

CHAPTER 76—S.F.No. 885

An act relating to legislative enactments; correcting erroneous, ambiguous, and omitted text and obsolete references; removing redundant, conflicting, and superseded provisions; making miscellaneous corrections to laws, statutes, and rules; amending Minnesota Statutes 2010, sections 5.15; 13.04, subdivision 4a; 13.319, subdivision 1; 13.3806, by adding a subdivision; 13.381, subdivision 1; 13.411, subdivision 1; 13.4967, subdivision 1; 13.607, subdivision 1; 13.6401, subdivision 1, by adding a subdivision; 13.6905, subdivision 1, by adding a subdivision; 13.7191, subdivision 1, by adding a subdivision; 13.785, subdivision 1; 13.7931, subdivision 1; 13.841, subdivision 1, by adding a subdivision; 13.851, subdivision 1, by adding a subdivision; 15B.24, subdivision 1; 60A.121, subdivision 5; 82.67, subdivision 3; 115A.072, subdivision 1; 115A.908, subdivision 2; 115B.25, subdivision 8; 115B.34, subdivision 1; 116W.03, subdivision 5; 120B.022, subdivision 1; 121A.15, subdivisions 8, 9; 123B.72, subdivision 3; 123B.76, subdivision 3; 125A.027, subdivision 4; 125A.29; 125A.56, subdivision 1; 127A.45, subdivision 12; 152.027, subdivision 4; 168.1293, subdivision 5; 168D.01, subdivision 4; 168D.02, subdivision 1; 169.771, subdivision 1; 174.82; 203B.06, subdivision 3; 204B.34, subdivision 1; 204C.13, subdivision 6; 205A.10, subdivision 2; 216B.1691, subdivision 5; 216B.1692, subdivisions 1, 2; 216C.01, subdivision 1a; 219.01; 239.002; 244.11, subdivision 3; 245B.031, subdivision 5; 256B.0625, subdivision 14; 260D.07; 268.046, subdivision 1; 273.054; 273.063; 273.1103; 279.33; 295.75, subdivision 9; 297I.01, subdivision 16; 299F.56, subdivisions 11, 16; 299F.57, subdivision 1; 299J.03, subdivision 2; 299M.03, subdivision 2; 326B.118; 326B.986, subdivision 4; 326B.992; 383D.411; 394.21, subdivision 3; 394.232; 462.3535, subdivisions 1, 8; 466.07, subdivision 1; 501B.16; 514.977; 515B.1-102; 517.08, subdivision 1b; 518D.314; 524.1-304; 572A.01, subdivision 1; 572A.02, subdivisions 5, 6; 572A.03, subdivision 2; 576.011, subdivision 1; 580.041, subdivision 2; 580.06, subdivision 2; 609.485, subdivision 2; 609.5314, subdivision 3; 609.902, subdivision 4; 611A.033; 628.56; 628.63; 628.68; 630.18; 631.05; Laws 2009, chapter 88, article 2, section 43; Laws 2010, chapter 184, section 18; Laws 2010, chapter 280, section 40; Laws 2010, chapter 382, section 87, subdivision 8; Laws 2010, chapter 389, article 1, sections 7; 8; 9; repealing Minnesota Statutes 2010, sections 462.3535, subdivisions 9, 10; 626.8441, subdivision 1; Laws 2006, chapter 259, article 13, section 10; Laws 2008, chapter 202, section 10; Laws 2009, chapter 82, section 2; Laws 2010, chapter 184, section 7; Laws 2010, chapter 310, article 6, section 1; article 16, section 2; Laws 2010, chapter 359, article 12, section 18; Laws 2010, chapter 392, article 1, section 6; Laws 2010, First Special Session chapter 1, article 15, section 8; Minnesota Rules, part 7890.0120, subpart 3.

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

ARTICLE 1**GENERAL**

Section 1. Minnesota Statutes 2010, section 5.15, is amended to read:

5.15 ONLINE SIGNATURES, ACKNOWLEDGMENT OR NOTARIZATION ON DOCUMENTS; PENALTIES OF PERJURY.

(a) No document submitted to the Office of the Secretary of State shall be required to be notarized. Signing a document submitted to the secretary of state constitutes "acknowledgment" as defined in section 358.41, clause (2), and "verification upon oath or affirmation" as defined in section 358.41, clause (3). A person who signs a document submitted to the secretary of state without authority to sign that document or who signs the document knowing that the document is false in any material respect is subject to the penalties of perjury set forth in section 609.48.

(b) Any document submitted to the Office of the Secretary of State online may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the application that the person is acting as the agent of the person whose signature would be required and that the person has been authorized to sign on behalf of the applicant. The name of the person signing, entered on the online application, constitutes a valid signature by such an agent.

(c) Any document relating to a filing by a business entity or assumed name, or the filing of a document under chapter ~~270~~ 270C, 272, 336, or 336A, submitted to the Office of the Secretary of State on paper may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the document that it is acting as the agent of the person whose signature would be required and that it has been authorized to sign on behalf of that person.

Sec. 2. Minnesota Statutes 2010, section 13.04, subdivision 4a, is amended to read:

Subd. 4a. **Sex offender program data; challenges.** Notwithstanding subdivision 4, challenges to the accuracy or completeness of data maintained by the Department of Human Services sex offender program about a ~~client~~ civily committed sex offender as defined in section 246B.01, subdivision 1a, must be submitted in writing to the data practices compliance official of the Department of Human Services. The data practices compliance official must respond to the challenge as provided in this section.

Sec. 3. Minnesota Statutes 2010, section 15B.24, subdivision 1, is amended to read:

Subdivision 1. **Scope.** This section governs the treatment of tax-forfeited lands in the Capitol Area. ~~Sections~~ Section 383A.17 ~~and 383A.76~~ relating to Ramsey County also may apply.

Sec. 4. Minnesota Statutes 2010, section 60A.121, subdivision 5, is amended to read:

Subd. 5. **Independent appraiser.** "Independent appraiser" means a person not employed by the insurer, by an affiliate of the insurer, or by an investment advisor to the insurer who develops and communicates real estate appraisals and holds a current, valid license issued under section ~~82B.02~~ 82B.08, or a similar law enacted by another state.

Sec. 5. Minnesota Statutes 2010, section 82.67, subdivision 3, is amended to read:

Subd. 3. **Agency disclosure form.** The agency disclosure form shall be in substantially the form set forth below:

AGENCY RELATIONSHIPS IN REAL ESTATE TRANSACTIONS

Minnesota law requires that early in any relationship, real estate brokers or salespersons discuss with consumers what type of agency representation or relationship they desire.(1) The available options are listed below. This is **not** a contract. **This is an agency disclosure form only. If you desire representation, you must enter into a written contract according to state law** (a listing contract or a buyer representation contract). Until such time as you choose to enter into a written contract for representation, you will be treated as a customer and will not receive any representation from the broker or salesperson. The broker or salesperson will be acting as a Facilitator (see paragraph V below), unless the broker or salesperson is representing another party as described below.

ACKNOWLEDGMENT: I/We acknowledge that I/We have been presented with the below-described options. I/We understand that until I/We have signed a representation contract, I/We are not represented by the broker/salesperson. I/We understand that written consent is required for a dual agency relationship. **THIS IS A DISCLOSURE ONLY, NOT A CONTRACT FOR REPRESENTATION.**

| | |
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| | |
| Signature | Date |
| | |
| Signature | Date |

I.

Seller's Broker: A broker who lists a property, or a salesperson who is licensed to the listing broker, represents the Seller and acts on behalf of the Seller. A Seller's broker owes to the Seller the fiduciary duties described below.(2) The broker must also disclose to the Buyer material facts as defined in Minnesota Statutes, section ~~82.22~~ 82.68, subdivision ~~8~~ 3, of which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property. If a broker or salesperson working with a Buyer as a customer is representing the Seller, he or she must act in the Seller's best interest and must tell the Seller any information disclosed to him or her, except confidential information acquired in a facilitator relationship (see paragraph V below). In that case, the Buyer will not be represented and will not receive advice and counsel from the broker or salesperson.

II.

Subagent: A broker or salesperson who is working with a Buyer but represents the Seller. In this case, the Buyer is the broker's customer and is not represented by that broker. If a broker or salesperson working with a Buyer as a customer is representing the Seller, he or she must act in the Seller's best interest and must tell the Seller any information that is disclosed to him or her. In that case, the Buyer will not be represented and will not receive advice and counsel from the broker or salesperson.

III.

Buyer's Broker: A Buyer may enter into an agreement for the broker or salesperson to represent and act on behalf of the Buyer. The broker may represent the Buyer

only, and not the Seller, even if he or she is being paid in whole or in part by the Seller. A Buyer's broker owes to the Buyer the fiduciary duties described below.(2) The broker must disclose to the Buyer material facts as defined in Minnesota Statutes, section ~~82.22~~ 82.68, subdivision ~~8~~ 3, of which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property. If a broker or salesperson working with a Seller as a customer is representing the Buyer, he or she must act in the Buyer's best interest and must tell the Buyer any information disclosed to him or her, except confidential information acquired in a facilitator relationship (see paragraph V below). In that case, the Seller will not be represented and will not receive advice and counsel from the broker or salesperson.

IV.

Dual Agency-Broker Representing both Seller and Buyer: Dual agency occurs when one broker or salesperson represents both parties to a transaction, or when two salespersons licensed to the same broker each represent a party to the transaction. Dual agency requires the informed consent of all parties, and means that the broker and salesperson owe the same duties to the Seller and the Buyer. This role limits the level of representation the broker and salespersons can provide, and prohibits them from acting exclusively for either party. In a dual agency, confidential information about price, terms, and motivation for pursuing a transaction will be kept confidential unless one party instructs the broker or salesperson in writing to disclose specific information about him or her. Other information will be shared. Dual agents may not advocate for one party to the detriment of the other.(3)

Within the limitations described above, dual agents owe to both Seller and Buyer the fiduciary duties described below.(2) Dual agents must disclose to Buyers material facts as defined in Minnesota Statutes, section ~~82.22~~ 82.68, subdivision ~~8~~ 3, of which the broker is aware that could adversely and significantly affect the Buyer's use or enjoyment of the property.

V.

Facilitator: A broker or salesperson who performs services for a Buyer, a Seller, or both but does not represent either in a fiduciary capacity as a Buyer's Broker, Seller's Broker, or Dual Agent. **THE FACILITATOR BROKER OR SALESPERSON DOES NOT OWE ANY PARTY ANY OF THE FIDUCIARY DUTIES LISTED BELOW, EXCEPT CONFIDENTIALITY, UNLESS THOSE DUTIES ARE INCLUDED IN A WRITTEN FACILITATOR SERVICES AGREEMENT.** The facilitator broker or salesperson owes the duty of confidentiality to the party but owes no other duty to the party except those duties required by law or contained in a written facilitator services agreement, if any. In the event a facilitator broker or salesperson, working with a Buyer, shows a property listed by the facilitator broker or salesperson, then the facilitator broker or salesperson must act as a Seller's Broker (see paragraph I above). In the event a facilitator broker or salesperson, working with a Seller, accepts a showing of the property by a Buyer being represented by the facilitator broker or salesperson, then the facilitator broker or salesperson must act as a Buyer's Broker (see paragraph III above).

(1) This disclosure is required by law in any transaction involving property occupied or intended to be occupied by one to four families as their residence.

(2) The fiduciary duties mentioned above are listed below and have the following meanings:

Loyalty-broker/salesperson will act only in client(s)' best interest.

Obedience-broker/salesperson will carry out all client(s)' lawful instructions.

Disclosure-broker/salesperson will disclose to client(s) all material facts of which broker/salesperson has knowledge which might reasonably affect the client's use and enjoyment of the property.

Confidentiality-broker/salesperson will keep client(s)' confidences unless required by law to disclose specific information (such as disclosure of material facts to Buyers).

Reasonable Care-broker/salesperson will use reasonable care in performing duties as an agent.

Accounting-broker/salesperson will account to client(s) for all client(s)' money and property received as agent.

(3) If Seller(s) decides not to agree to a dual agency relationship, Seller(s) may give up the opportunity to sell the property to Buyers represented by the broker/salesperson. If Buyer(s) decides not to agree to a dual agency relationship, Buyer(s) may give up the opportunity to purchase properties listed by the broker.

Sec. 6. Minnesota Statutes 2010, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. **Environmental education ~~Advisory Board~~ programs.** (a) The commissioner shall provide for the development and implementation of environmental education programs that are designed to meet the goals listed in section 115A.073.

