

# HOUSE RESEARCH

## Bill Summary

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### Overview

The Revisor's Bill corrects erroneous, ambiguous, and omitted text and obsolete references, and makes other technical corrections to the Minnesota Statutes. This summary consists of the memorandum of explanation prepared for the bill by the Revisor of Statutes.

### Article 1

### General Provisions

#### Section

- 1** **Explanation.** This amendment provides a more accurate and complete reference to the appointing body.
- 2** **Explanation.** This subdivision referred to the Minneapolis Teachers Retirement Fund Association, which was merged into the Teachers Retirement Association by Laws 2006, chapter 277. This amendment removes the obsolete reference.
- 3** **Explanation.** Pursuant to Laws 1999, chapter 227, section 22, this section creates a cross-reference for Minnesota Statutes, section 609.3751, subdivision 5, relating to the classification of discharge and dismissal records, in Minnesota Statutes, chapter 13, the government data practices chapter.
- 4** **Explanation.** This amendment provides a reference to a session law citation that provides for an exception to the general law regarding the sale of liquor on or within one-half mile of

## Section

the State Fairgrounds.

- 5 **Explanation.** This amendment corrects a road name.
- 6 **Explanation.** Minnesota Statutes, section 103B.321, subdivision 3, was repealed by Laws 2003, chapter 128, article 1, section 176, making the reference in this section obsolete.
- 7 **Explanation.** The Legislative Commission on Waste Management was repealed by Laws 1996, chapter 310, section 1, making the reference in this section obsolete.
- 8 **Explanation.** Minnesota Statutes, section 115A.9157, subdivision 4, relating to battery management pilot projects is repealed in article 2, section 7, of this act. The reference to Minnesota Statutes, section 115A.9157, subdivision 4, is still valid but should be made specific to the subdivision as it existed before September 20, 1995.
- 9 **Explanation.** The stricken language mandated action to be taken by January 1, 1990, and is obsolete.
- 10 **Explanation.** Laws 2005, First Special Session chapter 1, article 4, section 25, removed the chair of the governor's Workforce Development Council from the Minnesota Job Skills Partnership Board, resulting in a total of 12 members on the board. Minnesota Statutes, section 116L.03, subdivision 1, still refers to a total of 13 members on the board. This amendment simply corrects the discrepancy.
- 11 **Explanation.** The amendment removes redundant language.
- 12 **Explanation.** This amendment corrects an error made when the language was drafted. The correct phrase is "limited market value."
- 13 **Explanation.** This amendment corrects an erroneous reference. Laws 2005, chapter 156, article 5, section 22, transferred the responsibility for state telecommunications systems from the Department of Administration to the Office of Enterprise Technology, with funding from the enterprise technology revolving fund under section 18 of that article.
- 14 **Explanation.** This amendment provides a reference to a session law citation that provides for an exception to the general law regarding the sale of liquor on or within one-half mile of the State Fairgrounds.
- 15 **Explanation.** This amendment eliminates an obsolete term. Laws 2005, chapter 10, article 2, section 4, directed the revisor of statutes to eliminate "constable" and other obsolete terms in specified sections but failed to include the reference in Minnesota Statutes, section 347.06.
- 16 **Explanation.** This amendment corrects an error made when the language was originally drafted. The amendment makes the sentence logical and similar to the last paragraphs of other subdivisions in the section.
- 17 **Explanation.** The Crime Victim and Witness Advisory Council has expired. The proposed amendment removes obsolete language.
- 18 **Explanation.** The Crime Victim and Witness Advisory Council has expired. The proposed amendment removes obsolete language.
- 19 **Explanation.** Paragraph (b) of this revisor instruction could not be applied, as it failed to specify what terms should replace the stricken terms. Regulation of unlicensed mental health practitioners and the Office of Unlicensed Mental Health Practice is part of a transition plan to be developed by the commissioner of health in consultation with the executive directors of the health-related licensing boards under Laws 2004, chapter 279, article 5, section 11.
- 20 **Explanation.** This amendment repeals a subdivision containing cross-references in chapter 13, Data Practices, that will be rendered obsolete by the repeal of Minnesota Statutes, sections 148B.60 to 148B.71, on July 1, 2009.

## Section

- 21** **Explanation.** This amendment corrects an erroneous date. There is no general election before January 1, 2008. The first general election is in November 2008.
- 22** **Explanation.** This section corrects a drafting error. The effective date refers to an amendment to Minnesota Statutes, section 297F.09, subdivision 10, which is the cigarette and tobacco products tax, not the sales tax.
- 23** **Explanation.** This section corrects a drafting error. The effective date refers to an amendment to Minnesota Statutes, section 297G.09, subdivision 10, which is a liquor, wine, and malt beverage excise tax, not the sales tax.
- 24** **Explanation.** The revisor's instruction directs the revisor to update obsolete references to federal agencies in the statutes and rules.

