

## CHAPTER 13—H.F.No. 1200

*An act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 3.97, subdivision 2; 5.25, subdivisions 1, 3, 5; 5.29; 13.461, subdivision 1; 13.632, subdivision 1; 13.7931, subdivision 1; 13.871, by adding a subdivision; 17.81, subdivision 4; 37.21, subdivision 1; 47.61, subdivision 3; 85.054, subdivision 5; 115.55, subdivision 7; 115A.193; 115A.28, subdivision 2; 115A.9157, subdivision 5; 115A.97, subdivision 6; 115A.99, subdivision 2; 116L.03, subdivision 1; 116L.665, subdivision 1; 119A.03, subdivision 2; 119A.04, subdivision 1; 147.02, subdivision 1; 256.741, subdivision 1; 256J.68, subdivision 1; 273.032; 289A.42, subdivision 1; 296A.26; 297A.62, subdivision 1; 297A.70, subdivision 3; 297F.23; 323A.0901; 323A.0902; 336.9-334; 336B.01, subdivision 2; 340A.412, subdivision 4; 340A.414, subdivision 2; 347.06; 469.321, subdivision 1; 469.333, subdivision 2; 469.335; 469.336; 477A.014, subdivision 1; 504B.321, subdivision 1; 518A.40, subdivision 3; 523.24, subdivision 9; 611.27, subdivisions 13, 15; 611A.55, subdivisions 1, 2; 626.8451, subdivision 1a; 626.89, subdivision 1; 626.90, subdivision 7; Laws 2003, chapter 118, sections 28, as amended; 29, as amended; Laws 2005, First Special Session chapter 3, article 5, section 44, subdivision 1, as amended; Laws 2006, chapter 259, article 13, sections 7; 8; repealing Minnesota Statutes 2006, sections 1.33; 1.34; 1.35; 1.36; 1.37; 1.38; 1.39; 1.40; 13.319, subdivision 2; 60A.13, subdivision 4a; 92.67, subdivision 1a; 115A.055, subdivision 2; 115A.545; 115A.9157, subdivision 4; 116O.091, subdivision 7; 135A.153, subdivision 5; 148B.55; 273.1398, subdivisions 4a, 4c; 383E.40; 383E.41; 383E.42; 383E.43; 383E.44; 383E.45; 383E.46; 383E.47; 383E.48; 383E.49; 477A.011, subdivision 28; 611A.201, subdivision 3; Laws 2004, chapter 206, section 8; Laws 2005, chapter 136, article 3, section 22; Laws 2005, First Special Session chapter 8, article 1, section 23; article 10, section 6; Laws 2006, chapter 236, article 1, section 2; Laws 2006, chapter 253, section 5; Laws 2006, chapter 258, section 37; Laws 2006, chapter 260, article 5, section 43; Laws 2006, chapter 263, article 3, section 13; Laws 2006, chapter 271, article 8, section 3.*

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

### ARTICLE 1

#### GENERAL PROVISIONS

Section 1. Minnesota Statutes 2006, section 3.97, subdivision 2, is amended to read:

Subd. 2. **Membership; terms; meetings; compensation; powers.** The Legislative Audit Commission consists of:

- (1) three members of the senate appointed by the ~~senate committee~~ Subcommittee on Committees of the Committee on Rules and Administration of the senate;
- (2) three members of the senate appointed by the senate minority leader;
- (3) three members of the house appointed by the speaker of the house; and
- (4) three members of the house appointed by the house minority leader.

Members shall serve until replaced, or until they are not members of the legislative body from which they were appointed. Appointing authorities shall fill vacancies on the commission within 30 days of a vacancy being created.

The commission shall meet in January of each odd-numbered year to elect its chair and vice-chair. They shall serve until successors are elected. The chair and vice-chair shall alternate biennially between the senate and the house. The commission shall meet at the call of the chair. The members shall serve without compensation but be reimbursed for their reasonable expenses as members of the legislature. The commission may exercise the powers prescribed by section 3.153.

Sec. 2. Minnesota Statutes 2006, section 13.632, subdivision 1, is amended to read:

Subdivision 1. **Beneficiary and survivor data.** The following data on beneficiaries and survivors of the ~~Minneapolis Teachers Retirement Fund Association~~, the St. Paul Teachers Retirement Fund Association, and the Duluth Teachers Retirement Fund Association members are private data on individuals: home address, date of birth, direct deposit number, and tax withholding data.

Sec. 3. Minnesota Statutes 2006, section 13.871, is amended by adding a subdivision to read:

Subd. 10. **Discharge and dismissal records.** Data contained in discharge and dismissal records are classified under section 609.3751, subdivision 5.

Sec. 4. Minnesota Statutes 2006, section 37.21, subdivision 1, is amended to read:

Subdivision 1. **Liquor prohibited.** Except as provided under Laws 2003, chapter 126, section 29, as amended by Laws 2005, chapter 25, section 6, no person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one-half mile of the State Fairgrounds, or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 2006, section 85.054, subdivision 5, is amended to read:

Subd. 5. **Gooseberry Falls State Park.** A state park permit is not required and a fee must not be charged for motor vehicle entry or parking at the Class I highway rest area parking lot located adjacent to ~~U.S. Route No.~~ marked Trunk Highway 61 and the Gooseberry River at Gooseberry Falls State Park.

Sec. 6. Minnesota Statutes 2006, section 115.55, subdivision 7, is amended to read:

Subd. 7. **Local standards.** (a) **Existing systems.** Counties may adopt by ordinance local standards that are less restrictive than the agency's rules in order to define an acceptable existing system. The local standards may include soil separation, soil classification, vegetation, system use, localized well placement and construction, localized density of systems and wells, extent of area to be covered by local standards, groundwater flow patterns, and existing natural or artificial drainage systems. The local standards and criteria shall be submitted to the commissioner for comment prior to adoption to demonstrate that, based on local circumstances in that jurisdiction, they adequately protect public health and the environment.

(b) **New or replacement systems.** Counties, after providing documentation of conditions listed in this paragraph to the commissioner, may adopt by ordinance local standards that are less restrictive than the agency's rules for new system construction or replacement in areas of sustained and projected low population density where conditions render conformance to applicable requirements difficult or otherwise inappropriate. Documentation may include a map delineating the area of the county to be served by the local standards, a description of the hardship that would result from strict adherence to the agency's rules, and evidence of sustained and projected low population density. The local standards must protect human health and the environment and be based on considerations that may include, but need not be limited to, soil separation, soil classification, vegetation, system use, localized well placement and construction, localized density of systems and wells, extent of area to be covered by local standards, groundwater flow patterns, and existing natural or artificial drainage systems. The local standards must provide cost-effective and long-term treatment alternatives. The draft ordinance incorporating the local standards must be submitted ~~to the local water planning advisory committee, created under section 103B.321, subdivision 3, and then submitted~~ with justification to the commissioner 30 days before adoption for review and comment.

(c) **New or replacement systems; local ordinances.** A local unit of government may adopt and enforce ordinances or rules affecting new or replacement individual sewage treatment systems that are more restrictive than the agency's rules. A local unit of government may not adopt or enforce an ordinance or rule if its effect is to prevent or delay recording with the county recorder or registrar of titles of a deed or other instrument that is otherwise entitled to be recorded.

(d) **Local standards; conflict with state law.** Local standards adopted under paragraph (a) or (b) must not conflict with any requirements under other state laws or rules or local ordinances, including, but not limited to, requirements for:

- (1) systems in shoreland areas, regulated under sections 103F.201 to 103F.221;
- (2) well construction and location, regulated under chapter 103I; and
- (3) systems used in connection with food, beverage, and lodging establishments, regulated under chapter 157.