~~(b) The Environmental Education Advisory Board shall advise the commissioner in carrying out the commissioner's responsibilities under this section. The board consists of 20 members as follows:~~

~~(1) a representative of the Pollution Control Agency, appointed by the commissioner of the agency;~~

~~(2) a representative of the Department of Education, appointed by the commissioner of education;~~

~~(3) a representative of the Department of Agriculture, appointed by the commissioner of agriculture;~~

~~(4) a representative of the Department of Health, appointed by the commissioner of health;~~

~~(5) a representative of the Department of Natural Resources, appointed by the commissioner of natural resources;~~

~~(6) a representative of the Board of Water and Soil Resources, appointed by that board;~~

~~(7) a representative of the Environmental Quality Board, appointed by that board;~~

~~(8) a representative of the Board of Teaching, appointed by that board;~~

~~(9) a representative of the University of Minnesota Extension Service, appointed by the director of the service;~~

~~(10) a citizen member from each congressional district, of which two must be licensed teachers currently teaching in the K-12 system, appointed by the commissioner, and~~

~~(11) three at-large citizen members, appointed by the commissioner.~~

~~The citizen members shall serve two-year terms. Compensation of board members is governed by section 15.059, subdivision 6. The board expires on June 30, 2008.~~

Sec. 7. Minnesota Statutes 2010, section 115A.908, subdivision 2, is amended to read:

Subd. 2. **Deposit of revenue.** ~~From the Revenue collected under this section, the amount necessary to make debt service payments on revenue bonds issued under section 116.156 is annually appropriated to the commissioner of management and budget. Any remaining revenue collected shall be credited to the environmental fund.~~

Sec. 8. Minnesota Statutes 2010, section 115B.25, subdivision 8, is amended to read:

Subd. 8. **Protected information.** "Protected information" means information provided to the ~~board~~ agency by a nongovernmental third party, or information provided to the ~~board~~ agency by a governmental party if access to that information is protected under other law, that is relevant to a determination required of the ~~board~~ agency under section 115B.33, subdivisions 1, clauses (2) to (4), and 2, clause (2).

Sec. 9. Minnesota Statutes 2010, section 115B.34, subdivision 1, is amended to read:

Subdivision 1. **Personal injury losses.** Losses compensable by the fund for personal injury are limited to:

- (1) medical expenses directly related to the claimant's injury;
- (2) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;
- (3) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;
- (4) death benefits to dependents which the agency shall define by rule subject to the following conditions:
 - (i) the rule adopted by the agency must establish a schedule of benefits similar to that established by section 176.111 and must not provide for the payment of benefits to dependents other than those dependents defined in section 176.111;
 - (ii) the total benefits paid to all dependents of a claimant must not exceed \$2,000 per month;
 - (iii) benefits paid to a spouse and all dependents other than children must not continue for a period longer than ten years;
 - (iv) payment of benefits is subject to the limitations of section 115B.36; and
- (5) the value of household labor lost due to the claimant's injury or disease, which must be determined in accordance with a schedule established by the ~~board~~ agency by rule, not to exceed \$2,000 per month or \$24,000 per year.

Sec. 10. Minnesota Statutes 2010, section 116W.03, subdivision 5, is amended to read:

Subd. 5. **Executive director; staffing.** The authority shall employ an executive director in the unclassified service. The initial executive director must be the individual in the position of director of the Office of Science and Technology as of January 1, 2010, under Minnesota Statutes 2008, section 116J.657. The executive director is responsible for hiring staff necessary to assist the executive director to carry out the duties and responsibilities of the authority. The executive director shall perform duties that the authority may require in carrying out its responsibilities to manage and implement the funds and programs in this chapter, and comply with all state and federal program requirements, and state and federal securities and tax laws and regulations. The executive director shall assist the advisory board in fulfilling its duties under this chapter.

Sec. 11. Minnesota Statutes 2010, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** (a) A district must establish its own standards in the following subject areas:

- (1) ~~vocational~~ career and technical education; and
- (2) world languages.

A school district must offer courses in all elective subject areas.

(b) World languages teachers and other school staff should develop and implement world languages programs that acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess, and encourage students' proficiency in multiple world languages. Programs under this paragraph must encompass indigenous American Indian languages and cultures, among other world languages and cultures. The department shall consult with postsecondary institutions in developing related professional development opportunities.

(c) Any Minnesota public, charter, or nonpublic school may award Minnesota World Language Proficiency Certificates or Minnesota World Language Proficiency High Achievement Certificates, consistent with this subdivision.

The Minnesota World Language Proficiency Certificate recognizes students who demonstrate listening, speaking, reading, and writing language skills at the American Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and reliable assessment tool. For languages listed as Category 3 by the United States Foreign Service Institute or Category 4 by the United States Defense Language Institute, the standard is Intermediate-Low for listening and speaking and Novice-High for reading and writing.

The Minnesota World Language Proficiency High Achievement Certificate recognizes students who demonstrate listening, speaking, reading, and writing language skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level for K-12 learners on a valid and reliable assessment tool. For languages listed as Category 3 by the United States Foreign Service Institute or Category 4 by the United States Defense Language Institute, the standard is Pre-Advanced for listening and speaking and Intermediate-Mid for reading and writing.

Sec. 12. Minnesota Statutes 2010, section 121A.15, subdivision 8, is amended to read:

Subd. 8. **Report.** The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the commissioner on all persons enrolled in the school. The superintendent of each district shall file a report

with the commissioner for all persons within the district receiving instruction in a home school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the district in which the person resides by October 1 of each school year. The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local districts by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report must be filed with the commissioner of education within 60 days of the commencement of each new school term. Upon request, a district must be given a 60-day extension for filing the school report. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the child care facility shall file a report with the commissioner of human services on all persons enrolled in the child care facility. The child care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to child care facilities by the commissioner of health. The child care facility report must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The child care facility report must be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family child care or group family child care facility, for prekindergarten children enrolled in any elementary or secondary school provided services according to sections ~~125A.05~~ 125A.03 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a onetime only or occasional basis to a maximum of 45 hours per child, per month.

Sec. 13. Minnesota Statutes 2010, section 121A.15, subdivision 9, is amended to read:

Subd. 9. **Definitions.** As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120A.22 and 120A.24.

(b) "Person enrolled in any elementary or secondary school" means a person born after 1956 and enrolled in grades kindergarten through 12, and a child with a disability receiving special instruction and services as required in sections 125A.03 to 125A.24 and 125A.65, excluding a child being provided services ~~according to section 125A.05, paragraph (c), or 125A.06, paragraph (d)~~ at the home or bedside of the child or in other states.

(c) "Child care facility" includes those child care programs subject to licensure under chapter 245A, and Minnesota Rules, chapters 9502 and 9503.

(d) "Family child care" means child care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(e) "Group family child care" means child care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Sec. 14. Minnesota Statutes 2010, section 123B.72, subdivision 3, is amended to read:

Subd. 3. **Certification.** Prior to occupying or reoccupying a school facility affected by this section, a school board or its designee shall submit a document prepared by a system inspector to the building official or to the commissioner, verifying that the facility's heating, ventilation, and air conditioning system has been installed and operates according to design specifications and code, according to section 123B.71, subdivision 9, clause ~~(11)~~ (12). A systems inspector shall also verify that the facility's design will provide the ability for monitoring of outdoor airflow and total airflow of ventilation systems in new school facilities and that any heating, ventilation, or air conditioning system that is installed or modified for a project subject to this section must provide a filtration system with a current ASHRAE standard.

Sec. 15. Minnesota Statutes 2010, section 123B.76, subdivision 3, is amended to read:

Subd. 3. **Expenditures by building.** (a) For the purposes of this section, "building" means education site as defined in section 123B.04, subdivision 1.

(b) Each district shall maintain separate accounts to identify general fund expenditures for each building. All expenditures for regular instruction, secondary vocational instruction, and school administration must be reported to the department separately for each building. All expenditures for special education instruction, instructional support services, and pupil support services provided within a specific building must be reported to the department separately for each building. Salary expenditures reported by building must reflect actual salaries for staff at the building and must not be based on districtwide averages. All other general fund expenditures may be reported by building or on a districtwide basis.

(c) The department must annually report information showing school district general fund expenditures per pupil by program category for each building and estimated school district general fund revenue generated by pupils attending each building on its Web site. For purposes of this report:

(1) expenditures not reported by building shall be allocated among buildings on a uniform per pupil basis;

(2) basic skills revenue shall be allocated according to section 126C.10, subdivision 4;

(3) secondary sparsity revenue and elementary sparsity revenue shall be allocated according to section 126C.10, subdivisions 7 and 8;

(4) alternative teacher compensation revenue shall be allocated according to section 122A.415, subdivision 1;

(5) other general education revenue shall be allocated on a uniform per pupil unit basis;

~~(6) first grade preparedness aid shall be allocated according to section 124D.081;~~

~~(7)~~ (6) state and federal special education aid and Title I aid shall be allocated in proportion to district expenditures for these programs by building; and

~~(8)~~ (7) other general fund revenues shall be allocated on a uniform per pupil basis, except that the department may allocate other revenues attributable to specific buildings directly to those buildings.

Sec. 16. Minnesota Statutes 2010, section 125A.027, subdivision 4, is amended to read:

Subd. 4. **Responsibilities of school and county boards.** (a) It is the joint responsibility of school and county boards to coordinate, provide, and pay for appropriate services, and to facilitate payment for services from public and private sources. Appropriate service for children eligible under section 125A.02 and receiving service from two or more public agencies of which one is the public school must be determined in consultation with parents, physicians, and other education, medical health, and human services providers. The services provided must be in conformity with an Individual Interagency Intervention Plan (IIIP) for each eligible child ages 3 to 21.

(b) Appropriate services include those services listed on a child's IIP. These services are those that are required to be documented on a plan under federal and state law or rule.

(c) School and county boards shall coordinate interagency services. Service responsibilities for eligible children, ages 3 to 21, shall be established in interagency agreements or joint powers board agreements. In addition, interagency agreements or joint powers board agreements shall be developed to establish agency responsibility that assures that coordinated interagency services are coordinated, provided, and paid for, and that payment is facilitated from public and private sources. School boards must provide, pay for, and facilitate payment for special education services as required under sections ~~125A.05~~ 125A.03 and 125A.06. County boards must provide, pay for, and facilitate payment for those programs over which they have service and fiscal responsibility as referenced in section 125A.023, subdivision 3, paragraph (d), clause (1).

Sec. 17. Minnesota Statutes 2010, section 125A.29, is amended to read:

125A.29 RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL BOARDS.

(a) It is the joint responsibility of county boards and school boards to coordinate, provide, and pay for appropriate services, and to facilitate payment for services from public and private sources. Appropriate services for children eligible under section 125A.02 must be determined in consultation with parents, physicians, and other educational, medical, health, and human services providers. The services provided must be in conformity with:

(1) an IFSP for each eligible infant and toddler from birth through age two and the infant's or toddler's family including:

(i) American Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the state;

(ii) infants and toddlers with disabilities who are homeless children and their families; and

(iii) infants and toddlers with disabilities who are wards of the state; or

(2) an individual education plan (IEP) or individual service plan (ISP) for each eligible child ages three through four.

(b) Appropriate services include family education and counseling, home visits, occupational and physical therapy, speech pathology, audiology, psychological services, special instruction, nursing, respite, nutrition, assistive technology, transportation and related costs, social work, vision services, case management including service coordination under section 125A.33, medical services for diagnostic and evaluation purposes, early identification, and screening, assessment, and health services necessary to enable children with disabilities to benefit from early intervention services.

(c) School and county boards shall coordinate early intervention services. In the absence of agreements established according to section 125A.39, service responsibilities for children birth through age two are as follows:

(1) school boards must provide, pay for, and facilitate payment for special education and related services required under sections ~~125A.05~~ 125A.03 and 125A.06;

(2) county boards must provide, pay for, and facilitate payment for noneducational services of social work, psychology, transportation and related costs, nursing, respite, and nutrition services not required under clause (1).

(d) School and county boards may develop an interagency agreement according to section 125A.39 to establish agency responsibility that assures early intervention services are coordinated, provided, paid for, and that payment is facilitated from public and private sources.

(e) County and school boards must jointly determine the primary agency in this cooperative effort and must notify the commissioner of the state lead agency of their decision.

Sec. 18. Minnesota Statutes 2010, section 125A.56, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** (a) Before a pupil is referred for a special education evaluation, the district must conduct and document at least two instructional strategies, alternatives, or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil's needs, while the pupil is in the regular classroom. The pupil's teacher must document the results. A special education evaluation team may waive this requirement when it determines the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's right to a special education evaluation.

(b) A school district shall use alternative intervention services, including the assurance of mastery program under section 124D.66, ~~the supplemental early education program under section 124D.081,~~ or an early intervening services program under subdivision 2 to serve at-risk pupils who demonstrate a need for alternative instructional strategies or interventions.

Sec. 19. Minnesota Statutes 2010, section 127A.45, subdivision 12, is amended to read:

Subd. 12. **Payment percentage for certain aids.** ~~(a)~~ One hundred percent of the aid for the current fiscal year must be paid for the following aids: reimbursement for enrollment options transportation, according to sections 124D.03, subdivision 8, 124D.09, subdivision 22, and 124D.10; school lunch aid, according to section 124D.111; and hearing impaired support services aid, according to section 124D.57.

~~(b) One hundred percent of the aid for the current fiscal year, based on enrollment in the previous year, must be paid for the first grade preparedness program according to section 124D.081.~~

Sec. 20. Minnesota Statutes 2010, section 152.027, subdivision 4, is amended to read:

Subd. 4. **Possession or sale of small amounts of marijuana.** (a) A person who unlawfully sells a small amount of marijuana for no remuneration, or who unlawfully possesses a small amount of marijuana is guilty of a petty misdemeanor and ~~participation shall be required to participate~~ in a drug education program unless the court enters a written finding that a drug education program is inappropriate. The program must be approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority.

(b) A person convicted of an unlawful sale under paragraph (a) who is subsequently convicted of an unlawful sale under paragraph (a) within two years is guilty of a misdemeanor and shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation.

