropriation is from the state government special revenue fund for 911 emergency telecommunications services.

**PRIOR 911 OBLIGATIONS.** \$3,442,000 the first year and \$3,064,000 the second year are to fund a deficiency due to prior year obligations under Minnesota Statutes, section 403.11, that were estimated in the December 2004 911 fund statement to be \$6,504,700 on July 1, 2005. "Prior year obligations" means reimbursable costs under Minnesota Statutes, section 403.11, subdivision 1, incurred under the terms and conditions of a contract with the state for a fiscal year preceding fiscal year 2004, that have been certified in a timely manner in accordance with Minnesota Statutes, section 403.11, subdivision 3a, and that are not barred by statute of limitation or other defense. The appropriations needed for this purpose are estimated to be none in fiscal year 2008 and thereafter.

**PUBLIC SAFETY ANSWERING POINTS.** \$13,640,000 the first year and \$13,664,000 the second year are to be distributed as provided in Minnesota Statutes, section 403.113, subdivision 2. This appropriation may only be used for public safety answering points that have implemented phase two wireless enhanced 911 service or whose governmental agency has made a binding commitment to the commissioner of public safety to implement phase two wireless enhanced 911 service by January 1, 2008. If revenue to the account is insufficient to support all appropriations from the account for a fiscal year, this appropriation takes priority over other

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

appropriations, except the open appropriation in Minnesota Statutes, section 403.30, subdivision 1, for debt service on bonds previously sold.

**MEDICAL RESOURCE COMMUNICATION CENTERS.** \$682,000 the first year and \$683,000 the second year are for grants to the Minnesota Emergency Medical Services Regulatory Board for the Metro East and Metro West Medical Resource Communication Centers that were in operation before January 1, 2000.

**800 MEGAHERTZ DEBT SERVICE.** \$6,138,000 the first year and \$6,149,000 the second year are to the commissioner of finance to pay debt service on revenue bonds issued under Minnesota Statutes, section 403.275. Any portion of this appropriation not needed to pay debt service in a fiscal year may be used by the commissioner of public safety to pay cash for any of the capital improvements for which bond proceeds have been appropriated in subdivision 8.

**METROPOLITAN COUNCIL DEBT SERVICE.** \$1,405,000 the first year and \$1,410,000 the second year are to the commissioner of finance for payment to the Metropolitan Council for debt service on bonds issued under Minnesota Statutes, section 403.27.

**800 MEGAHERTZ IMPROVEMENTS.** \$1,323,000 each year is for the Statewide Radio Board for costs of design, construction, maintenance of, and improvements to those elements of the first, second, and third phases that support mutual aid communications and emergency medical services, and for recurring charges for leased sites and equipment for those elements of the first, second, and third phases that support mutual aid and emergency medical communication services.

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



Sec. 10. **CORRSS-1A** Laws 2005, chapter 136, article 1, section 9, subdivision 3, is amended to read:

Subd. 3. Criminal Apprehension	40,328,000	40,367,000
Summary by Fund		
General	39,520,000	39,560,000
Special Revenue	440,000	439,000
State Government		
Special Revenue	7,000	7,000
Trunk Highway	361,000	361,000

**AGENCY CUT, DISTRIBUTION.** The general fund appropriation includes a reduction of \$245,000 the first year and \$250,000 the second year. This reduction may be applied to any program funded under this section with the exception of the Office of Justice Programs.

**COOPERATIVE INVESTIGATION OF CROSS-JURISDICTIONAL CRIMINAL ACTIVITY.** \$94,000 the first year and \$93,000 the second year are appropriated from the Bureau of Criminal Apprehension account in the special revenue fund for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

**LABORATORY ACTIVITIES.** \$346,000 each year is appropriated from the Bureau of Criminal Apprehension account in the special revenue fund for laboratory activities.

**DWI LAB ANALYSIS; TRUNK HIGHWAY FUND.** Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$361,000 each year is appropriated from the trunk highway fund for laboratory

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

analysis related to driving-while-impaired cases.

**DWI POLICY REFORMS.** \$60,000 the first year and \$58,000 the second year are for costs associated with DWI policy reforms contained in article 18.

**AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM.** \$1,533,000 the first year and \$2,318,000 the second year are to replace the automated fingerprint identification system (AFIS). The base for fiscal year 2008 is \$1,562,000 and the base for fiscal year 2009 is \$1,604,000.

**PREDATORY OFFENDER REGISTRATION SYSTEM.** \$1,146,000 the first year and \$564,000 the second year are to upgrade the predatory offender registration (POR) system and to increase the monitoring and tracking of registered offenders who become noncompliant with the law. The base for fiscal year 2008 is \$636,000 and the base for fiscal year 2009 is \$564,000.

**CRIMINAL JUSTICE INFORMATION SYSTEMS (CJIS) AUDIT TRAIL.** \$374,000 the first year and \$203,000 the second year are for the Criminal Justice Information Systems (CJIS) audit trail.

**DNA ANALYSIS.** \$757,000 the first year and \$769,000 the second year are to fund DNA analyses of biological samples.

**LIVESCAN.** \$66,000 the first year and \$69,000 the second year are to fund the ongoing costs of Livescan.

**TEN NEW AGENTS.** \$1,000,000 each year is for ten Bureau of Criminal Apprehension agents to be assigned exclusively to methamphetamine enforcement, including the investigation of manufacturing and distributing methamphetamine and related

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

violence. These appropriations are intended to increase the current allocation of Bureau of Criminal Apprehension resources dedicated to methamphetamine enforcement. Positions funded by these appropriations may not supplant existing agent assignments or positions.

Sec. 11. **CORRSS-1B** Laws 2005, chapter 136, article 1, section 9, subdivision 6, is amended to read:

Subd. 6. Office of Justice Programs	34,440,000	34,035,000
-------------------------------------	------------	------------

**GANG AND NARCOTICS STRIKE FORCES.** \$2,374,000 each year is for grants to the combined operations of the Criminal Gang Strike Force and Narcotics Task Forces.

**CRIME VICTIM ASSISTANCE GRANTS INCREASE.** \$1,270,000 each year is to increase funding for crime victim assistance grants for abused children, sexual assault victims, battered women, and general crime victims.

**BATTERED WOMEN'S SHELTER GRANTS.** \$400,000 each year is to increase funding for battered women's shelters under Minnesota Statutes, section 611A.32, and for safe houses.

**METHAMPHETAMINE TREATMENT GRANTS.** \$750,000 each year is for grants to counties for methamphetamine treatment programs. Priority should be given to those counties that demonstrate a treatment approach that incorporates best practices as defined by the Minnesota Department of Human Services. This is a onetime appropriation.

**FINANCIAL CRIMES TASK FORCE.** \$750,000 each year is for the Financial Crimes Task Force. A cash or in-kind match totalling a minimum of \$250,000 is

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

required. Before the funds may be allocated, a financial work plan must be submitted to the commissioner of public safety.

**HUMAN TRAFFICKING; ASSESSMENT, POLICY DEVELOPMENT, AND IMPLEMENTATION.** \$50,000 each year is to conduct the study and assessment of human trafficking under new Minnesota Statutes, sections 299A.78 and 299A.785. This is a onetime appropriation.

**YOUTH INTERVENTION PROGRAMS.** \$1,452,000 each year is for youth intervention programs currently under Minnesota Statutes, section 116L.30, but to be transferred to Minnesota Statutes, section 299A.73.

**HOMELESSNESS PILOT PROJECTS.** \$400,000 the first year is for the homelessness pilot projects described in article 8, section 27. This is a onetime appropriation.

**ADMINISTRATION COSTS.** Up to 2.5 percent of the grant funds appropriated in this subdivision may be used to administer the grant programs.