The local standards must include references to applicable requirements under other state laws or rules or local ordinances.

Sec. 7. Minnesota Statutes 2006, section 115A.193, is amended to read:

**115A.193 REPORT ON FACILITY DEVELOPMENT.**

The commissioner shall prepare a report concerning the development of a stabilization and containment facility. The report must include:

(a) a conceptual plan that describes and evaluates the proposed design and operation of the facility, including an evaluation of technical feasibility, a description and evaluation of the types and quantities of hazardous waste and nonhazardous residual waste from hazardous waste processing that the facility would be designed to accept, and a description and evaluation of technologies needed or desired at the facility for processing, stabilization, and containment, including above grade containment;

(b) procedures and standards for the operation of the facility that require the use of reduction, recycling, and recovery of any hazardous waste before the waste is accepted for stabilization when the alternative or additional management method is feasible and prudent and would materially reduce adverse impact on human health and the environment;

(c) evaluation of the design and use of the facility for processing, stabilization, or containment of industrial waste, including technical and regulatory issues and alternative management methods;

(d) evaluation of feasible and prudent technologies that may substantially reduce the possibility of migration of any hazardous constituents of wastes that the facility would be designed to accept;

(e) a general analysis of the necessary and desirable physical, locational, and other characteristics of a site for the facility;

(f) an evaluation of the prospects of and conditions required for the regulatory delisting of residual waste from hazardous waste processing;

(g) an evaluation of the feasibility of an interstate, regional approach to the management of hazardous waste; and

(h) an economic feasibility analysis of the development and operation of the facility, including the anticipated use of the facility by Minnesota generators from within and outside the state, and sources of private and public financing that may be available or necessary for development or operation.

The commissioner shall submit a draft of the report to the agency ~~and the Legislative Commission on Waste Management by July 1, 1988, and~~ before executing contracts under section 115A.191.

Sec. 8. Minnesota Statutes 2006, section 115A.9157, subdivision 5, is amended to read:

Subd. 5. **Collection and management programs.** By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected

during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Sec. 9. Minnesota Statutes 2006, section 115A.97, subdivision 6, is amended to read:

Subd. 6. **Permits; agency report.** An application for a permit to build or operate a mixed municipal solid waste incinerator, including an application for permit renewal, must clearly state how the applicant will achieve the goals in subdivision 1 of reducing the toxicity and quantity of incinerator ash and of reducing the quantity of processing residuals that require disposal. The agency, in cooperation with the counties, may develop guidelines for applicants to use to identify ways to meet the goals in subdivision 1.

~~If, by January 1, 1990, the rules required by subdivision 3 are not in at least final draft form, the agency shall report to the Legislative Commission on Waste Management on the status of current incinerator ash management programs with recommendations for specific legislation to meet the goals of subdivision 1.~~

Sec. 10. Minnesota Statutes 2006, section 116L.03, subdivision 1, is amended to read:

Subdivision 1. **Members.** The partnership shall be governed by a board of ~~13~~ 12 directors.

Sec. 11. Minnesota Statutes 2006, section 147.02, subdivision 1, is amended to read:

Subdivision 1. **United States or Canadian medical school graduates.** The board shall issue a license to practice medicine to a person not currently licensed in another state or Canada and who meets the requirements in paragraphs (a) to (i).

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an examination as described in clause (1) or (2).

(1) The applicant must have passed a comprehensive examination for initial licensure prepared and graded by the National Board of Medical Examiners, the Federation of State Medical Boards, ~~the National Board of Medical Examiners,~~ the Medical Council of Canada, or the appropriate state board that the board determines acceptable. The board shall by rule determine what constitutes a passing score in the examination.

(2) The applicant taking the United States Medical Licensing Examination (USMLE) must have passed steps one, two, and three within a seven-year period. This seven-year period begins when the applicant first passes either step one or two, as applicable. Applicants actively enrolled in or graduated from accredited MD/PhD, MD/JD, MD/MBA, or MD/MPH dual degree programs or osteopathic equivalents must have passed each of steps one, two, and three within three attempts in seven years plus the time taken to obtain the non-MD degree or ten years, whichever occurs first. The applicant must pass each of steps one, two, and three with passing scores as recommended by the USMLE program within three attempts. The applicant taking combinations of Federation of State Medical

Boards, National Board of Medical Examiners, and USMLE may be accepted only if the combination is approved by the board as comparable to existing comparable examination sequences and all examinations are completed prior to the year 2000.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization.

(e) The applicant shall make arrangements with the executive director to appear in person before the board or its designated representative to show that the applicant satisfies the requirements of this section. The board may establish as internal operating procedures the procedures or requirements for the applicant's personal presentation.

(f) The applicant shall pay a fee established by the board by rule. The fee may not be refunded. Upon application or notice of license renewal, the board must provide notice to the applicant and to the person whose license is scheduled to be issued or renewed of any additional fees, surcharges, or other costs which the person is obligated to pay as a condition of licensure. The notice must:

- (1) state the dollar amount of the additional costs; and
- (2) clearly identify to the applicant the payment schedule of additional costs.

(g) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(h) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions and limitations the board considers appropriate.

(i) If the examination in paragraph (c) was passed more than ten years ago, the applicant must either:

- (1) pass the special purpose examination of the Federation of State Medical Boards with a score of 75 or better within three attempts; or
- (2) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, or of the College of Family Physicians of Canada.

Sec. 12. Minnesota Statutes 2006, section 273.032, is amended to read:

**273.032 MARKET VALUE DEFINITION.**

For the purpose of determining any property tax levy limitation based on market value, any qualification to receive state aid based on market value, or any state aid amount based on market value, the terms "market value," "taxable market value," and "market valuation," whether equalized or unequalized, mean the total taxable market value of property within the local unit of government before any adjustments for tax increment,

fiscal disparity, powerline credit, or wind energy values, but after the limited market adjustments under section 273.11, subdivision 1a, and after the market value exclusions of certain improvements to homestead property under section 273.11, subdivision 16. Unless otherwise provided, "market value," "taxable market value," and "market valuation" for purposes of this paragraph, refer to the taxable market value for the previous assessment year.

For the purpose of determining any net debt limit based on market value, or any limit on the issuance of bonds, certificates of indebtedness, or capital notes based on market value, the terms "market value," "taxable market value," and "market valuation," whether equalized or unequalized, mean the total taxable market value of property within the local unit of government before any adjustments for tax increment, fiscal disparity, powerline credit, or wind energy values, but after the limited market value adjustments under section 273.11, subdivision 1a, and after the market value exclusions of certain improvements to homestead property under section 273.11, subdivision 16. Unless otherwise provided, "market value," "taxable market value," and "market valuation" for purposes of this paragraph, mean the taxable market value as last finally equalized.