(c) A person who is convicted of a petty misdemeanor under paragraph (a) who willfully and intentionally fails to comply with the sentence imposed, is guilty of a misdemeanor. Compliance with the terms of the sentence imposed before conviction under this paragraph is an absolute defense.

Sec. 21. Minnesota Statutes 2010, section 168.1293, subdivision 5, is amended to read:

Subd. 5. **Discontinuance of plate.** (a) The commissioner shall discontinue the issuance or renewal of any proximate special plate if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The commissioner shall discontinue the issuance or renewal of any proximate special plate, and distribution of any contributions resulting from that plate, if the commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to plates issued under section 168.123, 168.124, 168.125, ~~168.1251~~, or 168.1255.

(d) Upon commencing discontinuance of a proximate special plate under this subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and (2) shall allow retention of any existing plate for the regular period. For purposes of this paragraph, "regular period" may be, as appropriate, the period specified under section 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as otherwise provided by law.

Sec. 22. Minnesota Statutes 2010, section 168D.01, subdivision 4, is amended to read:

Subd. 4. **Jurisdiction.** "Jurisdiction" means a state of the United States, the District of Columbia, a province or territory of Canada, and any other member jurisdiction of

the International Fuel Tax Agreement (IFTA) compact as approved by Congress in the Intermodal Surface Transportation Efficiency Act (ISTEA), Public Law 102-40.

Sec. 23. Minnesota Statutes 2010, section 168D.02, subdivision 1, is amended to read:

Subdivision 1. **Authority.** (a) The commissioner of public safety may enter into an agreement or arrangement with the duly authorized representative of another jurisdiction or make an independent declaration granting to motor carriers of qualified motor vehicles properly registered or licensed in another member jurisdiction benefits, privileges, and exemptions from paying, wholly or partially, fuel taxes, fees, or other charges imposed for operating the vehicles under the laws of Minnesota. The agreement, arrangement, or declaration may impose terms and conditions consistent with federal and state laws and regulations.

(b) The commissioner of public safety may ratify and effectuate an international fuel tax agreement or other fuel tax agreement in accordance with state and federal authorities. The commissioner's authority includes collecting fuel taxes due, issuing fuel licenses, issuing refunds, conducting audits, assessing penalties and interest, issuing fuel trip permits, issuing decals, and suspending or denying licensing.

(c) Based on these powers, the commissioner and the state of Minnesota have entered into a formal agreement with other states of the United States, the District of Columbia, provinces and territories of Canada, and any other member jurisdiction of the International Fuel Tax Agreement (IFTA) compact as approved by Congress in the Intermodal Surface Transportation Efficiency Act (ISTEA), Public Law 102-40, to assess and collect fuel tax in a uniform and consistent manner across jurisdictions.

Sec. 24. Minnesota Statutes 2010, section 169.771, subdivision 1, is amended to read:

Subdivision 1. **Inspection program.** The intent of this section is to establish a motor vehicle inspection program administered by the commissioner of public safety evidencing substantial compliance with the federal Highway Safety Act of 1966, Public Law 89-564.

Sec. 25. Minnesota Statutes 2010, section 174.82, is amended to read:

174.82 COMMUTER RAIL; COMMISSIONER'S DUTIES; CONTRACTS.

The planning, development, construction, operation, and maintenance of commuter rail track, facilities, and services are governmental functions, serve a public purpose, and are a matter of public necessity. The commissioner shall be responsible for all aspects of planning, developing, constructing, operating, and maintaining commuter rail, including system planning, advanced corridor planning, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities. The commissioner, or public entity contracting with the commissioner, may contract with a railroad that is a Class I railroad under federal law for the joint or shared use of the railroad's right-of-way or the construction, operation, or maintenance of rail track, facilities, or services for commuter rail purposes. Notwithstanding section 3.732, subdivision 1, clause (2), or section 466.01, subdivision 6, sections 466.04 and 466.06 govern the liability of the Class I railroad and its employees arising from the joint or shared use of the railroad right-of-way or the provision of commuter rail construction, operation, or maintenance services pursuant to the contract.

Notwithstanding any law to the contrary, a contract with the Class I railroad for any commuter rail service, or joint or shared use of the railroad's right-of-way, may also provide for the allocation of financial responsibility, indemnification, and the procurement of insurance for the parties for all types of claims or damages. A contract entered into under this section does not affect rights of employees under the federal ~~Employers~~ Employers' Liability Act (1908) (Railroads), Statutes at Large, volume 35, chapter 149, or the federal Railway Labor Act, Statutes at Large, volume 44, chapter 347.

Sec. 26. Minnesota Statutes 2010, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

(b) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section ~~203B.13~~ 203B.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

Sec. 27. Minnesota Statutes 2010, section 204B.34, subdivision 1, is amended to read:

Subdivision 1. **State elections.** At least 15 days before any state primary or state general election the municipal clerk shall post in the clerk's office a notice stating the ~~officers to~~ offices for which candidates must be nominated or elected, the location of each polling place in the municipality, and the hours for voting. An optional provision of the notice may include municipal ~~officers to~~ offices for which candidates must be nominated or elected. The county auditor shall post a similar notice in the auditor's office including information concerning any polling places in unorganized territory in the county. The governing body of a municipality or county may publish this notice in addition to posting

it. Failure to give the notice required in this section shall not invalidate a state primary or state general election.

Sec. 28. Minnesota Statutes 2010, section 204C.13, subdivision 6, is amended to read:

Subd. 6. **Challenge of voter; time limits; disposition of ballots.** At any time before the ballots of any voter are deposited in the ballot boxes, the election judges or any individual who was not present at the time the voter procured the ballots, but not otherwise, may challenge the eligibility of that voter and the deposit of any received absentee ballots in the ballot boxes. The election judges shall determine the eligibility of any voter who is present in the polling place in the manner provided in section 204C.12, and if the voter is found to be not eligible to vote, shall place the ballots of that voter unopened among the spoiled ballots. The election judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in sections ~~203B.12,~~ 203B.121 and 203B.24, ~~and 203B.25,~~ and shall dispose of any absentee ballots not received or deposited in the manner provided in section ~~203B.12~~ 203B.121. A violation of this subdivision by an election judge is a gross misdemeanor.

Sec. 29. Minnesota Statutes 2010, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **Election, conduct.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from ~~an absentee a~~ ballot board established pursuant to section ~~203B.13~~ 203B.121 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

Sec. 30. Minnesota Statutes 2010, section 216B.1691, subdivision 5, is amended to read:

Subd. 5. **Technology based on fuel combustion.** (a) Electricity produced by fuel combustion through fuel blending or co-firing under paragraph (b) may only count toward a utility's objectives or standards if the generation facility:

(1) was constructed in compliance with new source performance standards promulgated under the federal Clean Air Act, United States Code, title 42, section 7401 et seq., for a generation facility of that type; or

(2) employs the maximum achievable or best available control technology available for a generation facility of that type.

(b) An eligible energy technology may blend or co-fire a fuel listed in subdivision 1, paragraph (a), clause (5), with other fuels in the generation facility, but only the percentage of electricity that is attributable to a fuel listed in that clause can be counted toward an electric utility's renewable energy objectives.

Sec. 31. Minnesota Statutes 2010, section 216B.1692, subdivision 1, is amended to read:

Subdivision 1. **Qualifying projects.** Projects that may be approved for the emissions reduction-rate rider allowed in this section must:

(1) be installed on existing large electric generating power plants, as defined in section 216B.2421, subdivision 2, clause (1), that are located in the state and that are currently not subject to emissions limitations for new power plants under the federal Clean Air Act, United States Code, title 42, section 7401 et seq.;

(2) not increase the capacity of the existing electric generating power plant more than ten percent or more than 100 megawatts, whichever is greater; and

(3) result in the existing plant either:

(i) complying with applicable new source review standards under the federal Clean Air Act; or

(ii) emitting air contaminants at levels substantially lower than allowed for new facilities by the applicable new source performance standards under the federal Clean Air Act; or

(iii) reducing emissions from current levels at a unit to the lowest cost-effective level when, due to the age or condition of the generating unit, the public utility demonstrates that it would not be cost-effective to reduce emissions to the levels in item (i) or (ii).

Sec. 32. Minnesota Statutes 2010, section 216B.1692, subdivision 2, is amended to read:

Subd. 2. **Proposal submission.** A public utility that intends to submit a proposal for an emissions-reduction rider under this section must submit to the commission, the department, the Pollution Control Agency, and interested parties its plans for emissions-reduction projects at its generating facilities. This submission must be made at least 60 days in advance of a petition for a rider and shall include:

(1) the priority order of emissions-reduction projects the utility plans to pursue at its generating facilities;

(2) the planned schedule for implementation;

(3) the analysis and considerations relied on by the public utility to develop that priority ranking;

(4) the alternative emissions-reduction projects considered, including but not limited to applications of the best available control technology and repowering with natural gas, and reasons for not pursuing them;

(5) the emissions reductions expected to be achieved by the projects and their relation to applicable standards for new facilities under the federal Clean Air Act, United States Code, title 42, section 7401 et seq.; and

(6) the general rationale and conclusions of the public utility in determining the priority ranking.

Sec. 33. Minnesota Statutes 2010, section 216C.01, subdivision 1a, is amended to read:

Subd. 1a. **Alternative fuel.** "Alternative fuel" means natural gas; liquefied petroleum gas; hydrogen; coal-derived liquefied fuels; electricity; methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more, or other percentage as may be set by regulation by the Secretary of the United States Department of Energy, by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; fuels other than alcohol that are derived from biological materials; and other fuel that the Secretary of the United States Department of Energy determines by regulation to be an alternative fuel within the meaning of section 301(2) of the National Energy Policy Act of 1992, Public Law 102-486, and intended for use in motor vehicles.

Sec. 34. Minnesota Statutes 2010, section 219.01, is amended to read:

219.01 TRACK SAFETY STANDARDS; SAFETY TECHNOLOGY GRANTS.

(a) The track safety standards of the United States Department of Transportation and Federal Railroad Administration apply to railroad trackage and are the standards for the determination of unsafe trackage within the state.

(b) The commissioner of transportation shall apply to the Federal Railroad Administration under Public Law 110-432, the ~~Railroad~~ Rail Safety Enhancement Improvement Act of 2008 (the act), for (1) railroad safety technology grant funding available under section 105 of the act and (2) development and installation of rail safety technology, including provision for switch position indicator signals in nonsignalized main track territory, under section 406 of the act. The commissioner shall respond and make application to the Federal Railroad Administration notice of funds availability under the Rail Safety ~~Assurance~~ Improvement Act in a timely manner and before the date of the program deadline to assure full consideration of the application. The commissioner shall (i) prioritize grant requests for the installation of switch indicator signals on all segments of nonsignalized track where posted speeds are in excess of 20 miles per hour and (ii) apply for grant funding in each year after 2010 until all nonsignalized track territory in the state has switch indicator signals installed and in operation.

(c) Prior to applying for funds under paragraph (b), the commissioner shall solicit grant requests from all eligible railroads. The commissioner shall submit written notice to the chairs of the legislative committees with jurisdiction over transportation policy and finance of an acceptance by a class I or class II railroad of federal grant program funding for switch point indicator monitor systems.

(d) Participating railroads shall provide the 20 percent nonfederal match. Railroads shall provide all technical documentation requested by the commissioner and required by the Federal Railroad Administration for the applications under paragraph (b). Railroads are responsible for developing, acquiring, and installing all rail safety technology obtained under this section in accordance with requirements established by the Federal Railroad Administration.

Sec. 35. Minnesota Statutes 2010, section 239.002, is amended to read:

239.002 PURPOSE AND POLICY.

In recognition of the facts that (1) only about one dozen countries in the world have not yet adopted or begun to implement the metric system of weights and measures; (2) the United States is one, and the only major industrialized nation, of that remaining number; (3) the secretary of commerce of the United States, pursuant to a two-year study under the

Metric Study Act of 1968, Public Law 90-472, has recommended that the United States now begin a deliberate change to the metric system; (4) economists and other students of international trade recognize the pressing necessity of such a change if this country is to maintain and improve its rightful place in the world trade community; and (5) as the continued economic growth of this state and its local industry is inextricably linked with the ability of the United States to hold and competitively serve foreign export markets, it is, therefore, declared to be in the best interest of the state of Minnesota and its citizens that this state now begin the gradual but deliberate implementation of the metric system of weights and measures.

Sec. 36. Minnesota Statutes 2010, section 245B.031, subdivision 5, is amended to read:

Subd. 5. **Commissioner request to the Commission on Rehabilitation Facilities to expand accreditation survey.** The commissioner shall submit a request to the Commission on Rehabilitation Facilities to routinely inspect for compliance with standards that are similar to the following nonexempt licensing requirements:

- ~~(1)~~ ~~section 245A.54;~~
- ~~(2)~~ (1) section 245A.65;
- ~~(3)~~ (2) section 245A.66;
- ~~(4)~~ (3) section 245B.05, subdivisions 1, 2, and 7;
- ~~(5)~~ (4) section 245B.055;
- ~~(6)~~ (5) section 245B.06, subdivisions 2, 7, 9, and 10;
- ~~(7)~~ (6) section 245B.07, subdivisions 2, 5, and 8, paragraph (a), clause (7);
- ~~(8)~~ (7) section 245C.04, subdivision 1, paragraph (f);
- ~~(9)~~ (8) section 245C.07;
- ~~(10)~~ (9) section 245C.13, subdivision 2;
- ~~(11)~~ (10) section 245C.20; and
- ~~(12)~~ (11) Minnesota Rules, parts 9525.2700 to 9525.2810.