Sec. 12. **CORRSS-1C** Laws 2005, chapter 136, article 14, section 6, is amended to read:

Sec. 6. Minnesota Statutes 2004, section 357.18, is amended to read:

**357.18 COUNTY RECORDER.**

Subdivision 1. **COUNTY RECORDER FEES.** The fees to be charged by the county recorder shall be and not exceed the following:

(1) for indexing and recording any deed or other instrument a fee of \$46; \$10.50 shall be paid to the state treasury and credited to the general fund; \$10 shall be deposited in the technology fund pursuant to subdivision 3; and \$25.50 to the county general fund;

(2) for documents containing multiple assignments, partial releases or satisfactions a fee of \$40 \$46; if the document cites more than four recorded instruments, an additional fee of \$10 for each additional instrument cited over the first four citations;

(3) for certified copies of any records or papers, \$10;

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

(4) for a noncertified copy of any instrument or writing on file or recorded in the office of the county recorder, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(5) for an abstract of title, the fees shall be determined by resolution of the county board duly adopted upon the recommendation of the county recorder, and the fees shall not exceed \$10 for every entry, \$100 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$5 per name for each required name search certification;

(6) for a copy of an official plat filed pursuant to section 505.08, the fee shall be \$10 and an additional \$5 shall be charged for the certification of each plat;

(7) for filing an amended floor plan in accordance with chapter 515, an amended condominium plat in accordance with chapter 515A, or a common interest community plat or amendment complying with section 515B.2-110, subsection (c), the fee shall be 50 cents per apartment or unit with a minimum fee of \$50 \$56;

(8) for a copy of a floor plan filed pursuant to chapter 515, a copy of a condominium plat filed in accordance with chapter 515A, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, condominium plat or common interest community plat with a minimum fee of \$10;

(9) for recording any plat, a fee of \$56, of which \$10.50 must be paid to the state treasury and credited to the general fund, \$10 must be deposited in the technology fund pursuant to subdivision 3, and \$35.50 must be deposited in the county general fund; and

(10) for a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or duplicate original and payment of the fee, a county recorder shall return it marked "copy" or "duplicate," showing the recording date and, if available, the document number assigned to the original.

Subd. 1a. **ABSTRACTING SERVICE FEES.** Fees fixed by or established pursuant to subdivision 1 shall be the maximum fee charged in all counties where the county recorder performs abstracting services and shall be charged by persons authorized to perform abstracting services in county buildings pursuant to section 386.18.

Subd. 2. **FEES FOR RECORDING INSTRUMENTS IN COUNTY RECORDER OFFICE.** Notwithstanding the provisions of any special law to the contrary, the established fees pursuant to subdivision 1 shall be the fee charged in all counties for the specified service, other than Uniform Commercial Code documents, and documents filed or recorded pursuant to sections 270.69, subdivision 2, paragraph (c), 272.481 to 272.488, 277.20, and 386.77.

Subd. 4. **TECHNOLOGY FUND.** The \$10 fee collected under subdivision 1, clause (1), shall be deposited in a technology fund for obtaining, maintaining, and updating current technology and equipment to provide services from the record system. The fund shall be disbursed at the county recorder's discretion to provide modern information services from the records system. The fund is a supplemental fund and shall not be construed to diminish the duty of the county governing body to furnish funding for expenses and personnel necessary in the performance of the duties of the office pursuant to section 386.015, subdivision 6, paragraph (a), clause (2), and to comply with the requirements of section 357.182.

Subd. 5. **VARIANCE FROM STANDARDS.** A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

Subd. 6. **REGISTRAR OF TITLES' FEES.** The fees to be charged by the registrar of titles are in sections 508.82 and 508A.82.

Sec. 13. **CORRSS-1D** Laws 2005, chapter 136, article 14, section 9, is amended to read:

Sec. 9. Minnesota Statutes 2004, section 508.82, is amended to read:

**508.82 REGISTRAR OF TITLES' FEES.**

Subdivision 1. **STANDARD DOCUMENTS.** The fees to be charged by the registrar of titles shall be and not exceed the following:

(1) of the fees provided herein, \$1.50 of the fees collected under clauses (3), (4), ~~(10), (12), (14), (16), and (17)~~ (11), (13), (15), (17), and (18) for filing or memorializing shall be paid to the state treasury pursuant to section 508.75 and credited to the general fund;

(2) for registering a first certificate of title, including issuing a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$10.50 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$25.50 shall be deposited in the county general fund;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the registration of the new certificate of title, including a copy of it, \$46. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

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

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$24 shall be deposited in the county general fund;

(4) for the entry of each memorial on a certificate, \$46. For multiple certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund; and

(iv) \$20 shall be deposited in the county general fund for each multiple entry used;

(5) for issuing each residue certificate, \$40;

(6) for exchange certificates, \$20 for each certificate canceled and \$20 for each new certificate issued;

(7) for each certificate showing condition of the register, \$50;

(8) for any certified copy of any instrument or writing on file or recorded in the registrar of titles' office, \$10;

(9) for a noncertified copy of any certificate of title, other than the copies issued under clauses (2) and (3), any instrument or writing on file or recorded in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or duplicate original and payment of the fee, a registrar of titles shall return it marked "copy" or "duplicate," showing the recording date and, if available, the document number assigned to the original;

(11) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$34 shall be deposited in the county general fund;

(12) for any other service under this chapter, such fee as the court shall determine;

(13) for filing an amendment to a declaration in accordance with chapter 515, \$46 for each certificate upon which the document is registered and for multiple certificate

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

entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter 515. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for an amended floor plan;

(14) for issuance of a CECT pursuant to section 508.351, \$40;

(15) for filing an amendment to a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), \$46 for each certificate upon which the document is registered and for multiple certificate entries, \$20 thereafter and \$56 for the filing of the condominium or common interest community plat or amendment. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund for the filing of an amendment complying with section 515B.2-110, subsection (c);

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for the filing of a condominium or CIC plat or amendment;

(16) for a copy of a condominium floor plan filed in accordance with chapter 515, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan or common interest community plat with a minimum fee of \$10;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$46. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$24 shall be deposited in the county general fund;

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



(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$56. Pursuant to clause (1), distribution of this fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$34 shall be deposited in the county general fund; and

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$15.

Subd. 1a. **FEES FOR RECORDING INSTRUMENTS WITH REGISTRAR OF TITLES' OFFICE.** Notwithstanding the provisions of any general or special law to the contrary, and pursuant to section 357.182, the established fees pursuant to subdivision 1 shall be the fee charged in all counties for the specified service, other than Uniform Commercial Code documents and documents filed or recorded pursuant to sections 270.69, subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and 386.77.

Subd. 2. **VARIANCE FROM STANDARDS.** A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

Sec. 14. **CORRSS-1E** Laws 2005, chapter 136, article 14, section 10, is amended to read:

Sec. 10. Minnesota Statutes 2004, section 508A.82, is amended to read:

508A.82 **REGISTRAR OF TITLES' FEES.**

Subdivision 1. **STANDARD DOCUMENTS.** The fees to be charged by the registrar of titles shall be and not exceed the following:

(1) of the fees provided herein, \$1.50 of the fees collected under clauses (3), (5), ~~(11), (13), (15), and (18)~~ (12), (14), (16), and (19) for filing or memorializing shall be paid to the state treasury pursuant to section 508.75 and credited to the general fund;

(2) for registering a first CPT, including issuing a copy of it, \$46. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$10.50 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$25.50 shall be deposited in the county general fund;

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

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the registration of the new CPT, including a copy of it, \$46. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$24 shall be deposited in the county general fund;

(4) for issuance of a CECT pursuant to section 508A:351, \$15;

(5) for the entry of each memorial on a CPT, \$46; for multiple certificate entries, \$20 thereafter. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund; and

(iv) \$20 shall be deposited in the county general fund for each multiple entry used;

(6) for issuing each residue CPT, \$40;

(7) for exchange CPTs or combined certificates of title, \$20 for each CPT and certificate of title canceled and \$20 for each new CPT or combined certificate of title issued;

(8) for each CPT showing condition of the register, \$50;

(9) for any certified copy of any instrument or writing on file or recorded in the registrar of titles' office, \$10;

(10) for a noncertified copy of any CPT, other than the copies issued under clauses (2) and (3), any instrument or writing on file or recorded in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(11) for a noncertified copy of any document submitted for recording, if the original document is accompanied by a copy or duplicate original, \$2. Upon receipt of the copy or duplicate original and payment of the fee, a registrar of titles shall return it marked "copy" or "duplicate," showing the recording date and, if available, the document number assigned to the original;