Sec. 13. Minnesota Statutes 2006, section 297A.70, subdivision 3, is amended to read:

Subd. 3. **Sales of certain goods and services to government.** (a) The following sales to or use by the specified governments and political subdivisions of the state are exempt:

(1) repair and replacement parts for emergency rescue vehicles, fire trucks, and fire apparatus to a political subdivision;

(2) machinery and equipment, except for motor vehicles, used directly for mixed municipal solid waste management services at a solid waste disposal facility as defined in section 115A.03, subdivision 10;

(3) chore and homemaking services to a political subdivision of the state to be provided to elderly or disabled individuals;

(4) telephone services to the ~~Department of Administration~~ Office of Enterprise Technology that are used to provide telecommunications services through the ~~intertechnologies~~ enterprise technology revolving fund;

(5) firefighter personal protective equipment as defined in paragraph (b), if purchased or authorized by and for the use of an organized fire department, fire protection district, or fire company regularly charged with the responsibility of providing fire protection to the state or a political subdivision;

(6) bullet-resistant body armor that provides the wearer with ballistic and trauma protection, if purchased by a law enforcement agency of the state or a political subdivision of the state, or a licensed peace officer, as defined in section 626.84, subdivision 1;

(7) motor vehicles purchased or leased by political subdivisions of the state if the vehicles are exempt from registration under section 168.012, subdivision 1, paragraph (b), exempt from taxation under section 473.448, or exempt from the motor vehicle sales tax under section 297B.03, clause (12);

(8) equipment designed to process, dewater, and recycle biosolids for wastewater treatment facilities of political subdivisions, and materials incidental to installation of that equipment;

(9) sales to a town of gravel and of machinery, equipment, and accessories, except motor vehicles, used exclusively for road and bridge maintenance, and leases by a town of motor vehicles exempt from tax under section 297B.03, clause (10); and

(10) the removal of trees, bushes, or shrubs for the construction and maintenance of roads, trails, or firebreaks when purchased by an agency of the state or a political subdivision of the state.

(b) For purposes of this subdivision, "firefighters personal protective equipment" means helmets, including face shields, chin straps, and neck liners; bunker coats and pants, including pant suspenders; boots; gloves; head covers or hoods; wildfire jackets; protective coveralls; goggles; self-contained breathing apparatus; canister filter masks; personal alert safety systems; spanner belts; optical or thermal imaging search devices; and all safety equipment required by the Occupational Safety and Health Administration.

Sec. 14. Minnesota Statutes 2006, section 340A.412, subdivision 4, is amended to read:

Subd. 4. **Licenses prohibited in certain areas.** (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the Capitol or on the Capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or Laws 1999, chapter 202, section 13;

(3) on the State Fairgrounds or at any place in a city of the first class within one-half mile of the fairgrounds, except as provided under Laws 2003, chapter 126, section 29, as amended by Laws 2005, chapter 25, section 6, or as otherwise provided by charter;

(4) on the campus of the College of Agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of the campus, provided that a city may issue one on-sale wine license and one off-sale intoxicating liquor license in this area that is not included in the area described in clause (3), except as provided by charter;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) at any place on the east side of the Mississippi River within one-tenth of a mile of the main building of the University of Minnesota unless (i) the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940, for and by former students of the University of Minnesota, or (ii) the licensed premises is Northrop Auditorium;

(8) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(v) this restriction does not apply to the area surrounding the premises of Metropolitan State University in Minneapolis; and

(9) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

Sec. 15. Minnesota Statutes 2006, section 347.06, is amended to read:

**347.06 HEARING; JUDGMENT; EXECUTION.**

The judge shall hear the evidence in the case. Upon finding that the dog is a public nuisance, the judge shall enter judgment accordingly, and shall order the ~~constable~~ appropriate public official to kill and dispose of the dog.

Sec. 16. Minnesota Statutes 2006, section 523.24, subdivision 9, is amended to read:

Subd. 9. **Fiduciary transactions.** In a statutory short form power of attorney, the language conferring general authority with respect to fiduciary transactions, means that the principal authorizes the agent:

(1) to represent and act for the principal in all ways and in all matters affecting any fund with respect to which the principal is a fiduciary;

(2) to initiate, participate in, and oppose any proceeding, judicial or otherwise, for the removal, substitution, or surcharge of a fiduciary, to conserve, to invest or to disburse anything received for the purposes of the fund for which it is received, and to reimburse the attorney-in-fact for any expenditures properly made by the attorney-in-fact in the execution of the powers conferred on the attorney-in-fact by the statutory short form power of attorney;

(3) to agree and contract, in any manner, with any person, and on any terms which the attorney-in-fact selects for the accomplishment of the purposes enumerated in this subdivision, and to perform, rescind, reform, release, or modify the agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

(4) to execute, acknowledge, verify, seal, file, and deliver any consent, designation, pleading, notice, demand, election, conveyance, release, assignment, check, pledge, waiver, admission of service, notice of appearance, or other instrument which the

attorney-in-fact deems useful for the accomplishment of any of the purposes enumerated in this subdivision;

(5) to hire, discharge, and compensate any attorney, accountant, expert witness, or other assistants, when the attorney-in-fact deems that action to be desirable for the proper execution by the attorney-in-fact of any of the powers described in this subdivision, and for the keeping of needed records; and

(6) in general, and in addition to all the specific acts listed in this subdivision, to do any other acts with respect to a fund of which the principal is a fiduciary.

Nothing in this subdivision authorizes delegation of any power of a fiduciary unless the power is one the fiduciary is authorized to delegate under the terms of the instrument governing the exercise of the power or under local law.

For the purposes of clauses (1) to (6), "fund" means any trust, probate estate, guardianship, conservatorship, escrow, custodianship, or any other fund in which the principal has, or claims to have, an interest as a fiduciary.

All powers described in this subdivision are exercisable equally with respect to any fund of which the principal is a fiduciary prior to the giving of the power of attorney or becomes a fiduciary after that time, and whether located in the state of Minnesota or elsewhere.

Sec. 17. Minnesota Statutes 2006, section 611A.55, subdivision 1, is amended to read:

Subdivision 1. **Creation of board.** There is created in the Department of Public Safety, for budgetary and administrative purposes, the Crime Victims Reparations Board, which shall consist of five members appointed by the commissioner of public safety ~~and selected from among the membership of the Crime Victim and Witness Advisory Council created in section 611A.71.~~ One of the members shall be designated as chair by the commissioner of public safety and serve as such at the commissioner's pleasure. At least one member shall be a medical or osteopathic physician licensed to practice in this state, and at least one member shall be a victim, as defined in section 611A.01.

Sec. 18. Minnesota Statutes 2006, section 611A.55, subdivision 2, is amended to read:

Subd. 2. **Membership, terms and compensation.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575. ~~Members of the board who are also members of the Crime Victim and Witness Advisory Council created in section 611A.71 shall not be compensated while performing duties for the advisory council.~~

Sec. 19. Minnesota Statutes 2006, section 626.8451, subdivision 1a, is amended to read:

Subd. 1a. **Training course; crimes of violence.** In consultation with ~~the Crime Victim and Witness Advisory Council~~ and the school of law enforcement, the board shall prepare a training course to assist peace officers in responding to crimes of violence and to enhance peace officer sensitivity in interacting with and assisting crime victims. For purposes of this course, harassment and stalking crimes are "crimes of violence." The course must include information about:

(1) the needs of victims of these crimes and the most effective and sensitive way to meet those needs or arrange for them to be met;

- (2) the extent and causes of crimes of violence, including physical and sexual abuse, physical violence, harassment and stalking, and neglect;
- (3) the identification of crimes of violence and patterns of violent behavior; and
- (4) culturally responsive approaches to dealing with victims and perpetrators of violence.

Sec. 20. Laws 2003, chapter 118, section 28, as amended by Laws 2004, chapter 279, article 5, section 9, is amended to read:

Sec. 28. **REVISOR INSTRUCTION.**

~~(a)~~ The revisor of statutes shall insert the "board of behavioral health and therapy" or "board" wherever "commissioner of health" or "commissioner" appears in Minnesota Statutes, chapter 148C, and Minnesota Rules, chapter 4747.