Sec. 37. Minnesota Statutes 2010, section 256B.0625, subdivision 14, is amended to read:

Subd. 14. **Diagnostic, screening, and preventive services.** (a) Medical assistance covers diagnostic, screening, and preventive services.

(b) "Preventive services" include services related to pregnancy, including:

(1) services for those conditions which may complicate a pregnancy and which may be available to a pregnant woman determined to be at risk of poor pregnancy outcome;

(2) prenatal HIV risk assessment, education, counseling, and testing; and

(3) alcohol abuse assessment, education, and counseling on the effects of alcohol usage while pregnant. Preventive services available to a woman at risk of poor pregnancy outcome may differ in an amount, duration, or scope from those available to other individuals eligible for medical assistance.

(c) "Screening services" include, but are not limited to, blood lead tests.

(d) The commissioner shall encourage, at the time of the child and teen checkup or at an episodic care visit, the primary care health care provider to perform primary caries preventive services. Primary caries preventive services include, at a minimum:

(1) a general visual examination of the child's mouth without using probes or other dental equipment or taking radiographs;

(2) a risk assessment using the factors established by the American Academies of Pediatrics and Pediatric Dentistry; and

(3) the application of a fluoride varnish beginning at age one to those children assessed by the provider as being high risk in accordance with best practices as defined by the Department of Human Services. The provider must obtain parental or legal guardian consent before a fluoride treatment is applied to a minor child's teeth.

~~(e) Parental or legal guardian consent must be obtained before a fluoride treatment is applied to a minor child's teeth.~~

At each checkup, if primary caries preventive services are provided, the provider must provide to the child's parent or legal guardian: information on caries etiology and prevention; and information on the importance of finding a dental home for their child by the age of one. The provider must also advise the parent or legal guardian to contact the child's managed care plan or the Department of Human Services in order to secure a dental appointment with a dentist. The provider must indicate in the child's medical record that the parent or legal guardian was provided with this information and document any primary caries prevention services provided to the child.

Sec. 38. Minnesota Statutes 2010, section 260D.07, is amended to read:

260D.07 REQUIRED PERMANENCY REVIEW HEARING.

(a) When the court has found that the voluntary arrangement is in the child's best interests and that the agency and parent are appropriately planning for the child pursuant to the report submitted under section 260D.06, and the child continues in voluntary foster care as defined in section 260D.02, subdivision 10, for 13 months from the date of the voluntary foster care agreement, or has been in placement for 15 of the last 22 months, the agency must:

(1) terminate the voluntary foster care agreement and return the child home; or

(2) determine whether there are compelling reasons to continue the voluntary foster care arrangement and, if the agency determines there are compelling reasons, seek judicial approval of its determination; or

(3) file a petition for the termination of parental rights.

(b) When the agency is asking for the court's approval of its determination that there are compelling reasons to continue the child in the voluntary foster care arrangement, the agency shall file a "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" and ask the court to proceed under this section.

(c) The "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment" shall be drafted or approved by the county attorney and be under oath. The petition shall include:

(1) the date of the voluntary placement agreement;

(2) whether the petition is due to the child's developmental disability or emotional disturbance;

(3) the plan for the ongoing care of the child and the parent's participation in the plan;

(4) a description of the parent's visitation and contact with the child;

(5) the date of the court finding that the foster care placement was in the best interests of the child, if required under section 260D.06, or the date the agency filed the motion under section 260D.09, paragraph (b);

(6) the agency's reasonable efforts to finalize the permanent plan for the child, including returning the child to the care of the child's family; and

(7) a citation to this chapter as the basis for the petition.

(d) An updated copy of the out-of-home placement plan required under section 260C.212, subdivision 1, shall be filed with the petition.

(e) The court shall set the date for the permanency review hearing no later than 14 months after the child has been in placement or within 30 days of the petition filing date when the child has been in placement 15 of the last 22 months. The court shall serve the petition together with a notice of hearing by United States mail on the parent, the child age 12 or older, the child's guardian ad litem, if one has been appointed, the agency, the county attorney, and counsel for any party.

(f) The court shall conduct the permanency review hearing on the petition no later than 14 months after the date of the voluntary placement agreement, within 30 days of the filing of the petition when the child has been in placement 15 ~~days~~ of the last 22 months, or within 15 days of a motion to terminate jurisdiction and to dismiss an order for foster care under chapter 260C, as provided in section 260D.09, paragraph (b).

(g) At the permanency review hearing, the court shall:

(1) inquire of the parent if the parent has reviewed the "Petition for Permanency Review Regarding a Child in Voluntary Foster Care for Treatment," whether the petition is accurate, and whether the parent agrees to the continued voluntary foster care arrangement as being in the child's best interests;

(2) inquire of the parent if the parent is satisfied with the agency's reasonable efforts to finalize the permanent plan for the child, including whether there are services available and accessible to the parent that might allow the child to safely be with the child's family;

(3) inquire of the parent if the parent consents to the court entering an order that:

(i) approves the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing future planning for the safety, health, and best interests of the child; and

(ii) approves the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests; and

(4) inquire of the child's guardian ad litem and any other party whether the guardian or the party agrees that:

(i) the court should approve the responsible agency's reasonable efforts to finalize the permanent plan for the child, which includes ongoing and future planning for the safety, health, and best interests of the child; and

(ii) the court should approve of the responsible agency's determination that there are compelling reasons why the continued voluntary foster care arrangement is in the child's best interests.

(h) At a permanency review hearing under this section, the court may take the following actions based on the contents of the sworn petition and the consent of the parent:

(1) approve the agency's compelling reasons that the voluntary foster care arrangement is in the best interests of the child; and

(2) find that the agency has made reasonable efforts to finalize the permanent plan for the child.

(i) A child, age 12 or older, may object to the agency's request that the court approve its compelling reasons for the continued voluntary arrangement and may be heard on the reasons for the objection. Notwithstanding the child's objection, the court may approve the agency's compelling reasons and the voluntary arrangement.

(j) If the court does not approve the voluntary arrangement after hearing from the child or the child's guardian ad litem, the court shall dismiss the petition. In this case, either:

(1) the child must be returned to the care of the parent; or

(2) the agency must file a petition under section 260C.141, asking for appropriate relief under section 260C.201, subdivision 11, or 260C.301.

(k) When the court approves the agency's compelling reasons for the child to continue in voluntary foster care for treatment, and finds that the agency has made reasonable efforts to finalize a permanent plan for the child, the court shall approve the continued voluntary foster care arrangement, and continue the matter under the court's jurisdiction for the purposes of reviewing the child's placement every 12 months while the child is in foster care.

(l) A finding that the court approves the continued voluntary placement means the agency has continued legal authority to place the child while a voluntary placement agreement remains in effect. The parent or the agency may terminate a voluntary agreement as provided in section 260D.10. Termination of a voluntary foster care placement of an Indian child is governed by section 260.765, subdivision 4.

Sec. 39. Minnesota Statutes 2010, section 268.046, subdivision 1, is amended to read:

Subdivision 1. **Tax accounts assigned.** (a) Any person that contracts with a taxpaying employer to have that person obtain the taxpaying employer's workforce and provide workers to the taxpaying employer for a fee is, as of the effective date of the contract, assigned for the duration of the contract the taxpaying employer's account under section 268.045. That tax account must be maintained by the person separate and distinct from every other tax account held by the person and identified in a manner prescribed by the commissioner. The tax account is, for the duration of the contract, considered that person's account for all purposes of this chapter. The workers obtained from the taxpaying employer and any other workers provided by that person to the taxpaying employer, including officers of the taxpaying employer as defined in section 268.035, subdivision

20, clause ~~(28)~~ (29), whose wages paid by the person are considered paid in covered employment under section 268.035, subdivision 24, for the duration of the contract between the taxpaying employer and the person, must, under section 268.044, be reported on the wage detail report under that tax account, and that person must pay any taxes due at the tax rate computed for that account under section 268.051, subdivision 2.

(b) Any workers of the taxpaying employer who are not covered by the contract under paragraph (a) must be reported by the taxpaying employer as a separate unit on the wage detail report under the tax account assigned under paragraph (a). Taxes and any other amounts due on the wages reported by the taxpaying employer under this paragraph may be paid directly by the taxpaying employer.

(c) If the taxpaying employer that contracts with a person under paragraph (a) does not have a tax account at the time of the execution of the contract, an account must be registered for the taxpaying employer under section 268.042 and the new employer tax rate under section 268.051, subdivision 5, must be assigned. The tax account is then assigned to the person as provided for in paragraph (a).

(d) A person that contracts with a taxpaying employer under paragraph (a) must, within 30 calendar days of the execution or termination of a contract, notify the commissioner by electronic transmission, in a format prescribed by the commissioner, of that execution or termination. The taxpaying employer's name, the account number assigned, and any other information required by the commissioner must be provided by that person.

(e) Any contract subject to paragraph (a) must specifically inform the taxpaying employer of the assignment of the tax account under this section and the taxpaying employer's obligation under paragraph (b). If there is a termination of the contract, the tax account is, as of the date of termination, immediately assigned to the taxpaying employer.

Sec. 40. Minnesota Statutes 2010, section 273.054, is amended to read:

273.054 DUTIES AND POWERS OF ASSESSOR.

A county assessor appointed in an electing county shall have all the duties and powers provided by statute, except those inconsistent with ~~Laws 1969, chapter 989~~ sections 273.05, 273.051, 273.052, 273.053, 273.055, and 273.056.

Sec. 41. Minnesota Statutes 2010, section 273.063, is amended to read:

273.063 APPLICATION; LIMITATIONS.

The provisions of ~~Extra Session Laws 1967, Chapter 32, Article 8,~~ sections 272.161, 273.061, 273.062, 273.063, 273.072, 273.08, 273.10, 274.01, and 375.192 shall apply to all counties except Ramsey County. The following limitations shall apply as to the extent of the county assessors jurisdiction:

In counties having a city of the first class, the powers and duties of the county assessor within such city shall be performed by the duly appointed city assessor. In all other cities having a population of 30,000 persons or more, according to the last preceding federal census, except in counties having a county assessor on January 1, 1967, the powers and duties of the county assessor within such cities shall be performed by the duly appointed city assessor, provided that the county assessor shall retain the supervisory duties contained in section 273.061, subdivision 8.

Sec. 42. Minnesota Statutes 2010, section 273.1103, is amended to read:

273.1103 NET DEBT, TERMINOLOGY OF LAWS OR CHARTERS.

Net debt incurred by any political subdivision or other public corporation for which any law or any charter provision provides a limit expressed as a percentage of the assessed value or the full and true value of taxable property (except any adjusted assessed value determined by the commissioner under section ~~124.213~~ 127A.48) shall not exceed 33-1/3 percent of such limit until and unless such law or charter is amended to provide a different limit.

Sec. 43. Minnesota Statutes 2010, section 279.33, is amended to read:

279.33 CANCELLATION OF CERTIFICATES OF FORFEITURE FOR LANDS WHICH WERE EXEMPT.

Where a certificate of forfeiture required by section 281.23, subdivision ~~8~~ 9, describing lands which were exempt from taxation under the laws of the United States in the year upon which the supposed forfeiture is based, or which describes lands that were owned by the state of Minnesota, or some department or subdivision thereof, at the time the supposed forfeiture took place or lands which, because of defective service of the notice of forfeiture or other reason, the title thereto did not in fact forfeit to the state, has been erroneously recorded or filed, such forfeiture may be set aside and such certificate may be canceled as to any such lands in the manner provided in section 279.34.

Sec. 44. Minnesota Statutes 2010, section 295.75, subdivision 9, is amended to read:

Subd. 9. **Administration.** Unless specifically provided otherwise by this section, the audit, assessment, refund, penalty, interest, enforcement, collection remedies, appeal, and administrative provisions of chapters ~~270~~ 270C and 289A that are applicable to taxes imposed under chapter 297A apply to taxes imposed under this section.

Sec. 45. Minnesota Statutes 2010, section 297I.01, subdivision 16, is amended to read:

Subd. 16. **Taxpayer.** "Taxpayer" means any insurance company, association, surplus lines licensee, ~~automobile risk self-insurer~~, or insured or any other person or entity required to pay any amount due under this chapter.

Sec. 46. Minnesota Statutes 2010, section 299F.56, subdivision 11, is amended to read:

Subd. 11. **Gas pipeline facilities.** "Gas pipeline facilities" includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used in the transportation of gas or the treatment of gas during the course of transportation. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act of the United States, Statutes at Large, volume 52, chapter 556.

Sec. 47. Minnesota Statutes 2010, section 299F.56, subdivision 16, is amended to read:

Subd. 16. **Transportation.** "Transportation" means the gathering, transmission, or distribution of gas or hazardous liquid by pipeline or its storage; except that it shall not include any such transportation of gas or hazardous liquid which is subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act of the United States, Statutes at Large, volume 52, chapter 556, and the federal Hazardous

Liquid Pipeline Safety Act of 1979, United States Code, title 49, section 60101 et seq., or the gathering of gas or hazardous liquid in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Office of Pipeline Safety may define as a nonrural area.