## Article 2

### Obsolete and Conflicting Provisions

- 1** **Explanation.** Minnesota Statutes, sections 1.31 and 1.32, creating the Minnesota-Wisconsin Boundary Compact and the Minnesota-Wisconsin Boundary Area Commission, respectively, were repealed by Laws 2003, chapter 128, article 1, section 176. Minnesota Statutes, sections 1.33 to 1.40, are supporting language for the compact and commission and are obsolete.
- 2** **Explanation.** This subdivision referred to a repealed section. The subdivision is now meaningless.
- 3** **Explanation.** The repeal of this subdivision eliminates the rulemaking authority of the commissioner of commerce to adopt rules to administer the annual audit requirement for insurance companies under Minnesota Statutes, section 60A.129, because that requirement was repealed by Laws 1993, chapter 299, section 33. The annual audit requirement was reenacted in 1993 with much more specificity as Minnesota Statutes, section 60A.129, subdivision 3.
- 4** **Explanation.** Minnesota Statutes, section 92.67, subdivision 1a, relating to the sale of land in Horseshoe Bay by July 1, 1998, is now obsolete.
- 5** **Explanation.** Duties of the Office of Environmental Assistance and the director of the office were transferred to the Pollution Control Agency and the commissioner of the Pollution Control Agency by Laws 2005, First Special Session chapter 1, article 2, section 160.
- 6** **Explanation.** By its terms, Minnesota Statutes, section 115A.545, expired August 15, 2005, and is obsolete.
- 7** **Explanation.** This subdivision mandated pilot projects and reports, which were to be completed by October 1, 1995. The subdivision is obsolete.
- 8** **Explanation.** Minnesota Statutes, section 116O.091, subdivision 7, providing for an advisory committee to evaluate Project Outreach activities, expired of its own accord on June 30, 2004. The subdivision is now obsolete.
- 9** **Explanation.** Minnesota Statutes, section 135A.153, subdivision 5, required the Higher Education Center on Violence and Abuse to provide a progress report to the legislature by March 15, 1996. The subdivision is now obsolete.
- 10** **Explanation.** This repeal removes a section that expired July 1, 2005.
- 11** **Explanation.** These subdivisions were temporary provisions authorizing temporary aid for

## Section

court costs in calendar years 2004 and 2005. They are now obsolete.

- 12** **Explanation.** This section repeals special laws relating to the Anoka County coroner that were inadvertently not repealed when the laws relating to coroners and medical examiners were substantially revised in Laws 2006, chapter 260, article 8.
- 13** **Explanation.** This subdivision referred to Minnesota Statutes, section 477A.0132, which was repealed by Laws 2003, First Special Session chapter 21, article 5, section 14, and Laws 2003, First Special Session chapter 21, article 6, section 17. The subdivision is now meaningless.
- 14** **Explanation.** Minnesota Statutes, section 611A.201, subdivision 3, authorized the director for crime victim services to serve as chair of an interagency task force which has now expired. The proposed repeal allows the revisor to remove a no longer relevant subdivision.
- 15** **Explanation.** Laws 2004, chapter 206, section 8, amended Minnesota Statutes, section 116J.01, subdivision 4, relating to the appointment of the director of the Office of Tourism. That subdivision was also repealed in the same legislative session in Laws 2004, chapter 171, section 20, an act transferring tourism functions from the Department of Employment and Economic Development to Explore Minnesota Tourism. The repeal was printed in the main text and the amendment was printed as a note. The amendment was not substantive and this repealer allows the revisor to remove the note containing the amendatory language.
- 16** **Explanation.** Laws 2005, chapter 136, article 3, section 22, amended Minnesota Statutes, section 609.109, subdivision 7, relating to conditional release of sex offenders. This subdivision was also repealed in the same legislative session in Laws 2005, chapter 136, article 2, section 23. The repeal was printed in the main text and the amendment was printed as a note. In chapter 136, article 2, section 21, section 609.3455, subdivisions 6, 7, and 8, containing new provisions relating to conditional release of sex offenders, were enacted. The amendment in chapter 136, article 3, section 22, was minor and those conditional release provisions have been superseded by the new law. The repealer allows the revisor to remove the note containing the amendatory language.
- 17** **Explanation.** Laws 2005, First Special Session chapter 8, article 1, section 23, amended Minnesota Statutes, section 356.611, subdivision 1, relating to limitations on public employee salaries for pension purposes. That subdivision was also repealed in Laws 2005, chapter 169, section 2. 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.
- 18** **Explanation.** Laws 2005, First Special Session chapter 8, article 10, section 6, amended Minnesota Statutes, section 69.773, subdivision 4, relating to relief associations paying monthly service pensions financial requirements. Section 69.773, subdivision 4, was also amended in the same legislative session by Laws 2005, First Special Session chapter 8, article 9, section 6. Because the two amendments could not be merged editorially, the chapter 8, article 9, section 6, amendment was printed in the main text and the chapter 8, article 10, section 6, amendment was printed as a note. The chapter 8, article 10, section 6, amendment was generally a nonsubstantive, conforming amendment. The chapter 8, article 9, section 6, amendment made a more substantive change by adding certain procedural requirements. This repealer allows the revisor to remove the note containing the nonsubstantive, conflicting language.
- 19** **Explanation.** Laws 2006, chapter 236, article 1, section 2, added Minnesota Statutes, section 85.053, subdivision 8, relating to state park permits for military personnel on leave. A similar, but not literally identical, provision was also added in the same legislative session