**EFFECTIVE DATE.** This paragraph is effective July 1, 2005.

~~(b) The revisor of statutes shall strike the terms "unlicensed mental health practitioner" and "the office of unlicensed mental health practice" from Minnesota Statutes and Minnesota Rules.~~

~~**EFFECTIVE DATE.** This paragraph is effective July 1, 2005.~~

Sec. 21. Laws 2003, chapter 118, section 29, as amended by Laws 2004, chapter 279, article 5, section 10, and Laws 2005, chapter 147, article 8, section 3, is amended to read:

Sec. 29. **REPEALER.**

(a) Minnesota Statutes, sections 13.383, subdivision 11; 148B.60; 148B.61; 148B.63; 148B.64; 148B.65; 148B.66; 148B.67; 148B.68; 148B.69; 148B.70; and 148B.71, are repealed.

**EFFECTIVE DATE.** This paragraph is effective July 1, 2009.

(b) Minnesota Statutes 2002, section 148C.01, subdivision 6, is repealed.

**EFFECTIVE DATE.** This paragraph is effective July 1, 2005.

Sec. 22. Laws 2005, First Special Session chapter 3, article 5, section 44, subdivision 1, as amended by Laws 2006, chapter 259, article 3, section 8, is amended to read:

Subdivision 1. **Sales and use tax.** Notwithstanding Minnesota Statutes, section 477A.016, or any other provision of law, ordinance, or city charter, if approved by the voters pursuant to Minnesota Statutes, section 297A.99, at a general election held before January 1, ~~2008~~ 2009, the city of Worthington may impose by ordinance a sales and use tax of up to one-half of one percent for the purpose specified in subdivision 3. Except as otherwise provided in this section, the provisions of Minnesota Statutes, section 297A.99, govern the imposition, administration, collection, and enforcement of the tax authorized under this subdivision.

Sec. 23. Laws 2006, chapter 259, article 13, section 7, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective for ~~sales~~ cigarette and tobacco products tax payments in June 2007 and thereafter.

Sec. 24. Laws 2006, chapter 259, article 13, section 8, the effective date, is amended to read:

**EFFECTIVE DATE.** This section is effective for ~~sales~~ excise tax payments in June 2007 and thereafter.

Sec. 25. **REVISOR'S INSTRUCTION; FEDERAL AGENCY NAMES.**

In Minnesota Statutes and Minnesota Rules, the revisor shall change the following names of federal agencies as appropriate:

(a) "Immigration and Naturalization Service" to "United States Citizenship and Immigrations Services";

(b) "Customs Service" to "United States Customs and Border Protection"; and

(c) "Bureau of Alcohol, Tobacco, and Firearms" to "Bureau of Alcohol, Tobacco, Firearms, and Explosives."

## ARTICLE 2

### OBSOLETE AND CONFLICTING PROVISIONS

Section 1. **REPEALER; MINNESOTA-WISCONSIN BOUNDARY COMPACT AND COMMISSION.**

Minnesota Statutes 2006, sections 1.33; 1.34; 1.35; 1.36; 1.37; 1.38; 1.39; and 1.40, are repealed.

Sec. 2. **REPEALER; DATA PRACTICES REFERENCE REGARDING GRANTS FOR ABUSED CHILDREN SERVICE PROVIDER PROGRAMS.**

Minnesota Statutes 2006, section 13.319, subdivision 2, is repealed.

Sec. 3. **REPEALER; OBSOLETE RULEMAKING AUTHORITY.**

Minnesota Statutes 2006, section 60A.13, subdivision 4a, is repealed.

Sec. 4. **REPEALER; OBSOLETE HORSESHOE BAY LAND SALE.**

Minnesota Statutes 2006, section 92.67, subdivision 1a, is repealed.

Sec. 5. **REPEALER; DUTIES TRANSFERRED FROM OFFICE OF ENVIRONMENTAL ASSISTANCE TO POLLUTION CONTROL AGENCY.**

Minnesota Statutes 2006, section 115A.055, subdivision 2, is repealed.

Sec. 6. **REPEALER; EXPIRED MUNICIPAL SOLID WASTE PROCESSING PAYMENTS.**

Minnesota Statutes 2006, section 115A.545, is repealed.

Sec. 7. **REPEALER; OBSOLETE PILOT PROJECTS AND REPORTS.**

Minnesota Statutes 2006, section 115A.9157, subdivision 4, is repealed.

Sec. 8. **REPEALER; EXPIRED PROJECT OUTREACH COMMITTEE.**

Minnesota Statutes 2006, section 116O.091, subdivision 7, is repealed.

Sec. 9. **REPEALER; OBSOLETE PROGRESS REPORT.**

Minnesota Statutes 2006, section 135A.153, subdivision 5, is repealed.

Sec. 10. **REPEALER; EXPIRED TRANSITION PERIOD FOR LICENSING OF CERTAIN THERAPISTS AND COUNSELORS.**

Minnesota Statutes 2006, section 148B.55, is repealed.

Sec. 11. **REPEALER; OBSOLETE, TEMPORARY AID FOR COURT COSTS.**

Minnesota Statutes 2006, section 273.1398, subdivisions 4a and 4c, are repealed.

Sec. 12. **REPEALER; OBSOLETE ANOKA COUNTY CORONER LAWS.**

Minnesota Statutes 2006, sections 383E.40; 383E.41; 383E.42; 383E.43; 383E.44; 383E.45; 383E.46; 383E.47; 383E.48; and 383E.49, are repealed.

Sec. 13. **REPEALER; OBSOLETE REFERENCE TO REPEALED LOCAL AID PROVISION.**

Minnesota Statutes 2006, section 477A.011, subdivision 28, is repealed.

Sec. 14. **REPEALER; EXPIRED TASK FORCE DUTIES.**

Minnesota Statutes 2006, section 611A.201, subdivision 3, is repealed.

Sec. 15. **REPEALER; NONSUBSTANTIVE AMENDMENT TO REPEALED PROVISION.**

Laws 2004, chapter 206, section 8, is repealed.

Sec. 16. **REPEALER; SUPERSEDED AMENDMENT TO REPEALED LAW.**

Laws 2005, chapter 136, article 3, section 22, is repealed.

Sec. 17. **REPEALER; AMENDMENT TO REPEALED PROVISION.**

Laws 2005, First Special Session chapter 8, article 1, section 23, is repealed.

Sec. 18. **REPEALER; NONSUBSTANTIVE, CONFLICTING AMENDMENT.**

Laws 2005, First Special Session chapter 8, article 10, section 6, is repealed.

Sec. 19. **REPEALER; DUPLICATIVE PROVISION.**

Laws 2006, chapter 236, article 1, section 2, is repealed.

Sec. 20. **REPEALER; DUPLICATIVE PROVISION.**

Laws 2006, chapter 253, section 5, is repealed.

Sec. 21. **REPEALER; DUPLICATIVE LANGUAGE.**

Laws 2006, chapter 258, section 37, is repealed.

Sec. 22. **REPEALER; OBSOLETE AMENDMENT TO REPEALED COUNTY AND MUNICIPAL COURT LAW.**

Laws 2006, chapter 260, article 5, section 43, is repealed.

Sec. 23. **REPEALER; SUPERSEDED AMENDATORY LANGUAGE.**

Laws 2006, chapter 263, article 3, section 13, is repealed.

Sec. 24. **REPEALER; NONSUBSTANTIVE AMENDMENT TO REPEALED PROVISION.**

Laws 2006, chapter 271, article 8, section 3, is repealed.

