

HOUSE RESEARCH

Bill Summary

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Overview

This summary consists of the memorandum of explanation prepared for the bill by the Revisor of Statutes.

ARTICLE 1

GENERAL PROVISIONS

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- 1** **Explanation.** This section corrects a reference to the Minnesota Insurance Guaranty Association.
- 2** **Explanation.** This section corrects a reference to the Minnesota Insurance Guaranty Association.
- 3** **Explanation.** Neither the department nor the commissioner of commerce has any duties or responsibilities relating to social or charitable organizations (chapter 309) since the enactment of Laws 1993, chapter 192, section 86.
- 4** **Explanation.** United States Code, title 45, section 228b(a)5, was omitted from federal law under the Railroad Retirement Act of 1974, Public Law 93-445. The section was restated under United States Code, title 45, section 231a(a)(1)(v).
- 5** **Explanation.** This amendment corrects an erroneous reference. The Office of Enterprise Technology is no longer part of the Department of Administration.
- 6** **Explanation.** This amendment corrects a typographical error.
- 7** **Explanation.** The Public Utilities Commission has not had jurisdiction over motor carriers

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for many years. This change reflects the actual authority for proratable registration in Minnesota.

- 8 **Explanation.** This amendment corrects an oversight in Laws 2005, First Special Session chapter 6, article 2, section 26, subdivision 2. The amendment lengthened the period of years allowing a corporation to act as a deputy registrar in the first sentence of paragraph (g) but neglected to make the necessary change to parallel provisions later in the same paragraph. This change removes the resulting conflict in the law and corrects the oversight.
- 9 **Explanation.** This amendment clarifies that the term "authorized emergency vehicle" includes tow trucks and does not inadvertently exclude police, fire department, and other emergency vehicles listed and described in the term's definition.
- 10 **Explanation.** This change is the same as amendments made to similar language in Minnesota Statutes, sections 169.01, subdivision 75; and 171.01, subdivision 2, in Laws 2005, First Special Session chapter 6, article 3, sections 36 and 55, to conform the definition of "commercial motor vehicle" to federal regulations.
- 11 **Explanation.** This amendment corrects erroneous terminology.
- 12 **Explanation.** This amendment corrects an omitted reference in terminology.
- 13 **Explanation.** Laws 1997, chapter 239, article 10, sections 2 to 26, was a pilot program in the 4th judicial district involving domestic abuse perpetrated by a minor. Originally the program was intended for the period June 1, 1998, through July 31, 1999; Laws 1998, chapter 367, article 5, section 11, extended the program through July 31, 2000. There have been no further extensions of the pilot program. The definition of child in need of protection services (CHIPS) was amended to include this program in Minnesota Statutes, section 260C.007, subdivision 6, clause (16), (Laws 1997, chapter 239, article 11, section 1). The proposed amendment allows the revisor to remove an obsolete clause from the CHIPS definition in Minnesota Statutes, section 260C.007.
- 14 **Explanation.** This correction was requested by the Department of Revenue. The phrase "by owner" creates confusion and is not relevant to the purpose of the section.
- 15 **Explanation.** Laws 2005, chapter 136, article 11, section 18, paragraph (a), repealed Minnesota Statutes, sections 299A.64, 299A.65, and 299A.66, the law establishing a Criminal Gang Council and Strike Force. Laws 2005, chapter 136, article 11, section 4, codified as Minnesota Statutes, section 299A.641, established the Gang and Drug Oversight Council as its successor agency. The proposed amendment corrects an erroneous reference.
- 16 **Explanation.** Laws 2005, chapter 136, article 11, section 18, paragraph (a), repealed the law governing the Criminal Gang Council and Strike Force and replaced the law with Minnesota Statutes, section 299A.641, establishing a Gang and Drug Oversight Council. This amendment changes the reference requiring development of identifying characteristics of gang membership to Minnesota Statutes, section 299A.641, subdivision 3, clause (7).
- 17 **Explanation.** This section amends section 325E.61, subdivision 5, by defining a term through a reference to definitions in the section, in order to preserve the definition when the subdivision is recodified into chapter 13, data practices, as provided for in section 24.
- 18 **Explanation.** This section corrects a reference to the Minnesota Insurance Guaranty Association.
- 19 **Explanation.** This amendment corrects a typographical error.
- 20 **Explanation.** This amendment corrects an erroneous reference.
- 21 **Explanation.** The rider language for the indicated programs was placed in the wrong subdivision in the bill. The summary by fund for each subdivision reflects the correct placement of the program appropriations.

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- 22** **Explanation.** Minnesota Statutes, section 17.451, subdivision 2, defining farmed cervidae, was repealed in Laws 2005, First Special Session chapter 1, article 1, section 98, and replaced by Minnesota Statutes, section 35.153, subdivision 3.
- 23** **Explanation.** This revisor instruction will correct terminology to conform to changes made in Laws 2005, First Special Session chapter 6.
- 24** **Explanation.** This section recodifies section 325E.61, subdivision 5, from a chapter unrelated to its subject to a chapter that deals directly with its subject. The subdivision has been amended in section 17 to preserve the definition of a key term.
- 25** **Explanation.** This revisor instruction corrects erroneous references.
- 26** **Explanation.**

Subdivision 1. Section 155A.03, subdivision 11, is a definition of the Minnesota Cosmetology Advisory Council repealed by Laws 2005, chapter 27, section 10.