Sec. 48. Minnesota Statutes 2010, section 299F.57, subdivision 1, is amended to read:

Subdivision 1. **Rules.** (a) The commissioner may by rule establish additional or more stringent safety standards for the transportation of gas and gas pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of gas pipeline facilities. These standards may include a requirement that individuals responsible for the operation and maintenance of gas pipeline facilities be tested for qualifications and certified to perform these functions. The standards may not prescribe the location or routing of a pipeline facility. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. Such safety standards shall be practicable and designed to meet the need for pipeline safety.

(b) In prescribing such standards, the commissioner shall consider:

- (1) relevant available pipeline safety data;
- (2) whether such standards are appropriate for the particular type of pipeline transportation;
- (3) the reasonableness of any proposed standards;
- (4) the extent to which any such standards will contribute to public safety; and
- (5) the existing standards established by the Secretary of Transportation of the United States pursuant to the federal Natural Gas Pipeline Safety Act.

Provided, however, that the commissioner shall not be empowered to adopt any such standards as to the transportation of gas or to pipeline facilities which are subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act of the United States, Statutes at Large, volume 52, chapter 556, except as provided in sections 299J.01 to 299J.17.

Sec. 49. Minnesota Statutes 2010, section 299J.03, subdivision 2, is amended to read:

Subd. 2. **Qualifications.** (a) The director of the office must be knowledgeable in the operation and safety aspects of pipelines.

(b) Inspectors must have scientific or technical training or experience that demonstrates in-depth knowledge of pipeline engineering technology and pipeline safety.

(c) Inspectors shall complete courses at the Transportation Safety Institute and be certified by the institute as soon as possible following appointment.

(d) Inspectors shall meet the qualifications established by the federal government in order for the state to participate in the pipeline safety grant programs under the federal Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, and the federal Hazardous Liquid Pipeline Safety Act of 1979, United States Code, title 49, section 60101 et seq.

Sec. 50. Minnesota Statutes 2010, section 299M.03, subdivision 2, is amended to read:

Subd. 2. **Journeyman certificate.** Except for residential installations by the owner of an occupied one- or two-family dwelling, a person may not install, connect, alter, repair, or add to a fire protection system, under the supervision of a fire protection contractor, unless annually certified to perform those duties as a journeyman sprinkler fitter or as a registered apprentice sprinkler fitter. This subdivision does not apply to a person maintaining or repairing a fire protection system if the system is located in a facility regulated under the federal Mine ~~Occupational~~ Safety and Health Act of 1977, United States Code, title 30, section 801 et seq.

Sec. 51. Minnesota Statutes 2010, section 326B.118, is amended to read:

326B.118 ENERGY CODE.

~~Notwithstanding section 326B.115,~~ The commissioner, in consultation with the Construction Codes Advisory Council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the Construction Codes Advisory Council.

Sec. 52. Minnesota Statutes 2010, section 326B.986, subdivision 4, is amended to read:

Subd. 4. **Hourly rate.** The hourly rate for an inspection not set elsewhere in sections ~~326B.952~~ 326B.954 to 326B.998 is \$80 per hour. Inspection time includes all time related to the inspection. Travel time, billed at the hourly rate, and travel expenses shall be billed for shop inspections, triennial audits, boat stability tests, hydrostatic tests of a boiler or pressure vessel, or any other inspection or consultation requiring a special trip.

Sec. 53. Minnesota Statutes 2010, section 326B.992, is amended to read:

326B.992 VIOLATIONS BY INSPECTORS.

Every inspector who willfully certifies falsely regarding any boiler or its attachments, or pressure vessel, or the hull and equipments of any steam vessel, or who grants a license to any individual to act as engineer or master contrary to any provision of sections ~~326B.952~~ 326B.954 to 326B.998, is guilty of a misdemeanor. In addition to this punishment the inspector shall be removed from office forthwith.

Sec. 54. Minnesota Statutes 2010, section 383D.411, is amended to read:

383D.411 DAKOTA COUNTY COMMUNITY DEVELOPMENT AUTHORITY AGENCY; PLAN MODIFICATION.

Notwithstanding section 469.175, subdivision 4, the Dakota County Community Development ~~Authority~~ Agency may designate additional property to be acquired by the authority for a tax increment financing project without meeting the requirements for approval of an original tax increment financing plan if the property:

- (1) consists of one or more parcels under common ownership;
- (2) is acquired from a willing seller;
- (3) is acquired for purposes of development as a housing project as defined in section 469.174, subdivision 11; and
- (4) the acquisition is approved by the governing body of the authority after holding a public hearing thereon after published notice in a newspaper of general circulation in the municipality in which the property is located at least once not less than ten days nor more than 30 days prior to the date of the hearing. The published notice must include a map depicting the property and the general area of the municipality within which the property is located. The hearing may be held before or at the time of authority approval of the acquisition.

Sec. 55. Minnesota Statutes 2010, section 394.21, subdivision 3, is amended to read:

Subd. 3. **Nuisance.** Subdivision 1a does not prohibit a county from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), ~~clauses (1) to (9)~~ clause (2), items (i) to (x), without payment of compensation.

Sec. 56. Minnesota Statutes 2010, section 466.07, subdivision 1, is amended to read:

Subdivision 1. **Indemnification required.** Subject to the limitations in section 466.04, a municipality or an instrumentality of a municipality shall defend and indemnify any of its officers and employees, whether elective or appointive, for damages, including punitive damages, claimed or levied against the officer or employee, provided that the officer or employee:

- (1) was acting in the performance of the duties of the position; and
- (2) was not guilty of malfeasance in office, willful neglect of duty, or bad faith.

Notwithstanding any provisions to the contrary in section 123B.25, paragraph (b), ~~or 466.12~~, this section applies to all school districts, however organized.

Sec. 57. Minnesota Statutes 2010, section 501B.16, is amended to read:

501B.16 PETITION FOR COURT ORDER.

A trustee of an express trust by will or other written instrument or a person interested in the trust may petition the district court for an order:

- (1) to confirm an action taken by a trustee;
- (2) upon filing of an account, to settle and allow the account;
- (3) to determine the persons having an interest in the income or principal of the trust and the nature and extent of their interests;
- (4) to construe, interpret, or reform the terms of a trust, or authorize a deviation from the terms of a trust, including a proceeding involving section 501B.31;
- (5) to approve payment of the trustee's fees, attorneys' fees, accountants' fees, or any other fees to be charged against the trust;

- (6) to confirm the appointment of a trustee;
- (7) to accept a trustee's resignation and discharge the trustee from the trust;
- (8) to require a trustee to account;
- (9) to remove a trustee for cause; or if the court finds that removal of the trustee best serves the interests of all of the beneficiaries, is not inconsistent with a material purpose of the trust, and one or more of the following elements is found:
 - (i) the trustee has committed a serious breach of trust;
 - (ii) lack of cooperation among cotrustees substantially impairs the administration of the trust;
 - (iii) the unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively;
 - (iv) there has been a substantial change of circumstances; or
 - (v) removal is requested by all of the beneficiaries not under disability who, on the date the petition is signed, either are current permissible distributees of trust income or principal, or would be permissible distributees of trust income or principal if the trust terminated on that date;
- (10) to appoint a successor trustee when required by the terms of the trust instrument or when by reason of death, resignation, removal, or other cause there is no acting trustee;
- (11) to confirm an act performed in execution of the trust by a person while there was no acting trustee;
- (12) to subject a trust to continuing court supervision under section 501B.23;
- (13) to remove a trust from continuing court supervision under section 501B.23;
- (14) to mortgage, lease, sell, or otherwise dispose of real property held by the trustee notwithstanding any contrary provision of the trust instrument;
- (15) to suspend the powers and duties of a trustee in military service or war service in accordance with section 525.95 and to order further action authorized in that section;
- (16) to secure compliance with the provisions of sections 501B.33 to 501B.45, in accordance with section 501B.41;
- (17) to determine the validity of a disclaimer delivered or filed under section ~~501B.86~~ 524.2-1114;
- (18) to change the situs of a trust;
- (19) to redress a breach of trust;
- (20) to terminate a trust;
- (21) to divide a trust under section 501B.15;
- (22) to merge two or more trusts under section 501B.15; or
- (23) to instruct the trustee, beneficiaries, and any other interested parties in any matter relating to the administration of the trust and the discharge of the trustee's duties.

Sec. 58. Minnesota Statutes 2010, section 514.977, is amended to read:

514.977 DEFAULT.

If an occupant defaults in the payment of rent or otherwise breaches the rental agreement, the owner may commence an ~~unlawful detainer~~ eviction action under ~~section 504B.281~~ chapter 504B.

Sec. 59. Minnesota Statutes 2010, section 515B.1-102, is amended to read:

515B.1-102 APPLICABILITY.

(a) Except as provided in this section, this chapter, and not chapters 515 and 515A, applies to all common interest communities created within this state on and after June 1, 1994.

(b) The applicability of this chapter to common interest communities created prior to June 1, 1994, shall be as follows:

(1) This chapter shall apply to condominiums created under chapter 515A with respect to events and circumstances occurring on and after June 1, 1994; provided (i) that this chapter shall not invalidate the declarations, bylaws or condominium plats of those condominiums, and (ii) that chapter 515A, and not this chapter, shall govern all rights and obligations of a declarant of a condominium created under chapter 515A, and the rights and claims of unit owners against that declarant.

(2) The following sections in this chapter apply to condominiums created under chapter 515: 515B.1-104 (Variation by Agreement); 515B.1-105 (Separate Titles and Taxation); 515B.1-106 (Applicability of Local Requirements); 515B.1-107 (Eminent Domain); 515B.1-108 (This Chapter Prevails; Supplemental Law); 515B.1-109 (Construction Against Implicit Repeal); ~~515B.1-110 (Vacation of Abutting Publicly Dedicated Property)~~; 515B.1-112 (Unconscionable Agreement or Term of Contract); 515B.1-113 (Obligation of Good Faith); 515B.1-114 (Remedies to be Liberally Administered); 515B.1-115 (Notice); 515B.1-116 (Recording); 515B.2-103 (Construction and Validity of Declaration and Bylaws); 515B.2-104 (Description of Units); 515B.2-108(d) (Allocation of Interests); 515B.2-109(c) (Common Elements and Limited Common Elements); 515B.2-112 (Subdivision, Combination, or Conversion of Units); 515B.2-113 (Alteration of Units); 515B.2-114 (Relocation of Boundaries Between Adjoining Units); 515B.2-115 (Minor Variations in Boundaries); 515B.2-118 (Amendment of Declaration); 515B.2-119 (Termination of Common Interest Community); 515B.3-102 (Powers of Unit Owners' Association); 515B.3-103(a), (b), and (g) (Board of Directors, Officers, and Declarant Control); 515B.3-107 (Upkeep of Common Interest Community); 515B.3-108 (Meetings); 515B.3-109 (Quorums); 515B.3-110 (Voting; Proxies); 515B.3-111 (Tort and Contract Liability); 515B.3-112 (Conveyance of, or Creation of Security Interests in, Common Elements); 515B.3-113 (Insurance); 515B.3-114 (Replacement Reserves); 515B.3-115 (c), (e), (f), (g), (h), and (i) (Assessments for Common Expenses); 515B.3-116 (Lien for Assessments); 515B.3-117 (Other Liens); 515B.3-118 (Association Records); 515B.3-119 (Association as Trustee); 515B.3-121 (Accounting Controls); 515B.4-107 (Resale of Units); 515B.4-108 (Purchaser's Right to Cancel Resale); and 515B.4-116 (Rights of Action; Attorney's Fees). Section 515B.1-103 (Definitions) shall apply to the extent necessary in construing any of the sections referenced in this section. Sections 515B.1-105, 515B.1-106, 515B.1-107, 515B.1-116, 515B.2-103, 515B.2-104, 515B.2-118, 515B.3-102, 515B.3-110, 515B.3-111, 515B.3-113,

515B.3-116, 515B.3-117, 515B.3-118, 515B.3-121, 515B.4-107, 515B.4-108, and 515B.4-116 apply only with respect to events and circumstances occurring on and after June 1, 1994. All other sections referenced in this section apply only with respect to events and circumstances occurring after July 31, 1999. A section referenced in this section does not invalidate the declarations, bylaws or condominium plats of condominiums created before August 1, 1999. But all sections referenced in this section prevail over the declarations, bylaws, CIC plats, rules and regulations under them, of condominiums created before August 1, 1999, except to the extent that this chapter defers to the declarations, bylaws, CIC plats, or rules and regulations issued under them.

(3) This chapter shall not apply to cooperatives and planned communities created prior to June 1, 1994, or to planned communities that were created on or after June 1, 1994, and before August 1, 2006, and that consist of more than two but fewer than 13 units; except by election pursuant to subsection (d), and except that sections 515B.1-116, subsections (a), (c), (d), and (e), 515B.4-107, and 515B.4-108, apply to all planned communities and cooperatives regardless of when they are created, unless they are exempt under subsection (e).