(12) for filing two copies of any plat in the office of the registrar, \$56. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

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

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$34 shall be deposited in the county general fund;

(13) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;

(14) for filing an amendment to a declaration in accordance with chapter 515, \$46 for each certificate upon which the document is registered and for multiple certificate entries, \$20 thereafter; \$56 for an amended floor plan filed in accordance with chapter 515. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund for amendment to a declaration;

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for an amended floor plan;

(15) for issuance of a CECT pursuant to section 508.351, \$40;

(16) for filing an amendment to a common interest community declaration and plat or amendment complying with section 515B.2-110, subsection (c), and issuing a CECT if required, \$46 for each certificate upon which the document is registered and for multiple certificate entries, \$20 thereafter; \$56 for the filing of the condominium or common interest community plat or amendment. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3;

(iii) \$24 shall be deposited in the county general fund for the filing of an amendment complying with section 515B.2-110, subsection (c);

(iv) \$20 shall be deposited in the county general fund for each multiple entry used; and

(v) \$34 shall be deposited in the county general fund for the filing of a condominium or CIC plat or amendment;

(17) for a copy of a condominium floor plan filed in accordance with chapter 515, or a copy of a common interest community plat complying with section 515B.2-110, subsection (c), the fee shall be \$1 for each page of the floor plan, or common interest community plat with a minimum fee of \$10;

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

(18) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(19) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, §56. Pursuant to clause (1), distribution of the fee is as follows:

(i) \$12 shall be paid to the state treasury and credited to the general fund;

(ii) \$10 shall be deposited in the technology fund pursuant to section 357.18, subdivision 3; and

(iii) \$34 shall be deposited in the county general fund; and

(20) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, §15.

Subd. 1a. **FEES TO RECORD INSTRUMENTS WITH REGISTRAR OF TITLES.** Notwithstanding any special law to the contrary, and pursuant to section 357.182, the established fees pursuant to subdivision 1 shall be the fee charged in all counties for the specified service, other than Uniform Commercial Code documents, and documents filed or recorded pursuant to sections 270.69, subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and 386.77.

Subd. 2. **VARIANCE FROM STANDARDS.** A document should conform to the standards in section 507.093, paragraph (a), but should not be rejected unless the document is not legible or cannot be archived. This subdivision applies only to documents dated after July 31, 1997, and does not apply to Minnesota uniform conveyancing blanks on file in the office of the commissioner of commerce provided for under section 507.09, certified copies, or any other form provided for under Minnesota Statutes.

Sec. 15. **CORRSS-1F** Laws 2005, chapter 136, article 14, section 11, is amended to read:

Sec. 11. Minnesota Statutes 2004, section 515B.1-116, is amended to read:

**515B.1-116 RECORDING.**

(a) A declaration, bylaws, any amendment to a declaration or bylaws, and any other instrument affecting a common interest community shall be entitled to be recorded. In those counties which have a tract index, the county recorder shall enter the declaration in the tract index for each unit affected. The registrar of titles shall file the declaration in accordance with section 508.351 or 508A.351.

(b) The recording officer shall upon request promptly assign a number (CIC number) to a common interest community to be formed or to a common interest

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

community resulting from the merger of two or more common interest communities.

(c) Documents recorded pursuant to this chapter shall in the case of registered land be filed, and references to the recording of documents shall mean filed in the case of registered land.

(d) Subject to any specific requirements of this chapter, if a recorded document relating to a common interest community purports to require a certain vote or signatures approving any restatement or amendment of the document by a certain number or percentage of unit owners or secured parties, and if the amendment or restatement is to be recorded pursuant to this chapter, an affidavit of the president or secretary of the association stating that the required vote or signatures have been obtained shall be attached to the document to be recorded and shall constitute prima facie evidence of the representations contained therein.

(e) If a common interest community is located on registered land, the recording fee for any document affecting two or more units shall be \$40 ~~\$46~~ for the first ten affected certificates and \$10 for each additional affected certificate. This provision shall not apply to recording fees for deeds of conveyance, with the exception of deeds given pursuant to sections 515B.2-119 and 515B.3-112.

(f) Except as permitted under this subsection, a recording officer shall not file or record a declaration creating a new common interest community, unless the county treasurer has certified that the property taxes payable in the current year for the real estate included in the proposed common interest community have been paid. This certification is in addition to the certification for delinquent taxes required by section 272.12. In the case of preexisting common interest communities, the recording officer shall accept, file, and record the following instruments, without requiring a certification as to the current or delinquent taxes on any of the units in the common interest community: (i) a declaration subjecting the common interest community to this chapter; (ii) a declaration changing the form of a common interest community pursuant to section 515B.2-123; or (iii) an amendment to or restatement of the declaration, bylaws, or CIC plat. In order for an instrument to be accepted and recorded under the preceding sentence, the instrument must not create or change unit or common area boundaries.

Sec. 16. **CORRSS-2** Minnesota Statutes 2004, section 13.72, subdivision 14, as added by Laws 2005, chapter 163, section 48, is amended to read:

Subd. 14. **ACCOUNT DATA.** The following data pertaining to applicants for or users of toll facilities, and high-occupancy vehicle lanes for which a user fee is charged under section ~~169.03~~ 160.93, are classified as nonpublic data with regard to data not on individuals and as private data with regard to data on individuals: data contained in applications for the purchase, lease, or rental of a device such as an electronic vehicle transponder which automatically assesses charges for a vehicle's use of toll roads; personal and vehicle identification data; financial and credit data; and toll road usage data. Nothing in this subdivision prohibits the production of summary data as defined in section 13.02, subdivision 19.

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

Sec. 17. **CORRSS-3** Minnesota Statutes 2004, section 244.10, subdivision 5, as added by Laws 2005, chapter 136, article 16, section 4, is amended to read:

**Subd. 5. PROCEDURES IN CASES WHERE STATE INTENDS TO SEEK AN AGGRAVATED DEPARTURE.** (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

- (1) would be admissible as part of the trial on the elements of the offense; or
- (2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

- (1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and
- (2) would result in unfair prejudice to the defendant.

Sec. 18. **CORRSS-4 ELECTRONIC VOTING SYSTEM CERTIFICATION DEADLINE SUSPENDED.**

The requirement of Minnesota Rules, part 8220.0325, that applications for certification of electronic voting systems or software be submitted between December 1 of an even-numbered year and September 1 of the following odd-numbered year is suspended until December 1, 2006.

Sec. 19. **CORRSS-5** Minnesota Statutes 2004, section 168.011, subdivision 4, is amended to read:

**Subd. 4. MOTOR VEHICLE.** (a) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys that are propelled by electric power obtained from overhead trolley

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

wires but not operated upon rails. It does not include snowmobiles, manufactured homes, or park trailers.

(b) "Motor vehicle" also includes an all-terrain vehicle, as defined in section 84.92, subdivision 8, that (1) has at least four wheels, (2) is owned and operated by a physically disabled person, and (3) displays both physically disabled license plates and a physically disabled certificate issued under section 169.345, subdivision 3.

(c) "Motor vehicle" does not include an all-terrain vehicle as defined in section 84.92, subdivision 8; except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. The owner may continue to license an all-terrain vehicle described in clause (2) as a motor vehicle until it is conveyed or otherwise transferred to another owner, is destroyed, or fails to comply with the registration and licensing requirements of this chapter.

(d) "Motor vehicle" does not include an electric personal assistive mobility device as defined in section 169.01, subdivision 90.

(e) "Motor vehicle" does not include a motorized foot scooter as defined in section 169.01, subdivision 4c.

Sec. 20. **CORRSS-5A** Minnesota Statutes 2004, section 168.012, subdivision 1, as amended by Laws 2005, chapter 135, section 3, is amended to read:

Subdivision 1. **VEHICLES EXEMPT FROM TAX, FEES, OR PLATE DISPLAY.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

(6) motorized foot scooters as defined in section 169.01, subdivision 4c; and

(7) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

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

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue or the commissioner of labor and industry. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) Unmarked vehicles used by the Division of Disease Prevention and Control of the Department of Health must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of health. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Division of Disease Prevention and Control.

