

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3163

DATE: April 1, 2002

Version: Third Engrossment

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Subject: Revisor's Bill

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Overview

The following material is the substance of a memorandum of explanation of the bill provided by Carla Riehle, senior assistant revisor of statutes.

Section

Article 1

General

-212 **Explanation.** Correct an erroneous reference.

3 **Explanation.** Updates and corrects the range reference in this section that catalogs certain data practices.

-545 **Explanation.** Correct an erroneous cross reference.

6 **Explanation.** Laws 2001, chapter 63, repealed much of the state regulation of the State Fund Mutual Insurance Company. The regulation of bonus payments for specific public

or nonprofit corporations created by law is being revised to remove the reference to this entity.

7 **Explanation.** In Laws 2001, First special session, chapter 10, article 2, section 22, this subdivision was inadvertently attached to section 16A.1286, a section relating to the statewide systems account, instead of to section 16A.151, relating to money received as proceeds of litigation or settlement. This amendment and the amendment in section 105, paragraph (a), correct the error.

8 **Explanation.** Corrects an erroneous reference to a penalty. Laws 1988, chapter 366, changed section 16D.11 from collection "penalties" to collection "costs." These references to penalty were inadvertently omitted.

- 9-10 **Explanation.** Correct incorrect references.
- 11 **Explanation.** Section 31.185 was repealed by Laws 2001, first special session, chapter 2, section 162, making the reference in this section obsolete.
- 12 **Explanation.** Section 32.532 was repealed by Laws 2001, first special session, chapter 2, section 162, making the reference in this section obsolete. The current end of the range reference is section 32.486.
- 13 **Explanation.** Corrects an erroneous reference.
- 14-16 **Explanation.** Eliminates a reference to a limitation that was repealed in Laws 2000, chapter 477, section 53; and Laws 2000, chapter 488, article 3, section 12.
- 17 **Explanation.** This amendment corrects an obsolete reference. The department of trade and economic development is the successor to the Minnesota energy and economic development authority.
- 18-23 **Explanation.** Correct incorrect cross-references to the statutory provisions regulating insurance producers.
- 24 **Explanation.** Corrects an erroneous cross-reference.
- 25 **Explanation.** Corrects an incorrect cross-reference to the statutory provisions regulating insurance producers.
- 26 **Explanation.** Corrects an erroneous reference. The correct reference is to the provisions of the Minnesota Life and Health Guaranty Association Act, sections 61B.18 to 61B.32.
- 27 **Explanation.** These sections, relating to the forest resources council, were repealed on July 1, 1996, in uncoded provisions of law, in Laws 1995, chapter 220, sections 141 and 142. The repealer date was extended three times in subsequent session laws and reflected in Minnesota Statutes in editorial notes. The repealer is being coded here to make it easier for users to find and will allow the revisor to remove the editorial notes.
- 28 **Explanation.** Subdivision 4, referred to in this section, provided a process for the commissioner of administration to acquire sites for hazardous waste facilities. The subdivision was repealed as obsolete. This amendment clarifies the reference so that the commissioner can use the procedures described in the repealed subdivision.
- 29 **Explanation.** Deletes bonding authorization for acquisition of sites for hazardous waste facilities. The authorization to acquire such facilities was removed by the repeal of section 115A.06, subdivision 4.
- 30 **Explanation.** The legislative commission on waste management no longer exists. The reports formerly required to be submitted to it are now submitted to the indicated legislative committees.
- 31 **Explanation.** Corrects a reference to a list renumbered in section 115B.20, subdivision 2.
- 333233 **Explanation.** The legislative commission on waste management no longer exists.
- 34-35 **Explanation.** The position of the director of tourism has been changed to the deputy commissioner of the office of tourism.
- 36 **Explanation.** Corrects an erroneous reference.
- 37-38 **Explanation.** Section 119A.23 was repealed by Laws 2001, First special session, chapter 3, article 2, section 18, making the reference in this section obsolete. The current range reference ends at section 119A.22.
- 39 **Explanation.** This amendment corrects the parenting time center match requirement to correspond with other sections of law.
- 40 **Explanation.** Section 144.9506 was repealed by Laws 2001, chapter 205, article 1, section

43, making the reference in this section obsolete.