(c) This chapter shall not invalidate any amendment to the declaration, bylaws or condominium plat of any condominium created under chapter 515 or 515A if the amendment was recorded before June 1, 1994. Any amendment recorded on or after June 1, 1994, shall be adopted in conformity with the procedures and requirements specified by those instruments and by this chapter. If the amendment grants to any person any rights, powers or privileges permitted by this chapter, all correlative obligations, liabilities and restrictions contained in this chapter shall also apply to that person.

(d) Any condominium created under chapter 515, any planned community or cooperative which would be exempt from this chapter under subsection (e), or any planned community or cooperative created prior to June 1, 1994, or any planned community that was created on or after June 1, 1994, and prior to August 1, 2006, and that consists of more than two but fewer than 13 units, may elect to be subject to this chapter, as follows:

(1) The election shall be accomplished by recording a declaration or amended declaration, and a new or amended CIC plat where required, and by approving bylaws or amended bylaws, which conform to the requirements of this chapter, and which, in the case of amendments, are adopted in conformity with the procedures and requirements specified by the existing declaration and bylaws of the common interest community, and by any applicable statutes.

(2) In a condominium, the preexisting condominium plat shall be the CIC plat and an amended CIC plat shall be required only if the amended declaration or bylaws contain provisions inconsistent with the preexisting condominium plat. The condominium's CIC number shall be the apartment ownership number or condominium number originally assigned to it by the recording officer. In a cooperative in which the unit owners' interests are characterized as real estate, a CIC plat shall be required. In a planned community, the preexisting plat or registered land survey recorded pursuant to chapter 505, 508, or 508A, or the part of the plat or registered land survey upon which the common interest community is located, shall be the CIC plat.

(3) The amendment shall comply with section 515B.2-118(a)(3) and (c); except that the unanimous consent of the unit owners shall not be required for (i) a clarification of the unit boundary description if the clarified boundary description is substantially consistent

with the preexisting CIC plat, or (ii) changes from common elements to limited common elements that occur by operation of section 515B.2-109(c) and (d).

(4) Except as permitted by paragraph (3), no declarant, affiliate of declarant, association, master association nor unit owner may acquire, increase, waive, reduce or revoke any previously existing warranty rights or causes of action that one of said persons has against any other of said persons by reason of exercising the right of election under this subsection.

(5) A common interest community which elects to be subject to this chapter may, as a part of the election process, change its form of ownership by complying with section 515B.2-123.

(e) Except as otherwise provided in this subsection, this chapter shall not apply, except by election pursuant to subsection (d), to the following:

(1) a planned community which consists of two units, which utilizes a CIC plat complying with section 515B.2-110(d)(1) and (2), which is not subject to any rights to subdivide or convert units or to add additional real estate, and which is not subject to a master association;

(2) a common interest community that consists solely of platted lots or other separate parcels of real estate designed or utilized for detached single family dwellings or agricultural purposes, with or without common property, where no association or master association has an obligation to maintain any building containing a dwelling or any agricultural building located or to be located on such platted lots or parcels; except that section 515B.4-101(e) shall apply to the sale of such platted lots or parcels of real estate if the common interest community is or will be subject to a master declaration;

(3) a cooperative where, at the time of creation of the cooperative, the unit owners' interests in the dwellings as described in the declaration consist solely of proprietary leases having an unexpired term of fewer than 20 years, including renewal options;

(4) planned communities utilizing a CIC plat complying with section 515B.2-110(d)(1) and (2) and cooperatives, which are limited by the declaration to nonresidential uses alone or in combination with residential rental uses in which individual dwellings do not constitute units or other separate parcels of real estate; or

(5) real estate subject only to an instrument or instruments filed primarily for the purpose of creating or modifying rights with respect to access, utilities, parking, ditches, drainage, or irrigation.

(f) Section 515B.4-101(e) applies to any platted lot or other parcel of real estate that is subject to a master declaration and is not subject to or is exempt from this chapter.

(g) Section 515B.1-106 shall apply to all common interest communities.

(h) The amendments in Laws 2010, chapter 267, to the following sections apply only to common interest communities created on or after August 1, 2010: section 515B.1-103(33) and sections 515B.2-110, 515B.3-105, 515B.3-115, 515B.3-116, 515B.4-102, and 515B.4-115.

(i) Section 515B.3-114, as amended by Laws 2010, chapter 267, applies to common interest communities only for the association's fiscal years commencing on or after January 1, 2012.

(j) Section 515B.3-104, as amended by Laws 2010, chapter 267, is effective August 1, 2010, and applies to transfers of special declarant rights that are effective on or after that date.

Sec. 60. Minnesota Statutes 2010, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall examine upon oath the parties applying for a license relative to the legality of the contemplated marriage. If one party is unable to appear in person, the party appearing may complete the absent applicant's information. The local registrar shall provide a copy of the marriage application to the party who is unable to appear, who must verify the accuracy of the appearing party's information in a notarized statement. The marriage license must not be released until the verification statement has been received by the local registrar. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the local registrar shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the county seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. Except as provided in paragraph (c), the local registrar shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the local registrar for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A local registrar who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made may authorize the license to be issued at any time before expiration of the five-day period required under paragraph (a). A waiver of the five-day waiting period must be in the following form:

STATE OF MINNESOTA, COUNTY OF (insert county name)

APPLICATION FOR WAIVER OF MARRIAGE LICENSE WAITING PERIOD:

..... (legal names of the applicants)

Represent and state as follows:

That on (date of application) the applicants applied to the local registrar of the above-named county for a license to marry.

That it is necessary that the license be issued before the expiration of five days from the date of the application by reason of the following: (insert reason for requesting waiver of waiting period)

.....
.....
.....

WHEREAS, the applicants request that the judge waive the required five-day waiting period and the local registrar be authorized and directed to issue the marriage license immediately.

Date:
.....
.....

(Signatures of applicants)

Acknowledged before me on this day of

.....

NOTARY PUBLIC

COURT ORDER AND AUTHORIZATION:

STATE OF MINNESOTA, COUNTY OF (insert county name)

After reviewing the above application, I am satisfied that an emergency or extraordinary circumstance exists that justifies the issuance of the marriage license before the expiration of five days from the date of the application. IT IS HEREBY ORDERED that the local registrar is authorized and directed to issue the license forthwith.

.....
..... (judge of district court)
..... (date).

(c) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. In order to qualify for the reduced license fee, the parties must submit at the time of applying for the marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

(d) The statement from the person who provided the premarital education under paragraph ~~(b)~~ (c) must be in the following form:

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

The names of the parties in the educator's statement must be identical to the legal names of the parties as they appear in the marriage license application. Notwithstanding section 138.17, the educator's statement must be retained for seven years, after which time it may be destroyed.

(e) If section 259.13 applies to the request for a marriage license, the local registrar shall grant the marriage license without the requested name change. Alternatively, the local registrar may delay the granting of the marriage license until the party with the conviction:

(1) certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and, if applicable, the attorney general and no objection has been filed under section 259.13; or

(2) provides a certified copy of the court order granting it. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay its granting pending further action on the name change request.

Sec. 61. Minnesota Statutes 2010, section 518D.314, is amended to read:

518D.314 APPEALS.

An appeal may be taken from a final order in a proceeding under sections 518D.301 to 518D.317 in accordance with Minnesota Rules of Civil Appellate Procedure, rule 127. Unless the court enters a temporary emergency order under section 518D.204, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

Sec. 62. Minnesota Statutes 2010, section 524.1-304, is amended to read:

524.1-304 PRACTICE IN COURT.

(a) Unless inconsistent with the provisions of this chapter or chapter 525, pleadings, practice, procedure and forms in all probate proceedings shall be governed insofar as practicable by Rules of Civil Procedure provided for in section ~~487.23~~ 484.81 and adopted pursuant thereto.

(b) Notwithstanding paragraph (a), and in addition to its general powers, the court shall have power to correct, modify, vacate, or amend its records, orders, and decrees:

(1) at any time, for the correction of clerical error or pursuant to the provisions of section 524.3-413;

(2) within the time for taking an appeal, for the correction of judicial error;

(3) within two years after petitioner's discovery thereof, for fraud, whether intrinsic or extrinsic, or misrepresentation unless petitioner be a party to such fraud; or

(4) within two years after the date of filing of any record, order, or decree, for excusable neglect, inadvertence, or mistake.

In any case, the petitioner must proceed with due diligence and may be barred by laches or the court may deny relief where it appears that the granting thereof would be inequitable in view of all the facts and circumstances appearing.

Sec. 63. Minnesota Statutes 2010, section 576.011, subdivision 1, is amended to read:

Subdivision 1. **Generally.** For the purpose of ~~Laws 1974, chapter 447, sections 6 to 16~~ 576.011, 576.04, 576.10, 576.12, 576.14, 576.141, 576.142, 576.143, 576.144, 576.15, and 576.16, the terms defined in this section have the meanings given them.

Sec. 64. Minnesota Statutes 2010, section 580.041, subdivision 2, is amended to read:

Subd. 2. **Content of foreclosure advice notice.** The foreclosure advice notice required by this section must appear substantially as follows:

"Help For Homeowners in Foreclosure

The attorney preparing this foreclosure is:
(Attorney name, address, phone)

It is being prepared for:
.....
(Lender name, loss mitigation phone number)

AS OF [insert date], this lender says that you owe \$[insert dollar amount] to bring your mortgage up to date (or "reinstate" your mortgage). You must pay this amount, plus interest and other costs, to keep your house from going through a sheriff's sale. The sheriff's sale is scheduled for [insert date] at [insert time] at [insert place].

Mortgage foreclosure is a complex process. People may contact you with advice and offers to help "save" your home.

Remember: It is important that you learn as much as you can about foreclosure and your situation. Find out about all your options before you make any agreements with anyone about the foreclosure of your home.

Getting Help

As soon as possible, you should contact your lender at the above number to talk about things you might be able to do to prevent foreclosure. You should also consider contacting the foreclosure prevention counselor in your area. A foreclosure prevention counselor can answer your questions, offer free advice, and help you create a plan which makes sense for your situation.

Contact the Minnesota Home Ownership Center at 651-659-9336 or 866-462-6466 or www.hocmn.org or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea to get the phone number and location of the nearest certified counseling organization. Call today. The longer you wait, the fewer options you may have for a desirable result."

Sec. 65. Minnesota Statutes 2010, section 580.06, subdivision 2, is amended to read:

Subd. 2. **Notice of results of sale required; contents.** (a) Except as provided in paragraph (c), a person attempting to acquire fee title to the mortgagor's property directly from the mortgagor following the sheriff's sale and prior to the end of the redemption period must provide to the mortgagor, by personal delivery three days prior to entering into an agreement with the mortgagor to acquire title, notice of the results of the foreclosure as provided under paragraph (b).

(b) The notice required under paragraph (a) must contain the following information:

- (1) the date the sale occurred;
- (2) the identity of the purchaser and any assignees of the purchaser;

(3) the sheriff's sale price; and

(4) the following statement: "There are very important things you need to know now that your house has been auctioned at the sheriff's sale:

(i) you have (insert the number of months) to "redeem," which means to pay the winning bidder the sale price listed above (plus interest and costs) and keep your house;

(ii) whether you can pay off the amount or not, **YOU DO NOT HAVE TO MOVE RIGHT AWAY. YOU CAN KEEP LIVING IN YOUR HOME** until the end of this redemption period;

(iii) read all notices and documents related to the foreclosure of your home carefully! **THE AMOUNT YOU NEED TO PAY THE WINNING BIDDER TO REDEEM YOUR HOUSE (THE SHERIFF'S SALE PRICE LISTED ABOVE, PLUS INTEREST AND COSTS) MAY BE LESS THAN THE AMOUNT YOU OWED ON YOUR MORTGAGE BEFORE THE SHERIFF'S SALE;** and

(iv) you can also try to sell your home during this "redemption period." You must sell it for enough to pay off the winning bidder from the sheriff's sale and pay interest, fees, and other claims against the property. You can also enter into a "short sale." A short sale is an agreement in which the lender accepts less than the full amount you owe on the mortgage.

If there is any money left from the sale of the house after all these debts are paid, you can keep the money.

For more information and advice, contact an attorney or a mortgage foreclosure prevention counselor. You can find a mortgage foreclosure prevention counselor in your county by calling the Minnesota Home Ownership Center at 651-659-9336 or 866-462-6466 or www.hocmn.org or contact the United States Department of Housing and Urban Development at 1-800-569-4287 or www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search=MN#searchArea."

(c) This subdivision does not apply to:

(1) a seller or buyer who has entered into a signed agency agreement, facilitator agreement, or other written agreement to buy or sell the mortgagor's property with a person licensed under chapter 82;

(2) a buyer who offers to buy the mortgagor's property for a purchase price that meets or exceeds the amount required to be paid by the mortgagor to redeem the property, unless the buyer or the mortgagor enters into a short sale agreement with the holder of the sheriff's certificate in which the holder agrees to accept less than the full amount required to redeem;

(3) a foreclosing lender acquiring the mortgagor's property by a deed in lieu of foreclosure;

(4) a nonprofit lender holding a certificate of exemption from the Department of Commerce; or

(5) the state or a local unit of government or an agent of the state or a local unit of government.