Subd. 2. The Pipeline Advisory Committee established in 1998 and codified as Minnesota Statutes, section 299J.061, has expired in accordance with Minnesota Statutes, section 15.059, subdivision 5, and, according to the Department of Public Safety, the committee no longer exists.

Subd. 3. The term "department" is not used in Minnesota Statutes, sections 309.50 to 309.61, and neither the department nor the commissioner of commerce has any duties or responsibilities relating to social or charitable organizations since the enactment of Laws 1993, chapter 192, section 86.

Subd. 4. Section 326.991, subdivision 2, referred to a program in section 326.991, subdivision 1, which has expired. The subdivision is now meaningless.

Subd. 5. This section deletes prospective amendments to Minnesota Statutes, section 297A.64, subdivisions 3 and 4, that removed references to Minnesota Statutes, section 297A.64, subdivision 1, which was prospectively repealed. Because of an amendment by Laws 2005, First Special Session chapter 3, article 5, section 33, the prospective repeal of subdivision 1 never took effect. Therefore, the references to subdivision 1 should remain in effect.

Subd. 6. Minnesota Statutes 2004, section 299C.65, subdivision 2, was amended by Laws 2005, chapter 136, article 11, section 13, and Laws 2005, chapter 156, article 5, section 20. Laws 2005, chapter 136, the public safety omnibus bill, made several changes to the membership of the Criminal and Juvenile Justice Policy Group, including striking paragraph (b), clause (15), which designated the commissioner of administration or a designee as a member of the task force created to assist the policy group. Laws 2005, chapter 156, article 5, section 20, amended paragraph (b), clause (15), and changed the task force membership from the commissioner of administration to the state chief information officer, an addition for purposes of the newly created Office of Enterprise Technology, in Laws 2005, chapter 156, article 5. The Laws 2005, chapters 136 and 156 amendments to Minnesota Statutes 2004, section 299C.65, subdivision 2, paragraph (b), clause (15), striking and adding new language, created an editorial conflict. The Laws 2005, chapter 136, amendments were printed in the main text and the Laws 2005, chapter 156, amendment was printed as a note. This repealer allows the revisor to remove the note containing the amendatory language. The CriMNet program administrator plans to add the state

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chief information officer to the task force in a technical bill in the 2006 legislative session.

Subd. 7. Laws 2005, First Special Session chapter 4, article 5, section 14, amended Minnesota Statutes, section 256M.40, subdivision 2, relating to state children and community services grant allocation. That subdivision was also repealed in the same legislative session in Laws 2005, First Special Session chapter 4, article 3, section 20. The repeal was printed in the main text and the amendment, now obsolete, was printed as a note. This repealer allows the revisor to remove the note containing the amendatory language.

ARTICLE 2

DATA PRACTICES

- 1 1 **Explanation.** Sections 1 to 3 update statutory references in Minnesota Statutes, chapter 13, under Laws 1999, chapter 227, section 22, to newly enacted data practice laws codified outside chapter 13.

ARTICLE 3

CROSS-REFERENCES

- 1 1 **Explanation.** This amendment corrects an erroneous reference.
- 2 **Explanation.** Minnesota Statutes, section 62D.043, was repealed by Laws 2004, chapter 285, article 3, section 11, making the reference in this section obsolete.
- 3 **Explanation.** Minnesota Statutes, section 62E.03, was repealed by Laws 2005, chapter 132, section 38, making the reference in this section obsolete.
- 4 **Explanation.** This amendment corrects an erroneous reference. Laws 2004, chapter 279, article 9, section 1, struck the old language in paragraph (e).
- 5 **Explanation.** This amendment corrects an erroneous reference.
- 6 **Explanation.** This amendment corrects an obsolete reference. Section 103F.225 expired June 30, 2004.
- 7 **Explanation.** This amendment corrects an erroneous reference. Section 473.156 was repealed by Laws 2005, First Special Session chapter 1, article 2, section 162, and replaced with a new section 473.1565 dealing with the same subject.
- 8 **Explanation.** This amendment corrects an erroneous reference.
- 9 **Explanation.** This amendment corrects an obsolete reference. Section 116J.573, setting out criteria for accounts and projects, was repealed in 2005.
- 10 **Explanation.** This amendment corrects an erroneous reference resulting from renumbering items in Laws 2005, chapter 23, section 1.
- 11 **Explanation.** Minnesota Rules, chapter 4666, was repealed by Laws 2000, chapter 361, section 24, making the reference in this section obsolete.
- 12 **Explanation.** This amendment corrects an erroneous reference. Section 144.601 does not exist.
- 13 **Explanation.** Minnesota Statutes, section 145A.13, expired January 1, 2004, according to Laws 2003, First Special Session chapter 14, article 8, section 27, making the reference in

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this section obsolete.