41 **Explanation.** The duties for the licensing of school administrators were transferred from the commissioner of children, families, and learning to the board of school administrators in the 2001 legislative session. This subdivision was inadvertently omitted when a similar language change was made in Minnesota Statutes, section 122A.20, subdivision 2.

42 **Explanation.** This amendment corrects an oversight regarding calculation of basic skills revenue. The calculation applies to fiscal year 2003 and later.

43 **Explanation.** This amendment corrects a reference to the district equity gap.

44 **Explanation.** Corrects an erroneous cross reference.

45 **Explanation.** Corrects an erroneous reference.

46 **Explanation.** Laws 1995, chapter 207, article 9, section 24, transferred responsibility of paying longevity awards from the commissioner of health to the emergency medical services regulatory board. This amendment corrects a reference to reflect the transfer of responsibility.

47 **Explanation.** Corrects an erroneous reference.

48 **Explanation.** Corrects an erroneous reference that was overlooked in an amendment to this section in 2001.

49 **Explanation.** The board of boxing has been abolished and the regulation of boxing transferred to the commissioner of health.

50 **Explanation.** Clarifies when large municipal utilities must offer their customers a budget billing plan.

51 **Explanation.** Corrects the grammatical structure and clarifies the meaning of paragraph (b).

52 **Explanation.** Corrects an erroneous reference. Section 216B.2425 creates an electricity transmission planning process that utilizes the decision criteria for a certificate of need. The stricken reference is to an irrelevant provision that governs ownership of an energy conservation improvement.

53 **Explanation.** Sections 219.741 and 219.85 were repealed by Laws 2001, chapter 213, section 31, making the references in this section obsolete.

54 **Explanation.** When the transportation regulation board was abolished, the authority of this subdivision was transferred to the commissioner of transportation.

55 **Explanation.** Replaces range references to repealed sections with the correct section references.

-575657 **Explanation.** Corrects an erroneous cross-reference.

58 **Explanation.** Corrects an erroneous reference to make it more specific.

59 **Explanation.** Removes an obsolete reference. Section 270.70, subdivision 9, was repealed in Laws 1995, chapter 264, article 13, section 23.

60 **Explanation.** Corrects an erroneous reference. Section 3.98 does not impose duties on the legislative auditor.

61 **Explanation.** Deletes an erroneous reference. The reference is to a proposed local option tax that was not enacted.

62 **Explanation.** Corrects an erroneous reference. Section 275.74 is divided into subdivisions, not paragraphs.

63 **Explanation.** Corrects an erroneous reference. Laws 2001, first special session, chapter 5, article 3, section 92, repealed section 273.1382, the education credit. That section was replaced with a new market value homestead credit, Laws 2001, first special session chapter

5, article 3, section 37.