Sec. 66. Minnesota Statutes 2010, section 609.485, subdivision 2, is amended to read:

Subd. 2. **Acts prohibited.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape;

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause;

(5) escapes while in or under the supervision of a facility designated under section 253B.18, subdivision 1, or Minnesota Statutes 1992, section 526.10;

(6) escapes while on pass status or provisional discharge according to section 253B.18; or

(7) escapes while a ~~client of~~ civily committed sex offender in the Minnesota sex offender program as defined in section 246B.01, subdivision 1a, or subject to a court hold order under section 253B.185.

For purposes of clauses (1) and (7), "escapes while held in lawful custody" or "escapes while a ~~client of~~ civily committed sex offender in the Minnesota sex offender program" includes absconding from electronic monitoring or absconding after removing an electronic monitoring device from the person's body.

Sec. 67. Minnesota Statutes 2010, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **Judicial determination.** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the county attorney for that county, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is ~~\$7,500~~ \$15,000 or less, the claimant may file an action in conciliation court for recovery of the seized property. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee. No responsive pleading is required of the county attorney and no court fees may be charged for the county attorney's appearance in the matter. The hearing must be held at the earliest practicable date, and in any event no later than 180 days following the filing of the demand by the claimant. If a related criminal proceeding is pending, the hearing shall not be held until the conclusion of the criminal proceedings. The district court administrator shall schedule the hearing as soon as practicable after adjudication in the criminal prosecution. The proceedings are governed by the Rules of Civil Procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff and the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a. The limitations and defenses set forth in section 609.5311, subdivision 3, apply to the judicial determination.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order sanctions under section 549.211. If the court orders payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Sec. 68. Minnesota Statutes 2010, section 609.902, subdivision 4, is amended to read:

Subd. 4. **Criminal act.** "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (1), if the property is a firearm, clause (3)(b)₂, or clause 3(d)(v) ~~or (vi)~~; section 609.52, subdivision 2, clause (4); 609.527, if the crime is punishable under subdivision 3, clause (4); 609.528, if the crime is punishable under subdivision 3, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67; 609.687; 609.713; 609.86; 609.894, subdivision 3 or 4; 609.895; 624.713; 624.7191; or 626A.02, subdivision 1, if the offense is punishable under section 626A.02, subdivision 4, paragraph (a). "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16), if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal benefit society regulated under chapter 64B.

Sec. 69. Laws 2009, chapter 88, article 2, section 43, is amended by adding an effective date to read:

EFFECTIVE DATE. This section is effective for deferred taxes payable in 2012 and thereafter.

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

Sec. 70. Laws 2010, chapter 184, section 18, is amended to read:

Sec. 18. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least six weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office and not more than 30 days nor later than 14 days before any other election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" ~~during the 45 days before the election~~. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 71. Laws 2010, chapter 280, section 40, is amended to read:

Sec. 40. **REPEALER.**

Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; and 326B.37, subdivision 13, are repealed.

Minnesota Rules, parts 5200.0020; 5200.0050; and 5200.0080, subparts ~~2, and 3, 4, 4a, 4b, 6, 7, and 8~~, are repealed.

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

Sec. 72. Laws 2010, chapter 382, section 87, subdivision 8, is amended to read:

Subd. 8. **Statutory conflict.** Laws 2008, chapter 287, article 1, section 104, subdivision 13, is repealed.

EFFECTIVE DATE. This section is effective retroactively from August 1, 2010.

Sec. 73. Laws 2010, chapter 389, article 1, section 7, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the day following final enactment~~ for deferred taxes payable in 2012 and thereafter.

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

Sec. 74. Laws 2010, chapter 389, article 1, section 8, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the day following final enactment~~ for deferred taxes payable in 2012 and thereafter.

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

Sec. 75. Laws 2010, chapter 389, article 1, section 9, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the day following final enactment~~ for deferred taxes payable in 2012 and thereafter.

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

Sec. 76. **SUPERSEDING ACTS.**

Any amendments or repeals enacted in the 2011 session of the legislature to sections amended or repealed in this act supersede the amendments or repeals in this act, regardless of order of enactment.

Sec. 77. **RULES REVIVED.**

Minnesota Rules, part 5200.0080, subparts 4, 4a, 4b, 6, 7, and 8, are revived.

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

Sec. 78. **REVISOR'S INSTRUCTION.**

In the next edition of Minnesota Statutes, the revisor of statutes shall insert the word "county" before the phrase "veterans service officer" or "veterans service officers" wherever it appears in Minnesota Statutes, chapters 196 and 197.

Sec. 79. **REVISOR'S INSTRUCTION.**

In Minnesota Rules, part 9500.1115, subparts 4, 5, and 5a, the revisor shall edit the subparts so that information inadvertently added only to the headnote is accurately reflected in the words of the subpart text.

Sec. 80. **REPEALER.**

Subdivision 1. **Community policing responsive to emotional crises and mental illness; pilot project.** Minnesota Statutes 2010, section 626.8441, subdivision 1, is repealed.

Subd. 2. **Job opportunity building zone limits; conflict resolution.** Laws 2006, chapter 259, article 13, section 10, is repealed.

Subd. 3. **Interstate assistance by local government; conflict resolution.** Laws 2008, chapter 202, section 10, is repealed.

Subd. 4. **Child passenger restraint system; conflict resolution.** Laws 2009, chapter 82, section 2, is repealed.

Subd. 5. **Duties of absentee ballot board; conflict resolution.** Laws 2010, chapter 184, section 7, is repealed.

Subd. 6. **Medical case vendors; conflict resolution.** Laws 2010, chapter 310, article 6, section 1, is repealed.

Subd. 7. **General assistance medical care eligibility; conflict resolution.** Laws 2010, chapter 310, article 16, section 2, is repealed.

Subd. 8. **Penalty for membership miscertifications and certification failures by government subdivision; conflict resolution.** Laws 2010, chapter 359, article 12, section 18, is repealed.

Subd. 9. **Veteran-owned small business procurements; conflict resolution.** Laws 2010, chapter 392, article 1, section 6, is repealed.

Subd. 10. **Nursing facilities adjustment rate periods; conflict resolution.** Laws 2010, First Special Session chapter 1, article 15, section 8, is repealed.

Subd. 11. **Report of veterinary treatment of horses.** Minnesota Rules, part 7890.0120, subpart 3, as published in the State Register at 34 SR 1135 on February 22, 2010, is repealed.

ARTICLE 2

DATA PRACTICES

Section 1. Minnesota Statutes 2010, section 13.319, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 6~~ this section are codified outside this chapter. Those sections classify education data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 2. Minnesota Statutes 2010, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. **Trauma hospital designation; patient data.** Data on patients in information and reports related to the designation and redesignation of trauma hospitals is classified under section 144.605, subdivision 9.

Sec. 3. Minnesota Statutes 2010, section 13.381, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 17~~ this section are codified outside this chapter. Those sections classify health regulatory data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 4. Minnesota Statutes 2010, section 13.411, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 8~~ this section are codified outside this chapter. Those sections classify licensing data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 5. Minnesota Statutes 2010, section 13.4967, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 7~~ this section are codified outside this chapter. Those sections classify tax data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 6. Minnesota Statutes 2010, section 13.607, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 7~~ this section are codified outside this chapter. Those sections classify campaign, ethics, and election data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 7. Minnesota Statutes 2010, section 13.6401, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 6~~ this section are codified outside this chapter. Those sections classify administration and management and budget data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 8. Minnesota Statutes 2010, section 13.6401, is amended by adding a subdivision to read:

Subd. 7. **Personal identification data; statewide grant governance policies.** Personal identification data maintained by the commissioner of administration related to comments about executive agencies violating grant governance policies is governed by section 16B.97, subdivision 5.

Sec. 9. Minnesota Statutes 2010, section 13.6905, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 32~~ this section are codified outside this chapter. Those sections classify Department of Public Safety data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 10. Minnesota Statutes 2010, section 13.6905, is amended by adding a subdivision to read:

Subd. 33. **Citizenship data; voter registration.** The use of citizenship data reported to the secretary of state is governed by section 201.158.

Sec. 11. Minnesota Statutes 2010, section 13.7191, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 18~~ this section are codified outside chapter 13. Those sections classify insurance data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 12. Minnesota Statutes 2010, section 13.7191, is amended by adding a subdivision to read:

Subd. 19. **Nationwide Mortgage Licensing System and Registry.** Information and materials provided to the Nationwide Mortgage Licensing System and Registry or shared with state and regulatory officials with mortgage industry oversight authority are governed by section 58A.14.

Sec. 13. Minnesota Statutes 2010, section 13.785, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 and 3~~ this section are codified outside this chapter. Those sections classify veterans data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 14. Minnesota Statutes 2010, section 13.7931, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 1a to 4~~ this section 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. 15. Minnesota Statutes 2010, section 13.841, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The ~~section~~ sections referred to in ~~subdivision 2~~ this section are codified outside this chapter. ~~This section classifies~~ Those sections classify court services data as other than public, ~~places~~ place restrictions on access to government data, or ~~involves~~ involve data sharing.

Sec. 16. Minnesota Statutes 2010, section 13.841, is amended by adding a subdivision to read:

Subd. 3. **Felony conviction data; voter registration.** Felony conviction data reported to the secretary of state is governed by section 201.155.

Sec. 17. Minnesota Statutes 2010, section 13.851, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The sections referred to in ~~subdivisions 2 to 8~~ this section are codified outside this chapter. Those sections classify corrections and detention data as other than public, place restrictions on access to government data, or involve data sharing.

Sec. 18. Minnesota Statutes 2010, section 13.851, is amended by adding a subdivision to read:

Subd. 10. **Felony sentence data; voter registration.** The use of felony sentence data made available to the secretary of state is governed by section 201.157.

ARTICLE 3

RULES OF CRIMINAL PROCEDURE REFERENCES

Section 1. Minnesota Statutes 2010, section 244.11, subdivision 3, is amended to read:

Subd. 3. **Limitation on defendant's right to seek sentence modification.** (a) As used in this subdivision, "appeal" means:

- (1) an appeal of a sentence under rule 28 of the Rules of Criminal Procedure; and
- (2) an appeal from a denial of a sentence modification motion brought under rule 27.03, subdivision 9, of the Rules of Criminal Procedure.

(b) If a defendant agrees to a plea agreement and is given a stayed sentence, which is a dispositional departure from the presumptive sentence under the Minnesota Sentencing Guidelines, the defendant may appeal the sentence only if the appeal is taken:

- (1) within 90 days of the date sentence was pronounced; or
 - (2) before the date of any act committed by the defendant resulting in revocation of the stay of sentence;
- whichever occurs first.

(c) A defendant who is subject to paragraph (b) who has failed to appeal as provided in that paragraph may not file a petition for postconviction relief under chapter 590 regarding the sentence.

(d) Nothing in this subdivision shall be construed to:

(1) alter the time period provided for the state to appeal a sentence under rule 28 of the Rules of Criminal Procedure; or

(2) affect the court's authority to correct errors under rule 27.03, subdivision ~~8~~ 10, of the Rules of Criminal Procedure.

Sec. 2. Minnesota Statutes 2010, section 611A.033, is amended to read:

611A.033 SPEEDY TRIAL; NOTICE OF SCHEDULE CHANGE.

(a) A victim has the right to request that the prosecutor make a demand under rule ~~11.10~~ 11.09 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand. The prosecutor shall make reasonable efforts to comply with the victim's request.

(b) A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.

(c) In a criminal proceeding in which a vulnerable adult, as defined in section 609.232, subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after consideration of the age and health of the victim, may grant a speedy trial. The motion may be filed and served with the complaint or any time after the complaint is filed and served.

Sec. 3. Minnesota Statutes 2010, section 628.56, is amended to read:

628.56 FOREPERSON; JURY SWORN; CHARGE BY COURT.

From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreperson, and it shall also appoint a foreperson whenever one already appointed shall be discharged or excused before such jury is dismissed. The grand jury shall then be sworn according to law, and the same oath shall be administered to any grand juror afterwards appearing and admitted as such. The grand jury shall then be charged by the court, who, in doing so, shall read to it the provisions of sections 628.01, 628.02, 628.60 to 628.66, and rules ~~18.06~~ 18.05, subdivisions 1 and 2, and ~~18.08~~ 18.07 of the Rules of Criminal Procedure, and may give it such other information as it may deem proper as to the nature of its duties, and any charges for public offenses returned to the court, or likely to come before the grand jury; but it need not charge it respecting the violation of any particular statute unless expressly made its duty by the provisions of such statute.

Sec. 4. Minnesota Statutes 2010, section 628.63, is amended to read:

628.63 GRAND JURY; WHO MAY BE PRESENT; COUNTY ATTORNEY TO ATTEND; DUTIES.

The grand jury may at all reasonable times ask the advice of the court, or of the county attorney, and the county attorney shall attend it for the purpose of framing indictments or examining witnesses in its presence.

The persons specified in rule ~~18.04~~ 18.03 of the Rules of Criminal Procedure may, subject to the conditions specified in that rule, be present before the grand jury when it is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

Sec. 5. Minnesota Statutes 2010, section 628.68, is amended to read:

628.68 DISCLOSURE OF TRANSACTIONS OF GRAND JURY.

Except as otherwise provided in rule ~~18.08~~ 18.07 of the Rules of Criminal Procedure, every judge, grand juror, county attorney, court administrator, or other officer, who, except in the due discharge of official duty, shall disclose, before an accused person shall be in custody, the fact that an indictment found or ordered against the accused person, and every grand juror who, except when lawfully required by a court or officer, shall willfully disclose any evidence adduced before the grand jury, or anything which the juror or any other member of the grand jury said, or in what manner any grand juror voted upon any matter before them, shall be guilty of a misdemeanor. Disclosure may be made by the county attorney, by notice to the defendant or the defendant's attorney of the indictment and the time of defendant's appearance in the district court, if in the discretion of the judge notice is sufficient to insure defendant's appearance.