### ARTICLE 3 CROSS-REFERENCES

Section 1. Minnesota Statutes 2006, section 5.25, subdivision 1, is amended to read:

Subdivision 1. **Who may be served.** A process, notice, or demand required or permitted by law to be served upon an entity governed by chapter 221, 302A, 303, 317A, 321, ~~322A~~, 322B, 323, 330, 540, or 543 may be served on: (1) the registered agent, if any; (2) if no agent has been appointed then on an officer, manager, or general partner of the entity; or (3) if no agent, officer, manager, or general partner can be found at the address on file with the secretary of state, the secretary of state as provided in this section.

Sec. 2. Minnesota Statutes 2006, section 5.25, subdivision 3, is amended to read:

Subd. 3. **Service on certain business entities; auctioneers.** When service of process is to be made on the secretary of state for entities governed by chapter 302A, 317A, ~~322A~~ 321, 322B, 323, 330, or 543, the procedure in this subdivision applies. Service must be made by filing with the secretary of state one copy of the process, notice, or demand along with payment of a \$35 fee.

Sec. 3. Minnesota Statutes 2006, section 5.25, subdivision 5, is amended to read:

Subd. 5. **Service on dissolved, withdrawn, or revoked business entity.** (a) Process, notice, or demand may be served on a dissolved, withdrawn, or revoked business

entity that was governed by chapter 302A, 303, 317A, ~~322A~~ 321, 322B, or 323 as provided in this subdivision. The court shall determine if service is proper.

(b) If a business entity has voluntarily dissolved or has withdrawn its request for authority to transact business in this state, or a court has entered a decree of dissolution or revocation of authority to do business, service must be made according to subdivision 3 or 4, so long as claims are not barred under the provisions of the chapter that governed the business entity.

(c) If a business entity has been involuntarily dissolved or its authority to transact business in this state has been revoked, service must be made according to subdivision 3 or 4.

Sec. 4. Minnesota Statutes 2006, section 5.29, is amended to read:

**5.29 BULK AGENT NAME AND ADDRESS CHANGES.**

The filing fee charged for filing an amendment is charged for each document filed when a registered agent changes its name or office address pursuant to sections 302A.123, subdivision 3, 303.10, 308A.025, subdivision 5, 317A.123, subdivision 3, 318.02, and 322B.135, subdivision 3, and chapters ~~322A~~ 321, 323, and 323A, but the cumulative fee shall not exceed \$10,000 for entities governed by the provisions of chapters 302A, 303, 308A, 317A, 318, 322A, 322B, 323, and 323A.

Sec. 5. Minnesota Statutes 2006, section 13.461, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 26~~ this section are codified outside this chapter. Those ~~subdivisions~~ sections classify human services data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 6. Minnesota Statutes 2006, section 13.7931, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in subdivisions ~~2~~ 1a to 4 are codified outside this chapter. Those sections classify natural resource data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 7. Minnesota Statutes 2006, section 17.81, subdivision 4, is amended to read:

Subd. 4. **Agricultural use.** "Agricultural use" means use of land for the production of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock which is under ~~sections 18.44 to 18.61~~ chapter 18H, fruit of all kinds, vegetables, forage, grains, bees, and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be considered to be in agricultural use.

Sec. 8. Minnesota Statutes 2006, section 47.61, subdivision 3, is amended to read:

Subd. 3. **Electronic financial terminal.** (a) "Electronic financial terminal" means an electronic information processing device that is established to do either or both of the following:

- (1) capture the data necessary to initiate financial transactions; or
- (2) through its attendant support system, store or initiate the transmission of the information necessary to consummate a financial transaction.

(b) "Electronic financial terminal" does not include:

(1) a telephone;

(2) an electronic information processing device that is used internally by a financial institution to conduct the business activities of the institution;

(3) an electronic point-of-sale terminal operated by a retailer that is used to process payments for the purchase of goods and services by consumers, and which also may be used to obtain cash advances or cash back not to exceed \$25 and only if incidental to the retail sale transactions, through the use of credit cards or debit cards, provided that the payment transactions using debit cards are subject to the federal Electronic Funds Transfer Act, United States Code, title ~~12~~ 15, sections 1693 et seq., and Regulation E of the Federal Reserve Board, Code of Federal Regulations, title 12, subpart 205.2; this clause does not exempt the retailer from liability for negligent conduct or intentional misconduct of the operator under section 47.69, subdivision 5;

(4) stored-value cards to only process transactions other than those authorized by this section. Stored-value cards are transaction cards having magnetic stripes or computer chips that enable electronic value to be added or deducted as needed; or

(5) a personal computer possessed by and operated exclusively by the account holder.

Sec. 9. Minnesota Statutes 2006, section 115A.28, subdivision 2, is amended to read:

Subd. 2. **Decision paramount.** The agency's decision ~~under subdivision 1~~ shall be final and shall supersede and preempt requirements of state agencies and political subdivisions and the requirements of sections 473H.02 to 473H.17; except that a facility established pursuant to the decision shall be subject to terms, conditions, and requirements in permits of state or federal permitting agencies, the terms of lease determined by the agency under section 115A.06, subdivision 4, and any requirements imposed pursuant to subdivision 3. Except as otherwise provided in this section, no charter provision, ordinance, rule, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment, operation, expansion, continuance, or closure of a facility in accordance with the final decision and leases of the agency and permits issued by state or federal permitting agencies.

Sec. 10. Minnesota Statutes 2006, section 115A.99, subdivision 2, is amended to read:

Subd. 2. **Deposit of penalties and damages.** Civil penalties and damages collected under subdivision 1 must be collected and distributed as required in ~~section 487.33~~ chapter 484.

Sec. 11. Minnesota Statutes 2006, section 116L.665, subdivision 1, is amended to read:

Subdivision 1. **Creation.** The governor's Workforce Development Council is created under the authority of the Workforce Investment Act, United States Code, title 29, section ~~2911~~ 2801, et seq. Local workforce development councils are authorized under the Workforce Investment Act. The governor's Workforce Development Council serves as Minnesota's Workforce Investment Board for the purposes of the federal Workforce Investment Act.

Sec. 12. Minnesota Statutes 2006, section 119A.03, subdivision 2, is amended to read:

Subd. 2. **Duties of commissioner.** The commissioner shall:

- (1) identify measurable outcomes by which programs administered by the department will be evaluated at the state and local level;
- (2) develop linkages with other state departments to ensure coordination and consistent state policies promoting healthy development of children and families;
- (3) prepare, in consultation with the Children's Cabinet and affected parties, prior to July 1 of each year, guidelines governing planning, reporting, and other procedural requirements necessary to administer this chapter;
- (4) facilitate inclusive processes when designing or implementing guidelines and strategies to achieve agency goals for children and families ~~listed in section 119A.01, subdivision 3;~~
- (5) facilitate intergovernmental and public-private partnership strategies necessary to implement this chapter;
- (6) submit to the federal government, or provide assistance to local governments and organizations in submitting, where appropriate and feasible, requests for federal waivers or recommendations for changes in federal law necessary to carry out the purposes of this chapter;
- (7) coordinate review of all plans and other documents required under the guidelines provided for in clause (3);
- (8) coordinate development of the management support system components required for implementation of this chapter;
- (9) review other programs serving children and families to determine the feasibility for transfer to the Department of Education or the feasibility of inclusion in the funding consolidation process; and
- (10) monitor local compliance with this chapter.

Sec. 13. Minnesota Statutes 2006, section 119A.04, subdivision 1, is amended to read:

Subdivision 1. **Department of Education.** The powers and duties of the Department of Education with respect to the following programs are transferred to the Department of Human Services under section 15.039. The programs needing federal approval to transfer shall be transferred when the federal government grants transfer authority to the commissioner:

- (1) children's trust fund under sections 256E.20 to 256E.27;
- (2) the family services and community-based collaboratives under section 124D.23;
- (3) the child care programs under sections 119B.011 to 119B.16;
- (4) the migrant child care program under section 256.01;
- (5) the child care resource and referral program under ~~sections~~ section 119B.19 ~~and 119B.21;~~ and
- (6) the child care service development program under sections 119B.189 to 119B.24.