- 64 **Explanation.** Corrects a typographical error.
- 65 **Explanation.** Corrects an incomplete reference.
- 66 **Explanation.** Laws 2001, chapter 63, repealed much of the state regulation of the State Fund Mutual Insurance Company. For purposes of insurance taxes, it will be taxed as a mutual insurance company. The specific reference to this entity is no longer necessary.
- 686768 **Explanation.** Correct a reference to a citation corrected in section 62.
- 69 **Explanation.** In Laws 1981, chapter 106, section 6, the legislature abolished that portion of section 299F.21, that had provided for the costs of the state fire marshal's office to be paid from a tax on fire insurance premiums. Subsequently, the entire section 299F.21 was repealed in Laws 2000, chapter 394, article 2, section 28. Thus the reference in this section is obsolete, as well as some of its language.
- 70 **Explanation.** Corrects references to remove a section of statutes repealed by Laws 2001, chapter 57, which recodified various agricultural lien laws.
- 71 **Explanation.** Corrects an incorrect reference to the state lottery.
- 72 **Explanation.** This section referred to judgment bonds issued to fund a judgment rendered against the state that has now been paid off. This language is now obsolete.
- 73 **Explanation.** Corrects an incorrect reference to the state lottery.
- 74 **Explanation.** Corrects a typographical error.
- 75 **Explanation.** Corrects an erroneous reference. Section 376.03 has been repealed.
- 76 **Explanation.** Corrects an erroneous reference.
- 77 **Explanation.** Corrects an obsolete reference. The department of trade and economic development is the successor to the Minnesota energy and economic development authority.
- 807880 **Explanation.** Corrects a reference to the section repealed in section 105, paragraph (d).
- 81-83 **Explanation.** This amendment corrects an erroneous reference and makes the name of the sanitary board consistent throughout chapter 458D.
- 84-91 **Explanation.** Correct an obsolete reference. The department of trade and economic development is the successor to the Minnesota energy and economic development authority.
- 92 **Explanation.** Corrects a typographical error.
- 93 **Explanation.** Corrects an erroneous reference. The proper reference is to section 501B.705, not section 501B.70, which was repealed in 2001.
- 94 **Explanation.** Sections 501B.66 and 501B.70 were repealed by Laws 2001, chapter 15, section 14, making the references in this section obsolete. Section 501B.66 was replaced by new section 501B.665, so the appropriate new references are to section 501B.665. There was no apparent replacement for the repealed section 501B.70, so the references should be eliminated.
- 969596 **Explanation.** Correct references to remove sections of statutes repealed by Laws 2001, chapter 57, which recodified various agricultural lien laws.
- 97-99 **Explanation.** Section 524.2-603 was repealed by Laws 2001, chapter 15, section 14, making the reference in this section obsolete. The section was replaced by section 524.2-6031, which is now the correct reference.
- 100 **Explanation.** Section 559.2091 was repealed by Laws 2001, chapter 57, section 7, making the reference in this section obsolete.
- 101 **Explanation.** This amendment replaces a reference to a repealed chapter with the chapter

that replaces it.

- **Explanation.** Correct erroneous references.

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104-105 **Explanation.** The stricken language in this section repeals provisions relating to the forest resources council, on June 30, 2007. The repealer is coded as section 89A.11 in section 27 to make it easier for users to find.

106 **Explanation.** Minnesota Statutes, section 336.9-5291 was recoded as Minnesota Statutes, section 336.9-531. This internal reference is being changed to reflect this coding change.

107 **Explanation.** Corrects a grammatical error.

108 **Explanation.** Corrects an oversight that occurred in the extension of the state employee salary savings plan. The plan was created in 1997 to last two years and to provide for unpaid leaves of absences of up to 160 hours every two years. The plan was extended for two years in 1999 and for four years in 2001. The intent of the 2001 amendment was not to change the program but to extend it; however the amendment failed to increase the number of hours to correspond to the two additional years. This amendment corrects the oversight.

109 **Explanation.** The 2001 omnibus health and human services bill was missing a page when it was signed by the governor. Reenactment of the complete act, as passed by the legislature, is proposed to cure this clerical error.

110 **Explanation.** (a) These subdivisions were inadvertently attached to section 16A.1286, a section relating to the statewide systems account, instead of to section 16A.151, relating to money received as proceeds of litigation or settlement. This amendment and the amendments in sections 7 and 8 correct the error.

(b) Authorizes municipalities receiving financial assistance under section 116.162, for combined sewer overflow to exercise certain authorities. Section 116.162 was repealed December 31, 2000, making this section meaningless.

(c) The transportation regulation board was abolished. Thus, this section is now obsolete.

(d) Section 437.11, relating to itinerant carnival licenses in cities of the third and fourth class, is obsolete because the itinerant carnival statute referenced in the law was repealed by Laws 2001, chapter 20, section 1.

(e) Relates to the provisions of financial expertise by the housing finance agency. The names and duties of the agencies named in this section have been changed or transferred under Laws 1983, chapter 289, sections 115 and 116; Laws 1987, chapter 312, article 1, section 26; and Laws 1987, chapter 386, article 9, section 9. This section is now obsolete.

