

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 378

**DATE:** February 7, 2005

**Version:** First Engrossment

**Authors:** Nelson, P., and Slawik

**Subject:** Revisor's bill

**Analyst:** Deborah K. McKnight

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

### Overview

The following memorandum of explanation is prepared by the revisor's office.

#### ARTICLE 1

#### GENERAL

Section 1. Explanation. This amendment corrects an obsolete reference.

Sec. 2. Explanation. This amendment eliminates obsolete language. The fee required expired June 30, 2004, and was not extended.

Sec. 3. Explanation. This amendment corrects an erroneous reference.

Sec. 4. Explanation. This amendment updates statutory references to newly enacted data practice laws codified outside Minnesota Statutes, chapter 13, as required under Laws 1999, chapter 227, section 22.

Sec. 5. Explanation. This amendment updates statutory references to newly enacted data practice laws codified outside Minnesota Statutes, chapter 13, as required under Laws 1999, chapter 227, section 22.

Sec. 6. Explanation. This language was inadvertently omitted from the conference committee report on H.F. No. 2087. It appeared in H.F. No. 2087, the second engrossment, and S.F. No. 1889, the first engrossment, the companion bills that were referred to conference.

Sec. 7. Explanation. This amendment corrects an erroneous reference.

Sec. 8. Explanation. This amendment updates statutory references in Minnesota Statutes, chapter 13, under Laws 1999, chapter 227, section 22, to newly enacted data practice laws codified outside Minnesota Statutes, chapter 13.

Sec. 9. Explanation. This task force no longer exists.

Sec. 10. Explanation. This amendment corrects an erroneous reference.

Sec. 11. Explanation. This amendment removes obsolete language. The report required by the stricken language has been submitted.

Sec. 12. Explanation. This amendment removes an obsolete definition. The stricken term is no longer used in the section.

Sec. 13. Explanation. This amendment corrects an erroneous reference that was corrected earlier in the subdivision by Laws 2003, chapter 51. The correction being made now was overlooked at that time.

Sec. 14. Explanation. This amendment corrects an erroneous reference to the market assistance program which was eliminated by Laws 2003, chapter 21.

Sec. 15. Explanation. Minnesota Statutes, section 62D.043, was repealed by Laws 2004, chapter 285, article 3, section 11, making the reference in this section obsolete.

Sec. 16. Explanation. This amendment removes a reference to a repealed subdivision.

Sec. 17. Explanation. Minnesota Statutes, section 84.8713, was repealed by Laws 1999, chapter 231, section 94, making the reference in this section obsolete.

Sec. 18. Explanation. Minnesota Statutes, section 84.8713, was repealed by Laws 1999, chapter 231, section 94, making the reference in this section obsolete.

Sec. 19. Explanation. Minnesota Statutes, section 84.8713, was repealed by Laws 1999, chapter 231, section 94, making the reference in this section obsolete.

Sec. 20. Explanation. Minnesota Statutes, section 84.8713, was repealed by Laws 1999, chapter 231, section 94, making the reference in this section obsolete.

Sec. 21. Explanation. This amendment makes a correction to reflect the official name of the state park according to Minnesota Statutes, section 85.012, subdivision 19.

Sec. 22. Explanation. This amendment replaces a range reference to a repealed section with the correct section references.

Sec. 23. Explanation. This amendment corrects an erroneous reference. Minnesota Statutes, section 103F.225, expired in 2004.

Sec. 24. Explanation. This amendment corrects a sentence that was drafted incorrectly and did not reflect the intent of the legislation.

Sec. 25. Explanation. Minnesota Statutes, section 119B.211, was repealed by Laws 2004, chapter 288, article 4, section 62, making the reference in this subdivision obsolete. The requirement for a relationship with regional resource and referral programs continues to be appropriate.

Sec. 26. Explanation. This amendment corrects an obsolete reference to an abolished program.

Sec. 27. Explanation. This amendment corrects an erroneous reference.

Sec. 28. Explanation. Laws 2003, First Special Session chapter 23, section 11, extended the expiration of the Mississippi River Parkway Commission to June 30, 2007. This amendment changes the statutory provision to reflect the extension.

Sec. 29. Explanation. This amendment substitutes the actual effective date of this subdivision for the phrase "effective date of this act."

Sec. 30. Explanation. This amendment corrects an incomplete reference.