Sec. 6. Minnesota Statutes 2010, section 630.18, is amended to read:

630.18 GROUNDS FOR DISMISSAL; WAIVER.

In addition to the grounds for dismissal of an indictment specified in rules 17.06, subdivision 2, and ~~18.02~~ 18.09, subdivision 2, of the Rules of Criminal Procedure and subject to the provisions of rules 17.06, subdivision 1, and 31.01, of the Rules of Criminal Procedure, the indictment shall be dismissed by the court in which the defendant is arraigned, upon the defendant's motion, in any of the following cases:

(1) when the indictment is not found, endorsed or presented as prescribed in sections 628.41 to 628.66 relating to grand juries;

(2) when the names of the witnesses examined before the grand jury are not inserted at the foot of the indictment or endorsed thereon;

(3) when a person was permitted to be present at the session of the grand jury while the charge embraced in the indictment was under consideration, except as provided by section 628.63 and rule ~~18.04~~ 18.03 of the Rules of Criminal Procedure;

(4) when the grand jury by which the indictment was found had no legal authority to inquire into the offense charged, by reason of the offense charged not being within the local jurisdiction of the county;

(5) when the indictment does not substantially conform to the requirements of sections 628.10 to 628.13, as qualified by section 628.18, or was not found within the time prescribed therein;

(6) when more than one offense is charged in the indictment, except in cases where it is allowed by statute;

(7) when the facts stated do not constitute a public offense; or

(8) when the indictment contains any matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

If the motion to dismiss the indictment is not made, the defendant shall be precluded from afterwards making any of the foregoing objections except that the objection to lack of jurisdiction specified in clause (4) and the objection of failure of the indictment to include facts stating a public offense specified in clause (7) shall be noticed by the court at any time during the pendency of a proceeding. Failure to include any objections constitutes a waiver thereof, but the court for good cause shown may, in accordance with rule ~~10.03~~ 10.01, subdivision 2, of the Rules of Criminal Procedure, grant relief from the waiver.

Sec. 7. Minnesota Statutes 2010, section 631.05, is amended to read:

631.05 REQUIRING JUROR TO TESTIFY WHEN JUROR HAS PERSONAL KNOWLEDGE RESPECTING FACT IN CONTROVERSY; VIEW.

If a juror has personal knowledge respecting a fact in controversy in a cause, the juror shall declare it in open court during the trial. If during the retirement of a jury, a juror declares a fact which could be evidence in the cause, as of the juror's own knowledge, the jury shall return into court. In either of these cases, the juror making the statement shall be sworn as a witness and examined in the presence of the parties. The court may order a view by a jury impaneled to try a criminal case in accordance with rule 26.03, subdivision ~~10~~ 11, of the Rules of Criminal Procedure.

ARTICLE 4

COMMUNITY-BASED PLANNING

Section 1. Minnesota Statutes 2010, section 394.232, is amended to read:

394.232 COMMUNITY-BASED PLANNING.

Subdivision 1. **General.** Each county is encouraged to prepare and implement a community-based comprehensive plan. A community-based comprehensive plan is a comprehensive plan that is consistent with the goals of community-based planning ~~in section 4A.08.~~

Subd. 2. **Notice and participation.** Notice must be given at the beginning of the community-based comprehensive planning process to ~~the Office of Strategic and Long-Range Planning,~~ the Department of Natural Resources, the Department of Agriculture, the Department of Employment and Economic Development, the Board of Water and Soil Resources, the Pollution Control Agency, the Department of Transportation, local government units, and local citizens to actively participate in the development of the plan. ~~An agency that is invited to participate in the development of a local plan but declines to do so and fails to participate or to provide written comments during the plan development process waives the right during the office's review and comment period to submit comments, except for comments concerning consistency of the plan with laws and rules administered by the agency. In determining the merit of the agency comment, the office shall consider the involvement of the agency in the development of the plan.~~

Subd. 3. **Coordination.** A county that prepares a community-based comprehensive plan shall coordinate its plan with the plans of its neighbors and its constituent municipalities and towns in order both to prevent its plan from having an adverse impact on other jurisdictions and to complement plans of other jurisdictions. The county's community-based comprehensive plan must incorporate the community-based comprehensive plan of any municipality or town in the county prepared in accordance

with section 462.3535. A county may incorporate a municipal or town community-based comprehensive plan by reference.

Subd. 4. **Joint planning.** Under the joint exercise of powers provisions in section 471.59, a county may establish a joint planning district with other counties, municipalities, and towns, that are geographically contiguous, to adopt a single community-based comprehensive plan for the district. The county may delegate its authority to adopt official controls under this chapter to the board of the joint planning district.

~~Subd. 5. **Review and comment.** (a) The county or joint planning district shall submit its community-based comprehensive plan to the Office of Strategic and Long-Range Planning for review of the extent to which the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08. The office has 60 days after submittal to comment on the plan.~~

~~(b) The office may not disapprove a community-based comprehensive plan if the office determines that the plan promotes local citizen participation, promotes cooperation among adjacent communities, and demonstrates consideration of the community-based planning goals in section 4A.08.~~

~~(c) If the office disagrees with a community-based comprehensive plan or any elements of the plan, the office shall notify the county or district in writing of how the plan specifically fails to address the goals of community-based planning. Upon receipt of the office's written comments, the county or district has 120 days to revise the community-based comprehensive plan and resubmit it to the office for reconsideration.~~

~~(d) If the county or district refuses to revise the plan or the office disagrees with the revised plan, the office shall within 60 days notify the county or district that it wishes to initiate the dispute resolution process in chapter 572A.~~

~~(e) Within 60 days of notice from the office, the county or joint planning district shall notify the office of its intent to enter the dispute resolution process. If the county or district refuses to enter the dispute resolution process, the county or district is ineligible for any future grant disbursements related to community-based planning activities through the office.~~

~~(f) Priority for other state grants, loans, and other discretionary spending must not be given to local units of government based on their participation in community-based planning.~~

Subd. 6. **Plan update.** The county board, or the board of the joint planning district, shall review and update the community-based comprehensive plan periodically, but at least every ten years, and submit the updated plan to the office of strategic and long-range planning for review and comment. When updating the plan, the county board or the board of the joint planning district must consider natural heritage data resulting from the county biological survey. In a county that is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, the board must consider adopting goals and objectives that will protect open space and the environment.

~~Subd. 7. **No mandamus proceeding.** A mandamus proceeding may not be instituted against a county under this section to require the county to conform its community-based comprehensive plan to be consistent with the community-based planning goals in section 4A.08.~~

Subd. 8. **Planning authority.** Nothing in this section shall be construed to prohibit or limit a county's authority to prepare and adopt a comprehensive plan and official controls under this chapter.

Sec. 2. Minnesota Statutes 2010, section 462.3535, subdivision 1, is amended to read:

Subdivision 1. **General.** Each municipality is encouraged to prepare and implement a community-based comprehensive municipal plan. ~~A community-based comprehensive municipal plan is a comprehensive plan that is consistent with the goals of community-based planning in section 4A.08.~~

Sec. 3. Minnesota Statutes 2010, section 462.3535, subdivision 8, is amended to read:

Subd. 8. **County approval.** (a) If a city plans for growth beyond its current boundaries, the city's proposed community-based comprehensive municipal plan and proposed urban growth area must be reviewed and approved by the county before the plan is incorporated into the county's plan. The county may review and provide comments on any orderly annexation agreement during the same period of review of a comprehensive plan.

(b) Upon receipt by the county of a community-based comprehensive plan submitted by a city for review and approval under this subdivision, the county shall, within 60 days of receipt of a city plan, review and approve the plan in accordance with this subdivision. ~~The county shall review and approve the city plan if it is consistent with the goals stated in section 4A.08.~~

(c) In the event the county does not approve the plan, the county shall submit its comments to the city within 60 days. The city may, thereafter, amend the plan and resubmit the plan to the county. The county shall have an additional 60 days to review and approve a resubmitted plan. In the event the county and city are unable to come to agreement, either party may initiate the dispute resolution process contained in chapter 572A. Within 30 days of receiving notice that the other party has initiated dispute resolution, the city or county shall send notice of its intent to enter dispute resolution. If the city refuses to enter the dispute resolution process, it must refund any grant received from the county for community-based planning activities.

Sec. 4. Minnesota Statutes 2010, section 572A.01, subdivision 1, is amended to read:

Subdivision 1. **Filing.** In the event of a dispute between ~~a county and the Office of Strategic and Long-Range Planning under section 394.232~~ or a county and a city under section 462.3535, regarding the development, content, or approval of a community-based comprehensive land use plan, an aggrieved party may file a written request for mediation, as provided in subdivision 2, with the Bureau of Mediation Services at any time prior to a final action on a community-based comprehensive plan or within 30 days of a final action on a community-based comprehensive plan.

Sec. 5. Minnesota Statutes 2010, section 572A.02, subdivision 5, is amended to read:

Subd. 5. **Decision factors.** ~~In comprehensive planning disputes, the arbitration panel shall consider the goals stated in section 4A.08 and the following factors in making a decision.~~ In all other disputes brought under this section, the arbitration panel shall consider the following factors in making a decision:

- (1) present population and number of households, past population, and projected population growth of the subject area and adjacent units of local government;
- (2) quantity of land within the subject area and adjacent units of local government; and natural terrain including recognizable physical features, general topography, major watersheds, soil conditions, and such natural features as rivers, lakes, and major bluffs;
- (3) degree of contiguity of the boundaries between the municipality and the subject area;
- (4) present pattern of physical development, planning, and intended land uses in the subject area and the municipality including residential, industrial, commercial, agricultural, and institutional land uses and the impact of the proposed action on those land uses;
- (5) the present transportation network and potential transportation issues, including proposed highway development;
- (6) land use controls and planning presently being utilized in the municipality and the subject area, including comprehensive plans for development in the area and plans and policies of the Metropolitan Council, and whether there are inconsistencies between proposed development and existing land use controls and the reasons therefore;
- (7) existing levels of governmental services being provided in the municipality and the subject area, including water and sewer service, fire rating and protection, law enforcement, street improvements and maintenance, administrative services, and recreational facilities and the impact of the proposed action on the delivery of said services;
- (8) existing or potential environmental problems and whether the proposed action is likely to improve or resolve these problems;
- (9) plans and programs by the municipality for providing needed governmental services to the subject area;
- (10) an analysis of the fiscal impact on the municipality, the subject area, and adjacent units of local government, including net tax capacity and the present bonded indebtedness, and the local tax rates of the county, school district, and township;
- (11) relationship and effect of the proposed action on affected and adjacent school districts and communities;
- (12) adequacy of town government to deliver services to the subject area;
- (13) analysis of whether necessary governmental services can best be provided through the proposed action or another type of boundary adjustment; and
- (14) if only a part of a township is annexed, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality.

Any party to the proceeding may present evidence and testimony on any of the above factors at the hearing on the matter.

Sec. 6. Minnesota Statutes 2010, section 572A.02, subdivision 6, is amended to read:

Subd. 6. **Decision.** The arbitrators, after a hearing on the matter, shall make a decision regarding the dispute within 60 days and transmit an order to the parties ~~and to the Office of Strategic and Long-Range Planning~~ in comprehensive planning disputes or

to the chief administrative law judge in chapter 414 disputes. Unless appealed by an aggrieved party within 30 days of receipt of the arbitration panel's order by the office, the office shall execute an order in accordance with the arbitration panel's order and shall cause copies of the same to be mailed to all parties entitled to mailed notice, the secretary of state, the Department of Revenue, the state demographer, individual property owners if initiated in that manner, the affected county auditor, and any other party of record. The affected county auditor shall record the order against the affected property.

Sec. 7. Minnesota Statutes 2010, section 572A.03, subdivision 2, is amended to read:

Subd. 2. **Comprehensive land use planning.** For comprehensive land use planning disputes under section 462.3535, if ~~a community-based comprehensive plan addresses the goals of section 4A.08 and~~ the arbitrators find that the city's projected estimates found in its comprehensive plan are reasonable with respect to an identified urban growth area, the arbitration panel may order approval of the city plan. If the order is to approve the community-based comprehensive plan, the order shall contain notice directing the county to approve the city plan within ten days of receipt of the arbitration order. The city shall, thereafter, adopt the plan. If the order is to deny the plan, the arbitration order shall state the reasons for the denial in the order and transmit the order to the city, and the county, ~~and the Office of Strategic and Long-Range Planning.~~ The city shall within 30 days of receipt of the order amend its plan and resubmit the plan to the county for review and approval under this subdivision. The county shall not unreasonably withhold approval of the plan if the resubmitted city plan is in keeping with the arbitration panel's order.

Sec. 8. **REPEALER.**

Minnesota Statutes 2010, sections 462.3535, subdivisions 9 and 10, are repealed.

Presented to the governor May 23, 2011

Signed by the governor May 24, 2011, 5:02 p.m.