(f) Unmarked vehicles used by staff of the Gambling Control Board in gambling investigations and reviews must be registered and must display passenger vehicle classification license number plates. These plates must be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the board chair. The certification must be on a form prescribed by the commissioner and state that the vehicles will be used exclusively for the official duties of the Gambling Control Board.

(g) All other motor vehicles must be registered and display tax-exempt number plates, furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates must have the name of the state department or political subdivision, nonpublic high school operating a driver education program, or licensed commercial driving school, plainly displayed on both sides of the vehicle; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle, and county social service agencies may have vehicles used for child and

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



vulnerable adult protective services without the required identification on the sides of the vehicle. This identification must be in a color giving contrast with that of the part of the vehicle on which it is placed and must endure throughout the term of the registration. The identification must not be on a removable plate or placard and must be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 21. **CORRSS-6** Minnesota Statutes 2004, section 203B.12, subdivision 2, as amended by Laws 2005, chapter 156, article 6, section 26, is amended to read:

Subd. 2. **EXAMINATION OF RETURN ENVELOPES.** Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot, except that if a person other than the voter applied for the absentee ballot under applicable Minnesota Rules, the signature is not required to match;

(3) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

There is no other reason for rejecting an absentee ballot. In particular, failure to place the ~~envelope~~ ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 22. **CORRSS-6a** Minnesota Statutes 2004, section 203B.24, subdivision 1, as amended by Laws 2005, chapter 156, article 6, section 30, is amended to read:

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

Subdivision 1. **CHECK OF VOTER ELIGIBILITY; PROPER EXECUTION OF AFFIDAVIT.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the voter's military identification number or passport number or, if those numbers do not appear, a person authorized to administer oaths under federal law or the law of the place where the oath was administered or a witness who is military personnel with a rank at or above the rank of sergeant or its equivalent has signed the ballot; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

An absentee ballot case pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to (4). In particular, failure to place the envelope ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

Election judges must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply.

Sec. 23. **CORRSS-7** Minnesota Statutes 2004, section 515B.4-106, as amended by Laws 2005, chapter 121, section 37, is amended to read:

**515B.4-106 PURCHASER'S RIGHT TO CANCEL.**

(a) A person required to deliver a disclosure statement pursuant to section 515B.4-101(b) shall provide at least one of the purchasers of the unit with a copy of the disclosure statement and all amendments thereto before conveyance of the unit. If a purchaser is not given a disclosure statement more than ten days before execution of the purchase agreement, the purchaser may, before conveyance, cancel the purchase agreement within ten days after first receiving the disclosure statement. If a purchaser is given the disclosure statement more than ten days before execution of the purchase agreement, the purchaser may not cancel the purchase agreement pursuant to this section. The ten-day rescission period may be modified or waived, in writing, by

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

agreement of the purchaser of a unit only after the purchaser has received and had an opportunity to review the disclosure statement. The person required to deliver a disclosure statement may not condition the sale of the unit on the purchaser agreeing to modify or waive the purchaser's ten-day right of rescission, may not contractually obligate the purchaser to modify or waive the purchaser's ten-day right of rescission, and may not include a modification or waiver of the ten-day right of rescission in any purchase agreement for the unit. To be effective, a modification or waiver of a purchaser's ten-day right of rescission must be evidenced by an instrument separate from the purchase agreement signed by the purchaser more than three days after the purchaser signs the purchase agreement receives the disclosure statement.

(b) If an amendment to the disclosure statement materially and adversely affects a purchaser, then the purchaser shall have ten days after delivery of the amendment to cancel the purchase agreement in accordance with this section. The ten-day rescission period may be modified or waived, in writing, by agreement of the purchaser of a unit only after the purchaser has received and had an opportunity to review the ~~disclosure statement~~ amendment. To be effective, a modification or waiver of a purchaser's ten-day right of rescission under this section must be evidenced by a written instrument separate from the purchase agreement signed by the purchaser more than three days after the purchaser receives the amendment.

(c) If a purchaser elects to cancel a purchase agreement pursuant to this section, the purchaser may do so by giving notice thereof pursuant to section 515B.1-115. Cancellation is without penalty, and all payments made by the purchaser before cancellation shall be refunded promptly. Notwithstanding anything in this section to the contrary, the purchaser's cancellation rights under this section terminate upon the purchaser's acceptance of a conveyance of the unit.

(d) If a declarant obligated to deliver a disclosure statement fails to deliver to the purchaser a disclosure statement which substantially complies with this chapter, the declarant shall be liable to the purchaser in the amount of \$1,000, in addition to any damages or other amounts recoverable under this chapter or otherwise. Any action brought under this subsection shall be commenced within the time period specified in section 515B.4-115, subsection (a).

Sec. 24. **CORRSS-7A** Minnesota Statutes 2004, section 515B.4-108, as amended by Laws 2005, chapter 121, section 39, is amended to read:

**515B.4-108 PURCHASER'S RIGHT TO CANCEL RESALE.**

(a) Unless a purchaser is given the information required to be delivered by section 515B.4-107, by a delivery method described in that section, more than ten days prior to the execution of the purchase agreement for the unit the purchaser may, prior to the conveyance, cancel the purchase agreement within ten days after receiving the information. The ten-day rescission period may be modified or waived, in writing, by agreement of the purchaser of a unit only after the purchaser has received and had an opportunity to review the information required to be delivered by section 515B.4-107.

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

The person required to deliver the information required to be delivered by section 515B.4-107 may not condition the sale of the unit on the purchaser agreeing to modify or waive the purchaser's ten-day right of rescission, may not contractually obligate the purchaser to modify or waive the purchaser's ten-day right of rescission, and may not include a modification or waiver of the ten-day right of rescission in any purchase agreement for the unit. To be effective, a modification or waiver of a purchaser's ten-day right of rescission must be evidenced by an instrument separate from the purchase agreement signed by the purchaser more than three days after the purchaser signs the purchase agreement receives the resale disclosure certificate.

(b) A purchaser who elects to cancel a purchase agreement pursuant to subsection (a), may do so by hand delivering notice thereof or mailing notice by postage prepaid United States mail to the seller or the agent. Cancellation is without penalty and all payments made by the purchaser shall be refunded promptly.

Sec. 25. **CORRSS-8** Minnesota Statutes 2004, section 152.02, subdivision 6, as amended by Laws 2005, chapter 136, article 7, section 3, is amended to read:

**Subd. 6. SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE PRECURSOR DRUGS.** (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation intended for human consumption containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

(b) The following items are listed in Schedule V:

(1) any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; or

(iv) not more than 15 milligrams of anhydrous morphine per 100 milliliters or per 100 grams; and

(2) any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.

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

(c) No person may sell in a single over-the-counter sale more than two packages of a methamphetamine precursor drug or a combination of methamphetamine precursor drugs or any combination of packages exceeding a total weight of six grams.

(d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

(1) packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine base; or

(2) for nonliquid products, sales in blister packs, where each blister contains not more than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit dose packets or pouches.

(e) A business establishment that offers for sale methamphetamine precursor drugs in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall ensure that the person making the sale requires the buyer:

(1) to provide photographic identification showing the buyer's date of birth; and

(2) to sign a written or electronic document detailing the date of the sale, the name of the buyer, and the amount of the drug sold. Nothing in this paragraph requires the buyer to obtain a prescription for the drug's purchase.

(f) No person may acquire through over-the-counter sales more than six grams of methamphetamine precursor drugs within a 30-day period.

(g) No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than \$1,000, or both.

(i) An owner, operator, supervisor, or manager of a business establishment that offers for sale methamphetamine precursor drugs whose employee or agent is convicted of or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal penalties for violating any of those paragraphs if the person:

(1) did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; and

(2) documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

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

(j) Any person employed by a business establishment that offers for sale methamphetamine precursor drugs who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager may report the transaction to local law enforcement. A person who reports information under this subdivision in good faith is immune from civil liability relating to the report.