Sec. 31. Explanation. This amendment clarifies language by replacing the term "this act" with the relevant statutory provisions actually amended or added by the act, which was Laws 1959, chapter 521.

Sec. 32. Explanation. This amendment is a technical clarification of the language of this subdivision and parallels the language of Minnesota Statutes, section 171.05, subdivision 1b. Both subdivisions were enacted as new language in Laws 2004, chapter 177, sections 1 and 2.

Sec. 33. Explanation. This amendment corrects an erroneous reference.

Sec. 34. Explanation. This amendment corrects a reference to a United States Code section to reflect the current federal law.

Sec. 35. Explanation. This amendment substitutes the proper statutory chapter citation for the overly broad reference to the session law.

Sec. 36. Explanation. Minnesota Statutes, section 237.63, expired on December 31, 2004, pursuant to Laws 1999, chapter 224, section 7, making the reference in this section obsolete.

Sec. 37. Explanation. This amendment replaces range references to repealed sections with the correct section references.

Sec. 38. Explanation. This amendment replaces range references to repealed sections with the correct section references.

Sec. 39. Explanation. This amendment replaces range references to repealed sections with the correct section references.

Sec. 40. Explanation. This amendment substitutes the intended effective date for the phrase "effective date of this act."

Sec. 41. Explanation. This amendment corrects an erroneous reference.

Sec. 42. Explanation. This amendment corrects an erroneous reference.

Sec. 43. Explanation. This amendment deletes obsolete language.

Sec. 44. Explanation. This amendment deletes obsolete language.

Sec. 45. Explanation. This amendment deletes an erroneous reference. This committee no longer exists.

Sec. 46. Explanation. This amendment corrects an obsolete reference.

Sec. 47. Explanation. This amendment deletes obsolete language.

Sec. 48. Explanation. This amendment corrects an erroneous reference.

Sec. 49. Explanation. This amendment corrects an erroneous reference.

Sec. 50. Explanation. This amendment updates terminology.

Sec. 51. Explanation. This amendment corrects an erroneous cross-reference.

Sec. 52. Explanation. This amendment corrects an erroneous reference. The Community Social Services Act is in Minnesota Statutes, chapter 256E. The relevant portions of that chapter were repealed in 2003.

Sec. 53. Explanation. Minnesota Statutes 2000, section 256.9731, was repealed in Laws 2002, chapter 220, article 16, section 3. The amendments in paragraphs (a), clause (3); and (c) correct erroneous references.

Sec. 54. Explanation. This amendment corrects an erroneous reference.

Sec. 55. Explanation. This amendment corrects an erroneous reference.

Sec. 56. Explanation. This amendment corrects an erroneous reference. The Community Social Services Act is in Minnesota Statutes, chapter 256E. The relevant portions of that chapter were repealed in 2003.

Sec. 57. Explanation. This amendment deletes obsolete language.

Sec. 58. Explanation. This amendment deletes obsolete language.

Sec. 59. Explanation. This amendment corrects a statutory reference.

Sec. 60. Explanation. This amendment corrects a reference. A definitional provision in the Juvenile Court Act refers to a misdemeanor violation of Minnesota Statutes, section 609.563. This misdemeanor violation was repealed in Minnesota Statutes, section 609.563, subdivision 2, and recodified in Minnesota Statutes, section 609.5632.

Sec. 61. Explanation. This amendment corrects an erroneous reference.

Sec. 62. Explanation. This amendment corrects an erroneous reference to a repealed subdivision.

Sec. 63. Explanation. This amendment corrects a reference to the State Patrol.

Sec. 64. Explanation. This amendment removes an obsolete provision. The Arson Strike Force, as well as Minnesota Statutes, section 299F.058, which established it, expired effective June 30, 2003.

Sec. 65. Explanation. This amendment removes an obsolete provision. The funds mentioned, \$15,000, were required by law to be disbursed before July 1, 1988.

Sec. 66. Explanation. This amendment corrects an erroneous cross-reference.

Sec. 67. Explanation. This amendment removes extraneous text.

Sec. 68. Explanation. This amendment corrects an erroneous reference.

Sec. 69. Explanation. This amendment corrects a range reference to reflect the enactment of revised Article 1 of the Uniform Commercial Code in 2004.