Sec. 14. Minnesota Statutes 2006, section 256.741, subdivision 1, is amended to read:

Subdivision 1. **Public assistance.** (a) The term "direct support" as used in this chapter and chapters 257, 518, 518A, and 518C refers to an assigned support payment from an obligor which is paid directly to a recipient of TANF or MFIP.

(b) The term "public assistance" as used in this chapter and chapters 257, 518, 518A, and 518C, includes any form of assistance provided under the AFDC program formerly codified in sections 256.72 to 256.87, MFIP and MFIP-R formerly codified under chapter 256, MFIP under chapter 256J, work first program under chapter 256K; child care assistance provided through the child care fund under chapter 119B; any form of medical assistance under chapter 256B; MinnesotaCare under chapter 256L; and foster care as provided under title IV-E of the Social Security Act.

(c) The term "child support agency" as used in this section refers to the public authority responsible for child support enforcement.

(d) The term "public assistance agency" as used in this section refers to a public authority providing public assistance to an individual.

Sec. 15. Minnesota Statutes 2006, section 256J.68, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** (a) This section must be used to determine payment of any claims resulting from an alleged injury or death of a person participating in a county or a tribal community work experience program that is approved by the commissioner and is operated by:

(i) the county agency;

(ii) the tribe;

(iii) a department of the state; or

(iv) a community-based organization under contract, prior to April 1, 1997, with a county agency to provide a community work experience program or a food stamp community work experience program, provided the organization has not experienced any individual injury loss or claim greater than \$1,000.

(b) This determination method is available to the community-based organization under paragraph (a), clause (iv), only for claims incurred by participants in the community work experience program or the food stamp community work experience program.

(c) This determination method applies to work experience programs authorized by the commissioner for persons applying for or receiving cash assistance and food stamps, and to the Minnesota parent's fair share program ~~and the community service program under section 518.551, subdivision 5a,~~ in a county with an approved community investment program for obligors.

Sec. 16. Minnesota Statutes 2006, section 289A.42, subdivision 1, is amended to read:

Subdivision 1. **Extension agreement.** If before the expiration of time prescribed in sections ~~270C.58, subdivision 3,~~ 289A.38; and 289A.40 for the assessment of tax or the filing of a claim for refund, both the commissioner and the taxpayer have consented in writing to the assessment or filing of a claim for refund after that time, the tax may be assessed or the claim for refund filed at any time before the expiration of the agreed upon period. The period may be extended by later agreements in writing before the expiration of the period previously agreed upon. The taxpayer and the commissioner may also agree to extend the period for collection of the tax.

Sec. 17. Minnesota Statutes 2006, section 296A.26, is amended to read:

**296A.26 JUDICIAL REVIEW; APPEAL TO TAX COURT.**

In lieu of an administrative appeal under ~~this chapter~~ section 270C.35, any person aggrieved by an order of the commissioner fixing a tax, penalty, or interest under this chapter may, within 60 days from the date of the notice of the order, appeal to the Tax Court in the manner provided under section 271.06.

Sec. 18. Minnesota Statutes 2006, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Except as otherwise provided in subdivision ~~2~~ or 3 or in this chapter, a sales tax of 6.5 percent is imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1.

Sec. 19. Minnesota Statutes 2006, section 297F.23, is amended to read:

**297F.23 JUDICIAL REVIEW.**

In lieu of an administrative appeal under ~~this chapter~~ section 270C.35, a person aggrieved by an order of the commissioner fixing a tax, penalty, or interest under this chapter may, within 60 days from the date of the notice of the order, appeal to the Tax Court in the manner provided under section 271.06.

Sec. 20. Minnesota Statutes 2006, section 323A.0901, is amended to read:

**323A.0901 DEFINITIONS.**

In this article:

- (1) "General partner" means a partner in a partnership and a general partner in a limited partnership.
- (2) "Limited partner" means a limited partner in a limited partnership.
- (3) "Limited partnership" means a limited partnership created under chapter ~~322A~~ 321, predecessor law, or comparable law of another jurisdiction.
- (4) "Partner" includes both a general partner and a limited partner.

Sec. 21. Minnesota Statutes 2006, section 323A.0902, is amended to read:

**323A.0902 CONVERSION OF PARTNERSHIP TO LIMITED PARTNERSHIP.**

- (a) A partnership may be converted to a limited partnership pursuant to this section.
- (b) The terms and conditions of a conversion of a partnership to a limited partnership must be approved by all of the partners or by a number or percentage specified for conversion in the partnership agreement.
- (c) After the conversion is approved by the partners, the partnership shall file a certificate of limited partnership in the jurisdiction in which the limited partnership is to be formed. The certificate must include:

(1) a statement that the partnership was converted to a limited partnership from a partnership;

(2) its former name; and

(3) a statement of the number of votes cast by the partners for and against the conversion and, if the vote is less than unanimous, the number or percentage required to approve the conversion under the partnership agreement.

(d) The conversion takes effect when the certificate of limited partnership is filed or at any later date specified in the certificate.

(e) A general partner who becomes a limited partner as a result of the conversion remains liable as a general partner for an obligation incurred by the partnership before the conversion takes effect. If the other party to a transaction with the limited partnership reasonably believes when entering the transaction that the limited partner is a general partner, the limited partner is liable for an obligation incurred by the limited partnership within 90 days after the conversion takes effect. The limited partner's liability for all other obligations of the limited partnership incurred after the conversion takes effect is that of a limited partner as provided in chapter ~~322A~~ 321.

Sec. 22. Minnesota Statutes 2006, section 336.9-334, is amended to read:

**336.9-334 PRIORITY OF SECURITY INTERESTS IN FIXTURES AND CROPS.**

(a) **Security interest in fixtures under this article.** A security interest under this article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this article in ordinary building materials incorporated into an improvement on land.

(b) **Security interest in fixtures under real property law.** This article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) **General rule: subordination of security interest in fixtures.** In cases not governed by subsections (d) through (h), a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) **Fixtures purchase-money priority.** Except as otherwise provided in subsection (h), a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:

(1) the security interest is a purchase-money security interest;

(2) the interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) the security interest is perfected by a fixture filing before the goods become fixtures or within 20 days thereafter.

(e) **Priority of security interest in fixtures over interests in real property.** A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) before the goods become fixtures, the security interest is perfected by any method permitted by this article and the fixtures are readily removable:

(A) factory or office machines;

(B) equipment that is not primarily used or leased for use in the operation of the real property; or

(C) replacements of domestic appliances that are consumer goods;

(3) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this article; or

(4) the security interest is:

(A) created in a manufactured home in a manufactured home transaction; and

(B) perfected pursuant to a statute described in section 336.9-311(a)(2).

(f) **Priority based on consent, disclaimer, or right to remove.** A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the encumbrancer or owner has, in an authenticated record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) the debtor has a right to remove the goods as against the encumbrancer or owner.

(g) **Continuation of paragraph (f)(2) priority.** The priority of the security interest under paragraph (f)(2) continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) **Priority of construction mortgage.** A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f), a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) **Priority of security interest in crops.** A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property except a perfected landlord's lien if the debtor has an interest of record in or is in possession of the real property.