(k) Paragraphs (e) (b) to (j) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;

(3) methamphetamine precursor drugs in gel capsule or liquid form; or

(4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

(l) The Board of Pharmacy, in consultation with the Department of Public Safety, shall certify methamphetamine precursor drugs that meet the requirements of paragraph (k), clause (2), and publish an annual listing of these drugs.

(m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy pursuant to sections 151.42 to 151.51 and registered with and regulated by the United States Drug Enforcement Administration are exempt from the methamphetamine precursor drug storage requirements of this section.

(n) This section preempts all local ordinances or regulations governing the sale by a business establishment of over-the-counter products containing ephedrine or pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

#### Sec. 26. **CORRSS-9 INSTRUCTION TO THE REVISOR.**

The revisor of statutes shall change the section or chapter references in the sections of Laws 2005, chapter 164, specified in column A from the number specified in column B to the number specified in column C.

<u>A</u>	<u>B</u>	<u>C</u>
<u>Section 4, para. (f)</u>	<u>517C</u>	<u>518</u>
<u>Section 5, subd. 1</u>	<u>518.773</u>	<u>518.729</u>
<u>Section 10, para. (b), clause (1)</u>	<u>518.551, subd. 5</u>	<u>518.725</u>
<u>Section 22, subd. 1</u>	<u>518.773</u>	<u>518.729</u>
<u>Section 25, clause (2)</u>	<u>518.713, clauses (1) to (15)</u>	<u>518.713, clauses (1) to (13)</u>

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

Sec. 27. **CORRSS-9A** Laws 2005, chapter 164, section 26, is amended to read:

Sec. 26. **[518.725] GUIDELINE USED IN CHILD SUPPORT DETERMINATIONS.**

Subdivision 1. **DETERMINATION OF SUPPORT OBLIGATION.** (a) The guideline in this section is a rebuttable presumption and shall be used in any judicial or administrative proceeding to establish or modify a support obligation under chapter 518.

(b) The basic child support obligation shall be determined by referencing the guideline for the appropriate number of joint children and the combined parental income for determining child support of the parents.

(c) If a child is not in the custody of either parent and a support order is sought against one or both parents, the basic child support obligation shall be determined by referencing the guideline for the appropriate number of joint children, and the parent's individual parental income for determining child support, not the combined parental incomes for determining child support of the parents.

(d) For combined parental incomes for determining child support exceeding \$15,000 per month, the presumed basic child support obligations shall be as for parents with combined parental income for determining child support of \$15,000 per month. A basic child support obligation in excess of this level may be demonstrated for those reasons set forth in section 518.714.

Subd. 2. **BASIC SUPPORT; GUIDELINE.** Unless otherwise agreed to by the parents and approved by the court, when establishing basic support, the court must order that basic support be divided between the parents based on their proportionate share of the parents' combined monthly parental income for determining child support, as determined under section ~~518.712~~, subdivision 8 518.54, subdivision 15. Basic support must be computed using the following guideline:

Combined Parental Income for Determining Child Support	Number of Children					
	One	Two	Three	Four	Five	Six
\$0- \$799	\$50	\$50	\$75	\$75	\$100	\$100
800- 899	80	129	149	173	201	233
900- 999	90	145	167	194	226	262
1,000- 1,099	116	161	186	216	251	291
1,100- 1,199	145	205	237	275	320	370
1,200- 1,299	177	254	294	341	396	459
1,300- 1,399	212	309	356	414	480	557
1,400- 1,499	251	368	425	493	573	664
1,500- 1,599	292	433	500	580	673	780
1,600- 1,699	337	502	580	673	781	905
1,700- 1,799	385	577	666	773	897	1,040
1,800- 1,899	436	657	758	880	1,021	1,183

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

1,900- 1,999	490	742	856	994	1,152	1,336
2,000- 2,099	516	832	960	1,114	1,292	1,498
2,100- 2,199	528	851	981	1,139	1,320	1,531
2,200- 2,299	538	867	1,000	1,160	1,346	1,561
2,300- 2,399	546	881	1,016	1,179	1,367	1,586
2,400- 2,499	554	893	1,029	1,195	1,385	1,608
2,500- 2,599	560	903	1,040	1,208	1,400	1,625
2,600- 2,699	570	920	1,060	1,230	1,426	1,655
2,700- 2,799	580	936	1,078	1,251	1,450	1,683
2,800- 2,899	589	950	1,094	1,270	1,472	1,707
2,900- 2,999	596	963	1,109	1,287	1,492	1,730
3,000- 3,099	603	975	1,122	1,302	1,509	1,749
3,100- 3,199	613	991	1,141	1,324	1,535	1,779
3,200- 3,299	623	1,007	1,158	1,344	1,558	1,807
3,300- 3,399	632	1,021	1,175	1,363	1,581	1,833
3,400- 3,499	640	1,034	1,190	1,380	1,601	1,857
3,500- 3,599	648	1,047	1,204	1,397	1,621	1,880
3,600- 3,699	657	1,062	1,223	1,418	1,646	1,909
3,700- 3,799	667	1,077	1,240	1,439	1,670	1,937
3,800- 3,899	676	<del>1,018</del>	1,257	1,459	1,693	1,963
		<u>1,081</u>				
3,900- 3,999	684	1,104	1,273	1,478	1,715	1,988
4,000- 4,099	692	1,116	1,288	1,496	1,736	2,012
4,100- 4,199	701	1,132	1,305	1,516	1,759	2,039
4,200- 4,299	710	1,147	1,322	1,536	1,781	2,064
4,300- 4,399	718	1,161	1,338	1,554	1,802	2,088
4,400- 4,499	726	1,175	1,353	1,572	1,822	2,111
4,500- 4,599	734	1,184	1,368	1,589	1,841	2,133
4,600- 4,699	743	1,200	1,386	1,608	1,864	2,160
4,700- 4,799	753	1,215	1,402	1,627	1,887	2,186
4,800- 4,899	762	1,231	1,419	1,645	1,908	2,212
4,900- 4,999	771	1,246	1,435	1,663	1,930	2,236
5,000- 5,099	780	1,260	1,450	1,680	1,950	2,260
5,100- 5,199	788	1,275	1,468	1,701	1,975	2,289
5,200- 5,299	797	1,290	1,485	1,722	1,999	2,317
5,300- 5,399	805	1,304	1,502	1,743	2,022	2,345
5,400- 5,499	812	1,318	1,518	1,763	2,046	2,372
5,500- 5,599	820	1,331	1,535	1,782	2,068	2,398
5,600- 5,699	829	1,346	1,551	1,801	2,090	2,424
5,700- 5,799	838	1,357	1,568	1,819	2,111	2,449
5,800- 5,899	847	1,376	1,583	1,837	2,132	2,473
5,900- 5,999	856	1,390	1,599	1,855	2,152	2,497
6,000- 6,099	864	1,404	1,614	1,872	2,172	2,520
6,100- 6,199	874	1,419	1,631	1,892	2,195	2,546