Sec. 70. Explanation. This amendment eliminates an inconsistency between two sections that govern treatment of dogs. Minnesota Statutes, sections 343.40, subdivision 3, and 346.39, subdivision 4, both govern protection of dogs from direct rays of the sun, but one requires shade from May to October and the other requires shade from June to September.

This amendment makes them consistent by using the dates from the more recent legislative enactment.

Sec. 71. Explanation. This amendment replaces the word "now" with the original effective date of the section to avoid confusion as to whether the section reflects the current makeup of the Lake Superior Sanitary District.

Sec. 72. Explanation. This amendment deletes a cross-reference to a repealed section and corrects the name of a defined term.

Sec. 73. Explanation. This amendment corrects a drafting oversight and makes this language consistent with other references to the metropolitan landfill contingency action trust account.

Sec. 74. Explanation. This amendment corrects an oversight and makes the subdivision consistent with the agriculture lien revisions enacted in Laws 2001, chapter 57.

Sec. 75. Explanation. Laws 2004, chapter 203, article 1, section 7, changed the rescission period in Minnesota Statutes, section 515B.4-106, from ten days to five days. This amendment corrects the reference to the rescission period to make the reference consistent with it.

Sec. 76. Explanation. This amendment corrects an erroneous reference.

Sec. 77. Explanation. This amendment deletes erroneous language.

Sec. 78. Explanation. The repeal of Minnesota Rules, part 6700.1300, in this article requires deletion of statutory language in Minnesota Statutes, section 626.84, subdivision 1, which by implication refers to that rule.

Sec. 79. Explanation. This amendment corrects an erroneous reference. The stricken language referred to a nonexistent subdivision.

Sec. 80. Explanation. This amendment clarifies the effective date of the act to reflect the legislature's intent that only the Uniform Limited Partnership Act and its conforming changes become effective January 1, 2005. Articles 14 and 15 were amended onto the bill without specific effective dates and would have become effective July 1, 2004, pursuant to Minnesota Statutes, section 645.02. Through an oversight, the effective date of these two articles was not specified when they were added.

Sec. 81. Explanation. This amendment corrects a drafting error. Only section 1 of Laws 2004, chapter 261, article 6, was codified and intended to expire on August 1, 2010. The other sections of article 6 are not laws that would appropriately expire.

Sec. 82. Explanation. Minnesota Statutes 2002, section 62J.692, subdivision 4, was amended by Laws 2003, First Special Session chapter 14, article 7, section 17, and Laws 2003, First Special Session chapter 21, article 9, section 1. Chapter 14 struck paragraph (e), while chapter 21 amended paragraph (e), striking obsolete language and adding new language to conform to the other amendments creating an editorial conflict. Because the amendments from both chapters could be merged editorially except for the stricken paragraph (e) in chapter 14, both the chapter 14 amendments, except for the stricken paragraph (e), and the chapter 21 amendments were printed in the main text. The striking of paragraph (e) in chapter 14 was printed as a note. The intent of this amendment is to give effect to both sets of amendments and allows the revisor to remove the note.

Sec. 83. Explanation. Subdivision 1. This repealer removes a subdivision authorizing adjustments to the dry cleaner registration fee. The authorization expired June 30, 2003.

Subd. 2. This repealer removes a duplicative amendment made during the 2003 session and allows the revisor to remove the note containing the amendatory language. The later amendment to Minnesota Statutes, section 473.123 in Laws 2003, First Special Session chapter 16, sections 9 and 10, created new Metropolitan Council district boundaries codified as subdivision 3d. The new district boundaries reflected the substance of Laws 2003, chapter 8, section 2, by removing the city of Rockford in Hennepin County from the metropolitan area.

Subd. 3. The section proposed for repeal amends Minnesota Statutes, section 192.501, subdivision 2, relating to tuition and textbook reimbursement grants to National Guard members. That section was also

amended in the same legislative session in Laws 2004, chapter 256, article 1, section 3. Because the two amendments could not be merged editorially, the later chapter 256 amendment was printed in the main text and the chapter 219 amendment was printed as a note. The two amendments have virtually the same substance. This repealer allows the revisor to remove the note containing the amendatory language from the earlier act.

Subd. 4. The section proposed for repeal added Minnesota Statutes, section 151.214, relating to disclosure of pharmacy co-payment amounts. That section was also added in the same legislative session in Laws 2004, chapter 268, section 13. Because the two sections could not be merged editorially, the chapter 268 amendment was printed in the main text and the chapter 288 amendment was printed as a note. The only difference between the two was the use of the word "purchaser" instead of "patient." This repealer repeals the earlier law and allows the revisor to remove the note containing the amendatory language.