~~(j) **Subsection (i) prevails.** Subsection (i) prevails over any inconsistent provisions of section 559.2091.~~

Sec. 23. Minnesota Statutes 2006, section 336B.01, subdivision 2, is amended to read:

Subd. 2. **Taconite company.** When used in sections 336B.01 to 336B.03 the term "taconite company" means a person, corporation, or other legal entity, its lessees, trustees, and receivers, engaged in or preparing to engage in the business of mining and beneficiating taconite, ~~as the term "taconite" is defined in section 298.23,~~ whether or not the taconite company may also engage in another business.

Sec. 24. Minnesota Statutes 2006, section 340A.414, subdivision 2, is amended to read:

Subd. 2. **Eligibility for permit.** (a) The commissioner may issue a permit under this section only to:

(1) an applicant who has not, within five years prior to the application, been convicted of a felony or of violating any provision of this chapter or rule adopted under this chapter;

(2) a restaurant;

(3) a hotel;

(4) an establishment licensed for the sale of 3.2 percent malt liquor;

(5) a resort as defined in section 157.15;

(6) a club as defined in section 340A.101, subdivision 7, or an unincorporated club otherwise meeting that definition; and

(7) a bed and breakfast facility as defined in section ~~340A.411~~ 340A.4011, subdivision 1.

(b) The commissioner may not issue a permit to a club holding an on-sale intoxicating liquor license.

Sec. 25. Minnesota Statutes 2006, section 469.321, subdivision 1, is amended to read:

Subdivision 1. **Scope.** For purposes of sections 469.321 to ~~469.328~~ 469.329, the following terms have the meanings given.

Sec. 26. Minnesota Statutes 2006, section 469.333, subdivision 2, is amended to read:

Subd. 2. **Application content.** The application must include:

(1) a development plan meeting the requirements of section 469.331;

(2) the proposed duration of the zone, not to exceed 12 years;

(3) ~~(i)~~ a resolution or ordinance adopted by each of the cities or towns and the counties in which the zone is located, agreeing to provide all of the local sales and use tax exemptions provided under section 469.336; ~~or (ii) a resolution or ordinance adopted by each of the cities or towns and the counties in which the zone is located that declares whether it will provide property tax exemptions under section 469.336;~~

(4) an agreement by the applicant to treat incentives provided under the zone designation as business subsidies under sections 116J.993 to 116J.995 and to comply with the requirements of that law; and

(5) supporting evidence to allow the commissioner to evaluate the application under the criteria in section 469.334.

Sec. 27. Minnesota Statutes 2006, section 469.335, is amended to read:

**469.335 APPLICATION FOR TAX BENEFITS.**

(a) To claim a tax credit or exemption against a state tax under section 469.336, ~~clauses (2) through (5)~~, a business must apply to the commissioner for a tax credit certificate. As a condition of its application, the business must agree to furnish information to the commissioner that is sufficient to verify the eligibility for any credits or exemptions claimed. The total amount of the state tax credits and exemptions allowed for the specified period may not exceed the amount of the tax credit certificates provided by the commissioner to the business. The commissioner must verify to the commissioner of revenue the amount of tax exemptions or credits for which each business is eligible.

(b) A tax credit certificate issued under this section may specify the particular tax exemptions or credits against a state tax that the qualified business is eligible to claim under section 469.336, ~~clauses (2) through (5)~~, and the amount of each exemption or credit allowed.

(c) The commissioner may issue \$1,000,000 of tax credits or exemptions in fiscal year 2004. Any tax credits or exemptions not awarded in fiscal year 2004 may be awarded in fiscal year 2005.

(d) A qualified business must use the tax credits or tax exemptions granted under this section by the later of the end of the state fiscal year or the taxpayer's tax year in which the credits or exemptions are granted.

Sec. 28. Minnesota Statutes 2006, section 469.336, is amended to read:

**469.336 TAX INCENTIVES AVAILABLE IN ZONES.**

Qualified businesses that operate in a biotechnology and health sciences industry zone, individuals who invest in a qualified business that operates in a biotechnology and health sciences industry zone, and property of a qualified business located in a biotechnology and health sciences industry zone qualify for:

- ~~(1)~~ exemption from the property tax as provided in section 272.02, subdivision 65;
- ~~(2)~~ (1) exemption from corporate franchise taxes as provided under section 469.337;
- ~~(3)~~ (2) exemption from the state sales and use tax and any local sales and use taxes on qualifying purchases as provided in section 297A.68, subdivision 38;
- ~~(4)~~ (3) research and development credits as provided under section 469.339;
- ~~(5)~~ (4) jobs credits as provided under section 469.338.

Sec. 29. Minnesota Statutes 2006, section 477A.014, subdivision 1, is amended to read:

Subdivision 1. **Calculations and payments.** (a) The commissioner of revenue shall make all necessary calculations and make payments pursuant to sections 477A.013; ~~477A.0132~~, and 477A.03 directly to the affected taxing authorities annually. In addition, the commissioner shall notify the authorities of their aid amounts, as well as the computational factors used in making the calculations for their authority, and those statewide total figures that are pertinent, before August 1 of the year preceding the aid distribution year.

(b) For the purposes of this subdivision, aid is determined for a city or town based on its city or town status as of June 30 of the year preceding the aid distribution year. If the effective date for a municipal incorporation, consolidation, annexation, detachment, dissolution, or township organization is on or before June 30 of the year preceding the aid distribution year, such change in boundaries or form of government shall be recognized for aid determinations for the aid distribution year. If the effective date for a municipal incorporation, consolidation, annexation, detachment, dissolution, or township organization is after June 30 of the year preceding the aid distribution year, such change in boundaries or form of government shall not be recognized for aid determinations until the following year.

(c) Changes in boundaries or form of government will only be recognized for the purposes of this subdivision, to the extent that: (1) changes in market values are included in market values reported by assessors to the commissioner, and changes in population, household size, and the road accidents factor are included in their respective certifications to the commissioner as referenced in section 477A.011, or (2) an annexation information report as provided in paragraph (d) is received by the commissioner on or before July 15 of the aid calculation year. Revisions to estimates or data for use in recognizing changes in boundaries or form of government are not effective for purposes of this subdivision unless received by the commissioner on or before July 15 of the aid calculation year. Clerical errors in the certification or use of estimates and data established as of July 15 in the aid calculation year are subject to correction within the time periods allowed under subdivision 3.

(d) In the case of an annexation, an annexation information report may be completed by the annexing jurisdiction and submitted to the commissioner for purposes of this subdivision if the net tax capacity of annexed area for the assessment year preceding the effective date of the annexation exceeds five percent of the city's net tax capacity for the same year. The form and contents of the annexation information report shall be prescribed by the commissioner. The commissioner shall change the net tax capacity, the population, the population decline, the commercial industrial percentage, and the transformed population for the annexing jurisdiction only if the annexation information report provides data the commissioner determines to be reliable for all of these factors used to compute city revenue need for the annexing jurisdiction. The commissioner shall adjust the pre-1940 housing percentage, the road accidents factor, and household size only if the entire area of an existing city or town is annexed or consolidated and only if reliable data is available for all of these factors used to compute city revenue need for the annexing jurisdiction.

Sec. 30. Minnesota Statutes 2006, section 504B.321, subdivision 1, is amended to read:

Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall file a complaint with the court, stating the full name and date of birth of the person against whom the complaint is made, unless it is not known, describing the premises of which possession is claimed, stating the facts which authorize the recovery of possession, and asking for recovery thereof.

(b) The lack of the full name and date of birth of the person against whom the complaint is made does not deprive the court of jurisdiction or make the complaint invalid.

(c) The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons.