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



LAWS of MINNESOTA  
2005 FIRST SPECIAL SESSION

Ch. 7

3090

6,200- 6,299	883	1,433	1,645	1,912	2,217	2,572
6,300- 6,399	892	1,448	1,664	1,932	2,239	2,597
6,400- 6,499	901	1,462	1,682	1,951	2,260	2,621
6,500- 6,599	910	1,476	1,697	1,970	2,282	2,646
6,600- 6,699	919	1,490	1,713	1,989	2,305	2,673
6,700- 6,799	927	1,505	1,730	2,009	2,328	2,700
6,800- 6,899	936	1,519	1,746	2,028	2,350	2,727
6,900- 6,999	944	1,533	1,762	2,047	2,379	2,753
7,000- 7,099	952	1,547	1,778	2,065	2,394	2,779
7,100- 7,199	961	1,561	1,795	2,085	2,417	2,805
7,200- 7,299	971	1,574	1,812	2,104	2,439	2,830
7,300- 7,399	980	1,587	1,828	2,123	2,462	2,854
7,400- 7,499	989	1,600	1,844	2,142	2,483	2,879
7,500- 7,599	998	1,613	1,860	2,160	2,505	2,903
7,600- 7,699	1,006	1,628	1,877	2,180	2,528	2,929
7,700- 7,799	1,015	1,643	1,894	2,199	2,550	2,955
7,800- 7,899	1,023	1,658	1,911	2,218	2,572	2,981
7,900- 7,999	1,032	1,673	1,928	2,237	2,594	3,007
8,000- 8,099	1,040	1,688	1,944	2,256	2,616	3,032
8,100- 8,199	1,048	1,703	1,960	2,274	2,637	3,057
8,200- 8,299	1,056	1,717	1,976	2,293	2,658	3,082
8,300- 8,399	1,064	1,731	1,992	2,311	2,679	3,106
8,400- 8,499	1,072	1,746	2,008	2,328	2,700	3,130
8,500- 8,599	1,080	1,760	2,023	2,346	2,720	3,154
8,600- 8,699	1,092	1,780	2,047	2,374	2,752	3,191
8,700- 8,799	1,105	1,801	2,071	2,401	2,784	3,228
8,800- 8,899	1,118	1,822	2,094	2,429	2,816	3,265
8,900- 8,999	1,130	1,842	2,118	2,456	2,848	3,302
9,000- 9,099	1,143	1,863	2,142	2,484	2,880	3,339
9,100- 9,199	1,156	1,884	2,166	2,512	2,912	3,376
9,200- 9,299	1,168	1,904	2,190	2,539	2,944	3,413
9,300- 9,399	1,181	1,925	2,213	2,567	2,976	3,450
9,400- 9,499	1,194	1,946	2,237	2,594	3,008	3,487
9,500- 9,599	1,207	1,967	2,261	2,622	3,040	3,525
9,600- 9,699	1,219	1,987	2,285	2,650	3,072	3,562
9,700- 9,799	1,232	2,008	2,309	2,677	3,104	3,599
9,800- 9,899	1,245	2,029	2,332	2,705	3,136	3,636
9,900- 9,999	1,257	2,049	2,356	2,732	3,168	3,673
10,000-10,099	1,270	2,070	2,380	2,760	3,200	3,710
10,100-10,199	1,283	2,091	2,404	2,788	3,232	3,747
10,200-10,299	1,295	2,111	2,428	2,815	3,264	3,784
10,300-10,399	1,308	2,132	2,451	2,843	3,296	3,821
10,400-10,499	1,321	2,153	2,475	2,870	3,328	3,858
10,500-10,599	1,334	2,174	2,499	2,898	3,360	3,896

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

LAWS of MINNESOTA  
2005 FIRST SPECIAL SESSION

3091

Ch. 7

10,600-10,699	1,346	2,194	2,523	2,926	3,392	3,933
10,700-10,799	1,359	2,215	2,547	2,953	3,424	3,970
10,800-10,899	1,372	2,236	2,570	2,981	3,456	4,007
10,900-10,999	1,384	2,256	2,594	3,008	3,488	4,044
11,000-11,099	1,397	2,277	2,618	3,036	3,520	4,081
11,100-11,199	1,410	2,298	2,642	3,064	3,552	4,118
11,200-11,299	1,422	2,318	2,666	3,091	3,584	4,155
11,300-11,399	1,435	2,339	2,689	3,119	3,616	4,192
11,400-11,499	1,448	2,360	2,713	3,146	3,648	4,229
11,500-11,599	1,461	2,381	2,737	3,174	3,680	4,267
11,600-11,699	1,473	2,401	2,761	3,202	3,712	4,304
11,700-11,799	1,486	2,422	2,785	3,229	3,744	4,341
11,800-11,899	1,499	2,443	2,808	3,257	3,776	4,378
11,900-11,999	1,511	2,463	2,832	3,284	3,808	4,415
12,000-12,099	1,524	2,484	2,856	3,312	3,840	4,452
12,100-12,199	1,537	2,505	2,880	3,340	3,872	4,489
12,200-12,299	1,549	2,525	2,904	3,367	3,904	4,526
12,300-12,399	1,562	2,546	2,927	3,395	3,936	4,563
12,400-12,499	1,575	2,567	2,951	3,422	3,968	4,600
12,500-12,599	1,588	2,588	2,975	3,450	4,000	4,638
12,600-12,699	1,600	2,608	2,999	3,478	4,032	4,675
12,700-12,799	1,613	2,629	3,023	3,505	4,064	4,712
12,800-12,899	1,626	2,650	3,046	3,533	4,096	4,749
12,900-12,999	1,638	2,670	3,070	3,560	4,128	4,786
13,000-13,099	1,651	2,691	3,094	3,588	4,160	4,823
13,100-13,199	1,664	2,712	3,118	3,616	4,192	4,860
13,200-13,299	1,676	2,732	3,142	3,643	4,224	4,897
13,300-13,399	1,689	2,753	3,165	3,671	4,256	4,934
13,400-13,499	1,702	2,774	3,189	3,698	4,288	4,971
13,500-13,599	1,715	2,795	3,213	3,726	4,320	5,009
13,600-13,699	1,727	2,815	3,237	3,754	4,352	5,046
13,700-13,799	1,740	2,836	3,261	3,781	4,384	5,083
13,800-13,899	1,753	2,857	3,284	3,809	4,416	5,120
13,900-13,999	1,765	2,877	3,308	3,836	4,448	5,157
14,000-14,099	1,778	2,898	3,332	3,864	4,480	5,194
<u>14,099</u>						
14,100-14,199	1,791	2,919	3,356	3,892	4,512	5,231
14,200-14,299	1,803	2,939	3,380	3,919	4,544	5,268
14,300-14,399	1,816	2,960	3,403	3,947	4,576	5,305
14,400-14,499	1,829	2,981	3,427	3,974	4,608	5,342
14,500-14,599	1,842	3,002	3,451	4,002	4,640	5,380
14,600-14,699	1,854	3,022	3,475	4,030	4,672	5,417
14,700-14,799	1,867	3,043	3,499	4,057	4,704	5,454
14,800-14,899	1,880	3,064	3,522	4,085	4,736	5,491

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

14,900-14,999	1,892	3,084	3,546	4,112	4,768	5,528
15,000, or the amount in effect under subd. 4	1,905	3,105	3,570	4,140	4,800	5,565

Subd. 3. **INCOME CAP ON DETERMINING BASIC SUPPORT.** (a) The basic support obligation for parents with a combined parental income for determining child support in excess of the income limit currently in effect under subdivision 2 must be the same dollar amount as provided for the parties with a combined parental income for determining child support equal to the income in effect under subdivision 2.

(b) A court may order a basic support obligation in a child support order in an amount that exceeds the income limit in subdivision 2 if it finds that a child has a disability or other substantial, demonstrated need for the additional support for those reasons set forth in section 518.714 and that the additional support will directly benefit the child.

(c) The dollar amount for the cap in subdivision 2 must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The Supreme Court must select the index for the adjustment from the indices listed in section 518.641, subdivision 1. The state court administrator must make the changes in the dollar amounts required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

Subd. 4. **MORE THAN SIX CHILDREN.** If a child support proceeding involves more than six children, the court may derive a support order without specifically following the guidelines. However, the court must consider the basic principles encompassed by the guidelines and must consider both parents' needs, resources, and circumstances.

Sec. 28. **CORRSS-9B** Laws 2005, chapter 164, section 29, is amended to read:

Sec. 29. **INSTRUCTION TO THE REVISOR.**

The revisor of statutes shall create in the first edition of ~~or supplement to~~ Minnesota Statutes published after June 30, ~~2005~~ 2006, a new chapter which shall be comprised of the provisions of Minnesota Statutes, chapter 518, that relate to the provision of support for children. The transferred provisions shall be arranged as follows:

- (1) definitions;
- (2) computations of basic support and the related calculations, adjustments, and guidelines that may affect the computations;
- (3) child care support;
- (4) medical support;
- (5) ability to pay and self-support reserves;

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

- (6) deviation factors; and
- (7) collection, administrative, and other matters.