(f) A definition section that no longer applies to anything due to the recodification of agricultural lien laws under Laws 2001, chapter 57.

(g) Amended section 268.6751, subdivision 1, relating to wage subsidies which was also amended in a conflicting manner in the same legislative session in Laws 1997, chapter 200, article 3, section 15. The chapter 200 amendment was printed in the main text and the chapter 85 amendment was printed as a note. The entire section was repealed in Laws 2001, chapter 79, section 8. The repeal was printed in the main text and the 1997 amendment remained as a note. The 1997 amendment in the note was not substantive and this repealer allows the revisor to remove the note containing the amendatory language.

(h) Amended section 256J.11, subdivision 2, relating to food stamps for immigrants. That subdivision was also amended in the same legislative session in Laws 1999, chapter 245, article 6, section 14. Because the two amendments could not be merged editorially, the chapter 245 amendment was printed in the main text and the chapter 159 amendment was

printed as a note. The chapter 159 amendment was a nonsubstantive, conforming amendment. This repealer allows the revisor to remove the note.

(i) Amended section 296A.18, subdivision 3, relating to the consumption of gasoline in snowmobiles. That section was also amended in the same legislative session in Laws 1999, chapter 238, article 2, section 68. Because the two amendments could not be merged editorially, the chapter 238 amendment was printed in the main text and the chapter 231 amendment was printed as a note. Subdivision 3 was later amended in Laws 2001, First Special Session chapter 8, article 2, section 62, to be identical with the language in the note. This repealer allows the revisor to remove the note containing the identical language.

(j) Amended section 16B.181, subdivision 2, relating to a task force on purchases from corrections industries. That section was also amended in the same legislative session in Laws 2001, chapter 210, section 1. Because the two amendments could not be merged editorially, the chapter 210 amendment was printed in the main text and the chapter 161 amendment was printed as a note. The two amendments said the same thing using slightly different language. This repealer allows the revisor to remove the note.

(k) Amended section 16B.32, subdivision 2, relating to energy conservation goals. That section was also amended in two other bills in the same legislative session. Two of the amendments were merged editorially; the earliest enacted amendment, extending the expiration of the subdivision to January 1, 2006, conflicted with a provision in another amendment that removed the expiration provision. Because these amendments could not be merged, the earlier enacted amendment containing the extension was printed as a note. Under Minnesota Statutes, section 645.33, the later enacted amendment supersedes the earlier enacted amendment. This repeal will remove the earlier amendment and the revisor can remove the note containing the conflicting language.

(l) Amended section 93.002, subdivision 1, relating to the mineral coordinating committee by extending the expiration date of the committee by two years. That section was repealed in the regular legislative session in Laws 2001, chapter 161, section 58. The repeal was printed in the main text and the amendment was printed as a note. This repealer allows the revisor to remove the note containing the amendatory language.

(m) Section 357.021, subdivision 6, relating to surcharges on criminal and traffic offenders, was amended by Laws 2001, First special session, chapter 8, article 7, section 1, and First special session chapter 9, article 18, section 15. The chapter 9 amendment, the latest in final enactment, prevails over the chapter 8 amendment under Minnesota Statutes, section 645.26, subdivision 3. The chapter 9 amendment was printed in the main text and the chapter 8 amendment was printed as a note. This repealer allows the revisor to remove the note containing the chapter 8 amendatory language.

(n) This rule part contains obsolete fees for the board of marriage and family therapy. It has been superseded by the authority given to the board by Laws 2001, first special session, chapter 9, article 17, section 5.

Article 2

Conforming Amendments Harmful Substance Compensation Board Transfer

- 1 **Explanation.** The amendments in this article correct references to the harmful substance compensation board and account which were abolished in 1995 by Laws 1995, chapter 220. In that act, the board's duties were transferred to the pollution control agency and the name of the account changed to 13.35, the environmental response, compensation, and compliance account.