Subd. 5. This subdivision repeals obsolete rules of the Department of Veterans Affairs. Minnesota Rules, part 9055.0125, concerning bonuses for World War II merchant mariners is no longer needed because the application period for those bonuses expired on December 31, 1995, and the department may not accept any further applications.

Parts 9055.0500 to 9055.0610 concerning the County Veterans Service Officer Grant Program are no longer needed because the legislature approved a new method of making those grants that has eliminated the need for counties to apply for the grants.

Subd. 6. This amendment repeals obsolete Peace Officer Standards and Training Board rules. Minnesota Rules, part 6700.0100, subpart 14, is a definition of first aid course that has been superseded by another definition. Minnesota Rules, part 6700.1300 provides a system for part-time peace officers to transition to full-time peace officers. This rule has not been used in over 20 years because its requirements that a "compelling need" be demonstrated sets out standards that are too onerous for appointing authorities to meet.

## ARTICLE 2

### OBSOLETE CONSTABLE AND MARSHAL PROVISIONS

Explanation. Constables and state marshals once performed peace officer and other minor governmental functions, but no longer are in existence. Sections which refer to constables and marshals and obsolete constable or marshal duties are repealed. In most sections a revisor instruction requires removal of references to constables, deputy constables, marshals, and statutory city marshals leaving in references to peace officers and other governmental officials. In some cases where a statute authorizes the appointment of peace officers with the same duties as constables, the entire statute was repealed.

## ARTICLE 3

### UPDATING AND CONFORMING FINES

Explanation. The current two-tiered criminal penalty structure (gross misdemeanor and misdemeanor offenses) dates back to 1913. At that time, a "gross misdemeanor" constituted an offense with a maximum term of incarceration of one year (the same as current law), and a "misdemeanor" offense was subject to a maximum term of incarceration of three months (the same as current law). The only difference between the nonfelony offenses of 1913 and the offenses of today is the maximum fine level.

The legislature intends a two-tiered incarcerative-monetary penalty structure. Minnesota Statutes, section 609.033, provides that all misdemeanor monetary penalties in the statutes on or after August 1, 2000, shall be deemed to provide for a maximum fine of \$1,000. Minnesota Statutes, section 609.0341, subdivision 1,

provides that all gross misdemeanor penalties in the statutes on or after August 1, 1983, shall be deemed to provide for a maximum fine of \$3,000.

In Laws 2004, chapter 228, article 1, section 72, a revisor's instruction directed the revisor to implement the two-tiered monetary penalty codified in sections 609.033 and 609.0341. Most of the sections were changed under the revisor's instruction, changing misdemeanor fines from \$700 to \$1,000 and gross misdemeanor fines from \$1,000 to \$3,000.

This article implements the provisions in the 2004 revisor's bill that instructs the revisor to prepare a bill further correcting statutory penalty provisions.

#### ARTICLE 4

#### GUARDIANSHIP AND CONSERVATORSHIP

Explanation. The Uniform Guardianship and Protective Proceedings Act was enacted by Laws 2003, chapter 12, and codified in the Uniform Probate Code as Minnesota Statutes, sections 524.5-101 to 524.5-502. The concepts of guardianships and conservatorships "of the estate" or "of the person" were eliminated, leaving simply "guardians" and "conservators." This article deletes the obsolete concepts from sections of Minnesota Statutes in which they still appear and corrects obsolete cross-references to guardianship and conservatorship provisions in Minnesota Statutes and Minnesota Rules.

#### ARTICLE 5

#### RETIREMENT PROVISIONS

Section 1. Explanation. This section amends Minnesota Statutes, section 353.01, subdivision 2, to include full-time employees of the Dakota County Agricultural Society in the definition of public employees. This section and the repealer in section 5 allow the revisor to eliminate a note that included the provision. The note was needed because the section was amended two times in the same legislative session and the amendments could not be merged editorially.

Sec. 2. Explanation. This amendment corrects a reference to a section that was repealed.

Sec. 3. Explanation. This amendment corrects two references to sections that have been repealed.

Sec. 4. Explanation. This amendment corrects several references to a section that was repealed.

Sec. 5. Explanation. This section repeals the section that contained the language with the conflict referred to in section 1.