The new chapter shall be edited by the revisor in accordance with usual editorial practices as provided by Minnesota Statutes, section 3C.10. If the revisor determines that additional changes are necessary to assure the clarity and utility of the new chapter, the revisor shall draft and propose appropriate legislation to the legislature.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

**Sec. 29. CORRSS-9C EFFECTIVE DATE.**

Laws 2005, chapter 164, sections 28 and 30, are effective July 1, 2005.

**Sec. 30. CORRSS-10A** Laws 2005, chapter 20, article 1, section 46, subdivision 1, is amended to read:

Subdivision 1. **WILLMAR REGIONAL TREATMENT CENTER.** (a) Notwithstanding Minnesota Statutes, sections 16B.281 to 16B.287, or other law, administrative rule, or commissioner's order to the contrary, the commissioner of administration may convey to a local unit of government for no consideration all or part of the real property at the Willmar Regional Treatment Center for public purposes consistent with the master plan and reuse study. The conveyance shall be in a form approved by the attorney general and subject to Minnesota Statutes, section 16A.695.

(b) The commissioner of administration may require the local unit of government to reimburse the state for all or part of any campus redevelopment funded and completed by the state.

(c) Notwithstanding Minnesota Statutes, section 16C.23, the commissioner of administration may convey to a local unit of government for no consideration all or part of the personal property determined by the commissioner of human services to be no longer needed for human services operations.

(d) If the local unit of government sells any property conveyed under this section to a private entity, the sale must comply with Minnesota Statutes, section 16A.695, including the requirement that it be at fair market value, and the local unit of government may, notwithstanding Minnesota Statutes, section 16A.695, subdivision 3, retain up to \$568,000 of the sale proceeds to fund its repurchase of a portion of the property for public purposes. Upon the local unit of government's subsequent sale of any portion of the property that was acquired with the retained sale proceeds, the net proceeds of the subsequent sale must be paid to the commissioner of finance.

**Sec. 31. CORRSS-11A** Minnesota Statutes 2004, section 383B.217, subdivision 7, as amended by Laws 2005, chapter 125, article 2, section 7, is amended to read:

**Subd. 7. PURCHASING, CONTRACTING, MEETINGS, DATA.** (a) Contracting and purchasing made on behalf of the HMO, ambulatory health center, or other clinics authorized under section 383B.219, of goods, materials, supplies, equipment, and services that are incidental to or that are included as part of a contract for the

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

purchase of goods, materials, supplies, or equipment are specifically exempted from sections 383B.141 to 383B.151 and 471.345 or other applicable laws related to public procurement. Contracting and purchasing of services shall comply with sections 383B.141 to 383B.151 or other applicable laws related to public procurement.

(b) Notwithstanding chapter 13D, the county board on behalf of the HMO or Hennepin Healthcare System, Inc., may meet in closed session to discuss and take action on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information pertaining to those matters would clearly harm the competitive position of the HMO or Hennepin Healthcare System, Inc.

(c) The HMO or Hennepin Healthcare System, Inc., shall inform the county board when there are matters that are appropriate for discussion or action under paragraph (b). The county administrator or the administrator's designee shall give the board an opinion on the propriety of discussion or action under paragraph (b) for each of the matters. The county board may, by a majority vote in a public meeting, decide to hold a closed meeting under paragraph (b). The purpose, time, and place of the meeting must be announced at a public meeting. A written roll of members present at a closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the county board and be preserved for not less than five years after the meeting. The data on the tape are nonpublic data under section 13.02, subdivision 9, until two years after the meeting. A contract entered into by the county board at a meeting held on behalf of the HMO is subject to section 471.345. All bids and any related materials that are considered at the meeting must be retained for a period of not less than five years. After the expiration of the term of any contract entered into pursuant to this subdivision or a period of two years, whichever is less, the contract, the bids, and any related materials are public data. The contract, the bids, and any related materials are subject to review by the state auditor at any time.

(d) Data concerning specific products or services that are in direct competition with other providers of goods or services in the public or private sector are trade secret information for purposes of section 13.37, to the extent disclosure of information pertaining to the matters would clearly harm the competitive position of the HMO. The data are trade secret information for the term of the contract or a two-year period, whichever is less.

(e) Notwithstanding section 471.345 or other applicable law, the county board on behalf of the HMO, ambulatory health center, or other clinics authorized under section 383B.219, may contract, except for services, by any means that the county board or at its direction the HMO, ambulatory health center, or other clinics authorized under section 383B.219, may determine. When contracting for services, the county board must comply with sections 383B.141 to 383B.151 and other applicable law, except that the board may contract with a private or public cooperative purchasing organization if it can be established that the purchasing organization's services that are purchased have been awarded through a competitive or request for proposal process.

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

(f) This subdivision applies to the HMO, Hennepin Healthcare System, Inc., ambulatory health centers, or other clinics authorized under section 383B.219, as well as any other organization, association, partnership, or corporation authorized by Hennepin County under section 144.581.

Sec. 32. **CORRSS-11B** Laws 2005, chapter 125, article 1, section 13, subdivision 5, is amended to read:

Subd. 5. **NO ADVERTISING OR BIDS.** The county may transfer and lease the assets and real property to the corporation as specified in subdivisions 2 and 3 4 without first advertising for or soliciting any bids.

Sec. 33. **CORRSS-11C** Laws 2005, chapter 125, article 1, section 16, is amended to read:

**Sec. 16. [383B.916] FINANCING THROUGH COUNTY.**

In addition to the authority granted in section ~~16~~ 15, the county may finance any improvements, equipment, or other property to be operated by the corporation and may issue bonds for such purposes pursuant to and subject to the procedures and limitations set forth in section 373.40, 383B.117, 447.45, or other law, as appropriate, whether or not the capital improvement or equipment to be financed is to be owned by the county or the corporation.

Sec. 34. **CORRSS-11D** Laws 2005, chapter 125, article 1, section 29, is amended to read:

**Sec. 29. EFFECTIVE DATES.**

(a) Sections ~~3~~ 1 to 8, regarding governance and corporate powers; section 14, subdivision 1, regarding the establishment of personnel policies; and section 17, regarding the Minnesota Open Meeting Law and the Government Data Practices Act are effective when the initial board of the corporation is appointed by the county board.

(b) The remaining sections provisions of the bill article are effective the day after the county board files a certificate of local approval in compliance with Minnesota Statutes, section 645.021, subdivision 3, after which the corporation shall commence operation and management of Hennepin County Medical Center.

Sec. 35. **CORRSS-12** Minnesota Statutes 2004, section 168.27, subdivision 29, as amended by Laws 2005, First Special Session chapter 1, article 1, section 81, is amended to read:

Subd. 29. **FLEXIBLE FUEL VEHICLE NOTICE.** At the time a dealer delivers a new flexible fuel vehicle, the dealer must provide written notice to the consumer that the vehicle is capable of using alternative fuels, including E85 fuel.

**EFFECTIVE DATE.** This section is effective retroactively on July 1, 2005.

Sec. 36. **CORRSS-12A** (a) Laws 2005, First Special Session chapter 1, article 2, section 32, is effective October 1, 2005.

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

(b) Laws 2005, First Special Session chapter 1, article 2, sections 59 to 63, are effective December 13, 2005.

Sec. 37. **CORRSS-14** Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 4, is amended to read:

Subd. 4. Citizen Advisory Committee	10,000	10,000
Summary by Fund		
Trust Fund	10,000	10,000

\$10,000 the first year and \$10,000 the second year are from the trust fund to the Legislative Commission on Minnesota Resources for expenses of the citizen advisory committee as provided in Minnesota Statutes, section 116P.06, and expenses of the advisory task force in article 2, section 156. Notwithstanding Minnesota Statutes, section 16A.281, the availability of \$15,000 of the appropriation from Laws 2003, chapter 128, article 1, section 9, subdivision 4, advisory committee, is extended to June 30, 2007.