(d) The appearance shall be not less than seven nor more than 14 days from the day of issuing the summons, except as provided by ~~paragraph (b)~~ subdivision 2.

(e) A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.

Sec. 31. Minnesota Statutes 2006, section 518A.40, subdivision 3, is amended to read:

Subd. 3. **Determining costs.** (a) The court must require verification of employment or school attendance and documentation of child care expenses from the obligee and the public authority, if applicable.

(b) If child care expenses fluctuate during the year because of the obligee's seasonal employment or school attendance or extended periods of parenting time with the obligor, the court must determine child care expenses based on an average monthly cost.

(c) The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section ~~518A.515~~ 518A.75.

(d) The court may allow the parent with whom the joint child does not reside to care for the joint child while the parent with whom the joint child resides is working or attending school, as provided in section 518.175, subdivision 8. Allowing the parent with whom the joint child does not reside to care for the joint child under section 518.175, subdivision 8, is not a reason to deviate from the guidelines.

Sec. 32. Minnesota Statutes 2006, section 611.27, subdivision 13, is amended to read:

Subd. 13. **Public defense services; correctional facility inmates.** All billings for services rendered and ordered under subdivision 7 shall require the approval of the chief district public defender before being forwarded on a monthly basis to the state public defender. In cases where adequate representation cannot be provided by the district public defender and where counsel has been appointed under a court order, the state public defender shall forward to the commissioner of finance all billings for services rendered under the court order. The commissioner shall pay for services ~~from county criminal justice aid retained by the commissioner of revenue for that purpose under section 477A.0121, subdivision 4, or from county program aid retained by the commissioner of revenue for that purpose under section 477A.0124, subdivision 1, clause (4), or 477A.03, subdivision 2b, paragraph (a).~~

The costs of appointed counsel and associated services in cases arising from new criminal charges brought against indigent inmates who are incarcerated in a Minnesota state correctional facility are the responsibility of the state Board of Public Defense. In such cases the state public defender may follow the procedures outlined in this section for obtaining court-ordered counsel.

Sec. 33. Minnesota Statutes 2006, section 611.27, subdivision 15, is amended to read:

Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the state public defender's office does not have sufficient funds to pay for transcripts and other necessary expenses because it has spent or committed all of the transcript funds in its annual budget, the state public defender may forward to the commissioner of finance all billings for transcripts and other necessary expenses. The commissioner shall pay for these transcripts and other necessary expenses ~~from county criminal justice aid retained by the commissioner of revenue under section 477A.0121, subdivision 4, or from county~~

program aid retained by the commissioner of revenue for that purpose under section 477A.0124, subdivision 1, clause (4), or 477A.03, subdivision 2b, paragraph (a).

Sec. 34. Minnesota Statutes 2006, section 626.89, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to recommend, approve, or order discipline.

(b) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

(c) "Officer" means a licensed peace officer or part-time peace officer, as defined in section 626.84, subdivision 1, paragraphs (c) and ~~(f)~~ (d), who is employed by a unit of government.

Sec. 35. Minnesota Statutes 2006, section 626.90, subdivision 7, is amended to read:

Subd. 7. **Construction.** This section is limited to law enforcement authority only, and nothing in this section shall affect any other jurisdictional relationships or disputes involving the band or current reservation boundaries or entitle the band as a municipality or subdivision of government to any fine or penalty revenue allocation under section ~~487.33~~ 484.90.

Sec. 36. **REVISOR'S INSTRUCTION; CROSS-REFERENCE IN ADMINISTRATIVE RULE.**

The revisor of statutes shall change the reference to Minnesota Statutes, section 270.761, in Minnesota Rules, part 9560.0440, subpart 3, item B, to Minnesota Statutes, section 260.761.

Sec. 37. **REVISOR'S INSTRUCTION; CROSS-REFERENCES TO FORMER SEX OFFENDER LAW.**

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>244.04, subdivision 1</u>	<u>609.109</u>	<u>Minnesota Statutes 2004, section 609.109</u>
<u>244.05, subdivision 1</u>	<u>609.108, subdivision 5</u>	<u>Minnesota Statutes 2004, section 609.108, subdivision 5</u>
<u>244.05, subdivision 3</u>	<u>609.108, subdivision 5</u>	<u>Minnesota Statutes 2004, section 609.108, subdivision 5</u>
<u>244.05, subdivision 4</u>	<u>609.109, subdivision 3</u>	<u>Minnesota Statutes 2004, section 609.109, subdivision 3</u>

<u>244.05, subdivision 5</u>	<u>609.185, clause (3), (5), or (6); 609.109, subdivision 3; 609.3455, subdivision 3 or 4; or 609.385</u>	<u>609.185, clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3</u>
<u>244.195, subdivision 1</u>	<u>609.108, subdivision 6, or 609.109, subdivision 7</u>	<u>section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7</u>
<u>253B.185, subdivision 2</u>	<u>609.108, subdivision 6, or 609.109, subdivision 7</u>	<u>609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7</u>
<u>401.01, subdivision 2</u>	<u>609.108, subdivision 6, or 609.109, subdivision 7</u>	<u>609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7</u>
<u>609.115, subdivision 2a</u>	<u>609.106, subdivision 2; 609.109, subdivision 3; 609.185; 609.3455; or 609.385, subdivision 2</u>	<u>609.106, subdivision 2; 609.185; 609.3455; 609.385, subdivision 2; or Minnesota Statutes 2004, section 609.109, subdivision 3</u>
<u>609.2231, subdivision 3a</u>	<u>609.109</u>	<u>609.3455, subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109</u>
<u>609.342, subdivision 2</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>
<u>609.342, subdivision 3</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>
<u>609.343, subdivision 2</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>
<u>609.343, subdivision 3</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>

<u>609.344, subdivision 3</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>
<u>609.345, subdivision 3</u>	<u>609.109 or 609.3455</u>	<u>609.3455; or Minnesota Statutes 2004, section 609.109</u>
<u>609.347, subdivision 1</u>	<u>609.109, 609.342 to 609.3451, or 609.3453</u>	<u>609.342 to 609.3451; 609.3453; or Minnesota Statutes 2004, section 609.109</u>
<u>609.347, subdivision 2</u>	<u>609.109, 609.342 to 609.3451, or 609.3453</u>	<u>609.342 to 609.3451; 609.3453; or Minnesota Statutes 2004, section 609.109</u>
<u>609.347, subdivision 3</u>	<u>609.109, 609.342 to 609.3451, 609.3453, or 609.365</u>	<u>609.342 to 609.3451; 609.3453; 609.365; or Minnesota Statutes 2004, section 609.109</u>
<u>609.347, subdivision 5</u>	<u>609.109, 609.342 to 609.3451, or 609.3453</u>	<u>609.342 to 609.3451; 609.3453; or Minnesota Statutes 2004, section 609.109</u>
<u>609.347, subdivision 6</u>	<u>609.109, 609.342 to 609.3451, or 609.3453</u>	<u>609.342 to 609.3451; 609.3453; or Minnesota Statutes 2004, section 609.109</u>
<u>609.348</u>	<u>609.109, 609.342 to 609.3451, and 609.3453</u>	<u>609.342 to 609.3451; 609.3453; and Minnesota Statutes 2004, section 609.109</u>
<u>631.045</u>	<u>609.109, 609.341 to 609.3451, 609.3453, or 617.246, subdivision 2</u>	<u>609.341 to 609.3451; 609.3453; 617.246, subdivision 2; or Minnesota Statutes 2004, section 609.109</u>

Presented to the governor March 30, 2007

Signed by the governor March 30, 2007, 5:10 p.m.