- 14 **Explanation.** This amendment corrects an erroneous reference. Law relating to the Board of Social Work is now found in Minnesota Statutes, chapter 148D.
- 15 **Explanation.** This amendment corrects an erroneous range reference.
- 16 **Explanation.** Minnesota Statutes, section 237.65, expired December 31, 2004, under Laws 1999, chapter 224, section 7, as amended by Laws 2004, chapter 261, article 6, section 3, making the reference in this section obsolete.
- 17 **Explanation.** This amendment corrects an erroneous reference.
- 18 **Explanation.** This amendment corrects an erroneous reference to a repealed section.
- 19 **Explanation.** Minnesota Statutes, section 256.9731, was repealed by Laws 2002, chapter 220, article 16, section 3, making the reference in this section obsolete.
- 20 **Explanation.** This amendment corrects an erroneous reference.
- 21 **Explanation.** This amendment corrects an erroneous reference.
- 22 **Explanation.** This amendment corrects an erroneous reference.
- 23 **Explanation.** Minnesota Statutes, section 274.04, was repealed by Laws 2003, chapter 127, article 5, section 50; and Minnesota Statutes, section 274.05, was repealed by Laws 2005, chapter 151, article 5, section 46, making the references to these sections obsolete.
- 24 **Explanation.** This amendment corrects an erroneous reference.
- 25 **Explanation.** This amendment corrects an erroneous reference.
- 26 **Explanation.** This amendment corrects an erroneous reference. Section 290.48, subdivisions 3 and 4, were repealed by Laws 2005, chapter 151, article 1, section 117, and recodified as section 270C.36 by Laws 2005, chapter 151, article 1, section 42.
- 27 **Explanation.** This amendment deletes obsolete references to repealed provisions.
- 28 **Explanation.** Minnesota Statutes, section 296A.25, relating to administrative appeals, was repealed in Laws 2005, chapter 151, article 1, section 117, and replaced by Minnesota Statutes, section 270C.35.
- 29 **Explanation.** This amendment corrects an erroneous reference to a repealed section.
- 30 **Explanation.** Minnesota Statutes, chapter 168C, relating to bicycle registration, was repealed in Laws 2005, First Special Session chapter 6, article 2, section 48. The reference to Minnesota Statutes, section 168C.11, is no longer valid.
- 31 **Explanation.** This amendment corrects an erroneous reference to a repealed section.
- 32 **Explanation.** This amendment corrects an erroneous reference to a repealed section.
- 33 **Explanation.** Minnesota Statutes, section 353.36, subdivision 2a, was repealed by Laws 2005, First Special Session chapter 8, article 10, section 81, making the reference in Minnesota Statutes, section 353.27, subdivision 9, obsolete.
- 34 **Explanation.** Minnesota Statutes, section 353.36, subdivision 2, was repealed by Laws 2005, First Special Session chapter 8, article 10, section 81, making the reference in Minnesota Statutes, section 353.33, subdivision 1, obsolete.
- 35 **Explanation.** Minnesota Statutes, section 353.36, subdivision 2, was repealed by Laws 2005, First Special Session chapter 8, article 10, section 81, making the reference in Minnesota Statutes, section 353.656, subdivision 8, obsolete.
- 36 **Explanation.** Minnesota Statutes, section 356.55, was repealed by Laws 2003, First Special Session chapter 12, article 6, section 1, making the reference in Minnesota Statutes, section 354.05, subdivision 13, obsolete.
- 37 **Explanation.** This amendment corrects an erroneous reference. Minnesota Statutes, chapter 260A, providing truancy programs and procedures, was enacted in Laws 1995, chapter 226, article 3. The Juvenile Court Act, Minnesota Statutes, chapter 260, was recodified into

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Minnesota Statutes, chapters 260, 260B, and 260C, by Laws 1999, chapter 139. The reference in Minnesota Statutes 2005 Supplement, section 357.021, subdivision 1a, paragraph (c), clause (5), should be to all of these chapters.

38 **Explanation.** This amendment removes an obsolete reference. Minnesota Statutes, section 580.16, was repealed by Laws 2005, chapter 4, section 153.

39 **Explanation.** Minnesota Statutes, section 144A.48, was repealed by Laws 2002, chapter 252, section 25, making the reference in this section obsolete.

40 **Explanation.** Minnesota Rules, part 7045.0304, was repealed at State Register, volume 16, page 2102, making the reference in this section obsolete.

41 **Explanation.** The proposed amendment corrects an erroneous reference. Laws 2003, chapter 12, article 2, section 8, repealed the old guardianship and conservatorship law, and Laws 2003, chapter 12, article 1, sections 1 to 73, enacted the Uniform Guardianship and Protective Proceedings Act, sections 524.5-101 to 524.5-502. Section 524.5-313 governing powers and duties of guardians is the appropriate new reference.

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

43 **Explanation.** This amendment corrects an erroneous reference.