Sec. 38. **CORRSS-15** Minnesota Statutes 2004, section 290.01, subdivision 19a, as amended by Laws 2005, chapter 151, article 6, section 12, and 2005 First Special Session H.F. No. 138, if enacted, is amended to read:

Subd. 19a. **ADDITIONS TO FEDERAL TAXABLE INCOME.** For individuals, estates, and trusts, there shall be added to federal taxable income:

(1)(i) interest income on obligations of any state other than Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state other than Minnesota exempt from federal income taxes under the Internal Revenue Code or any other federal statute; and

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt-interest dividends derived from interest income on obligations of the state of Minnesota or its political or governmental subdivisions, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt-interest dividends from such Minnesota sources paid to all shareholders represents 95 percent or more of the exempt-interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(g) of the Internal Revenue Code, making the payment; and

(iii) for the purposes of items (i) and (ii), interest on obligations of an Indian tribal government described in section 7871(c) of the Internal Revenue Code shall be treated

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

as interest income on obligations of the state in which the tribe is located;

(2) the amount of income or sales and use taxes paid or accrued within the taxable year under this chapter and the amount of taxes based on net income paid or sales and use taxes paid to any other state or to any province or territory of Canada, to the extent allowed as a deduction under section 63(d) of the Internal Revenue Code, but the addition may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceeds the amount of (i) the standard deduction as defined in section 63(c) of the Internal Revenue Code minus (ii) any the addition which would have been required under clause (10) if the taxpayer had claimed the standard deduction. For the purpose of this paragraph, the disallowance of itemized deductions under section 68 of the Internal Revenue Code of 1986, income or sales and use tax is the last itemized deduction disallowed;

(3) the capital gain amount of a lump sum distribution to which the special tax under section 1122(h)(3)(B)(ii) of the Tax Reform Act of 1986, Public Law 99-514, applies;

(4) the amount of income taxes paid or accrued within the taxable year under this chapter and taxes based on net income paid to any other state or any province or territory of Canada, to the extent allowed as a deduction in determining federal adjusted gross income. For the purpose of this paragraph, income taxes do not include the taxes imposed by sections 290.0922, subdivision 1, paragraph (b), 290.9727, 290.9728, and 290.9729;

(5) the amount of expense, interest, or taxes disallowed pursuant to section 290.10 other than expenses or interest used in computing net interest income for the subtraction allowed under subdivision 19b, clause (1);

(6) the amount of a partner's pro rata share of net income which does not flow through to the partner because the partnership elected to pay the tax on the income under section 6242(a)(2) of the Internal Revenue Code;

(7) 80 percent of the depreciation deduction allowed under section 168(k) of the Internal Revenue Code. For purposes of this clause, if the taxpayer has an activity that in the taxable year generates a deduction for depreciation under section 168(k) and the activity generates a loss for the taxable year that the taxpayer is not allowed to claim for the taxable year, "the depreciation allowed under section 168(k)" for the taxable year is limited to excess of the depreciation claimed by the activity under section 168(k) over the amount of the loss from the activity that is not allowed in the taxable year. In succeeding taxable years when the losses not allowed in the taxable year are allowed, the depreciation under section 168(k) is allowed;

(8) 80 percent of the amount by which the deduction allowed by section 179 of the Internal Revenue Code exceeds the deduction allowable by section 179 of the Internal Revenue Code of 1986, as amended through December 31, 2003;

(9) to the extent deducted in computing federal taxable income, the amount of the deduction allowable under section 199 of the Internal Revenue Code;

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



(10) for tax years beginning after December 31, 2004, to the extent deducted in computing federal taxable income, the amount by which the standard deduction allowed under section 63(c) of the Internal Revenue Code exceeds the standard deduction allowable under section 63(c) of the Internal Revenue Code of 1986, as amended through December 31, 2003; and

(11) the exclusion allowed under section 139A of the Internal Revenue Code for federal subsidies for prescription drug plans.

Sec. 39. **CORRSS-15A** Minnesota Statutes 2004, section 290.0675, subdivision 1, as amended by 2005 First Special Session H.F. No. 138, if enacted, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) For purposes of this section the following terms have the meanings given.

(b) "Earned income" means the sum of the following, to the extent included in Minnesota taxable income:

(1) earned income as defined in section 32(c)(2) of the Internal Revenue Code;  
(2) income received from a retirement pension, profit-sharing, stock bonus, or annuity plan; and

(3) Social Security benefits as defined in section 86(d)(1) of the Internal Revenue Code.

(c) "Taxable income" means net income as defined in section 290.01, subdivision 19.

(d) "Earned income of lesser-earning spouse" means the earned income of the spouse with the lesser amount of earned income as defined in paragraph (b) for the taxable year minus the sum of (i) the amount for one exemption under section 151(d) of the Internal Revenue Code and (ii) one-half the amount of the standard deduction under section 63(c)(2)(A) and (4) of the Internal Revenue Code minus one-half of any addition required under section 290.01, subdivision 19a, clause (10) and one-half of the addition which would have been required under section 290.01, subdivision 19a, clause (10), if the taxpayer had claimed the standard deduction.

Sec. 40. **CORRSS-16** Laws 2005, First Special Session H. F. No. 139, article 9, section 16, if enacted, is amended to read:

Sec. 16. **EFFECTIVE DATE; RELATIONSHIP TO OTHER APPROPRIATIONS.**

(a) Appropriations in this act are effective retroactively from July 1, 2005, and supersede and replace funding authorized by order of the Ramsey County District Court in Case No. C9-05-5928, as well as by Laws 2005, First Special Session chapter 2, which provided temporary funding through July 14, 2005. The other language in this article is effective August 1, 2005, and any sections in this act without a specific effective date are effective the day following final enactment.

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

**Sec. 41. ALBERT LEA SPECIAL ELECTION.**

Notwithstanding the provisions of 2005 First Special Session H. F. No. 138, article 5, section 38, subdivision 3, if enacted, the Albert Lea City Council may submit the question to the voters at a special election on November 8, 2005.

**Sec. 42. EFFECTIVE DATE.**

Unless otherwise provided, each section of this act takes effect at the time the provision being corrected takes effect.

Presented to the governor July 15, 2005

Signed by the governor July 25, 2005, 2:00 p.m.

---

**CHAPTER 8—H.F.No. 44**

*An act relating to retirement; various public pension plans; clarifying and revising various plan provisions; eliminating obsolete provisions; defining average salary; modifying the definition of allowable service to include time on strike; defining covered salary to include certain employer contributions to supplemental retirement plans; specifying itemized detail of plan administrative expenses in annual financial reporting; excluding police officers of the University of Minnesota from the public employees police and fire fund; clarifying collection procedures relating to charter schools; adding a uniform nonassignment and legal process exemption provision; providing for various member and employer contribution rate increases; adding employees of Bridges Medical Services, Hutchinson Area Health Care, and Northfield Hospital to privatization coverage; extending date for filing special law approval with the secretary of state for the RenVilla Nursing Home; requiring the privatization periodic filing of updated copies of articles of incorporation and bylaws; modifying a higher education individual retirement account plan investment option provision; implementing the recommendations of the Volunteer Firefighter Relief Association working group of the state auditor; modifying the trigger date for filing financial reports; revising the per firefighter financing requirements for monthly benefit service pensions; modifying the options for crediting interest on deferred service pensions; clarifying the deferred service pension options available to defined contribution plans; providing for the crediting of service during military service leaves; requiring the amortization of experience losses; clarifying the compliance requirements for the qualification for fire state aid; modifying a limit on mutual fund investments; clarifying corporate stock and exchange traded funds investment authority; modifying the municipal representation requirements on relief association governing boards; clarifying exemptions from process and taxation; providing that certain laws do not apply to the consolidation of specified volunteer firefighter relief associations; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; authorizing the Maplewood Firefighters Relief Association to transfer assets to the Oakdale Firefighters Relief Association to cover service credits earned by certain individuals; appropriating money; amending Minnesota Statutes 2004, sections 3A.13; 69.011, subdivision 2b, by adding a subdivision; 69.021, subdivisions 5, 11; 69.051, subdivisions 1, 1a; 69.33; 69.77, subdivision 4; 69.771; 69.772, subdivisions 3, 4; 69.773, subdivisions 4, 5; 69.775; 352.01,*

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