## Section

by Laws 2006, chapter 273, section 2. Because the two provisions could not be merged editorially, the chapter 273 subdivision was printed in the main text and the chapter 236 subdivision was printed as a note. This repealer allows the revisor to remove the note containing the literal conflict in language.

**20** **Explanation.** Laws 2006, chapter 253, section 5, amended Minnesota Statutes, section 13.87, relating to the classification of criminal justice data, by adding a subdivision that classifies name and index service data held by the Bureau of Criminal Apprehension. That section was also amended in the same legislative session in Laws 2006, chapter 260, article 3, section 3, by adding a subdivision. Because the language of the two could not be merged editorially, the later version of the language from chapter 260 was printed in the main text and the chapter 253 language was printed as a note. The two versions have nearly the same substance, but literally cannot be merged. This repealer allows the revisor to remove the note containing the new subdivision language from the earlier act.

**21** **Explanation.** Laws 2006, chapter 258, section 37, added Minnesota Statutes, section 241.0222, authorizing the commissioner of corrections to enter contracts with correctional facilities that provide inmates access to chemical dependency treatment programs. This section was also added in the same legislative session in Laws 2006, chapter 260, article 4, section 4. Because the language of both acts could not be merged editorially, the chapter 260 language was printed in the main text and the chapter 258 language was printed as a note. The chapter 258 language has nonsubstantive, technical differences from the later version. This repealer allows the revisor to remove the note containing the duplicative language.

**22** **Explanation.** Laws 2006, chapter 260, article 5, section 43, amended Minnesota Statutes, section 485.03, relating to appointment of deputy clerks and other judicial personnel. That section was also repealed in Laws 2006, chapter 260, article 5, section 54. The repeal was printed in the main text and the amendment was printed as a note. The amendment was not substantive and the repealer was part of a comprehensive effort to remove obsolete law relating to county and municipal courts. This repealer allows the revisor to remove the note containing the amendatory language.

**23** **Explanation.** Laws 2006, chapter 263, article 3, section 13, amended Minnesota Statutes, section 626.556, subdivision 3c, relating to local welfare agency responsibility for assessing or investigating reports of maltreatment of minors. That subdivision was also amended in the same legislative session in Laws 2006, chapter 264, section 14, and chapter 283, section 1. The amendments in Laws 2006, chapters 264 and 283, were identical. Chapter 283 also stated that the chapter 283 amendatory language prevails over any other house or senate amendment to section 626.556, subdivision 3c. This repealer allows the revisor to remove the note containing the amendatory language from Laws 2006, chapter 263.

**24** **Explanation.** Laws 2006, chapter 271, article 8, section 3, amended Minnesota Statutes, section 354A.28, subdivision 5. Section 354A.28, was also repealed in the same legislative session in Laws 2006, chapter 277, article 3, section 45. The repeal was printed in the main text and the amendment to subdivision 5 was printed as a note. The amendment was not substantive and this repealer allows the revisor to remove the note containing the amendatory language.

## Section

### Article 3

## Cross-references

- 1 **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 2 **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 3 **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 4 **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 5 **Explanation.** This amendment corrects erroneous references.
- 6 **Explanation.** This amendment corrects an erroneous reference.
- 7 **Explanation.** This amendment replaces a range reference to repealed sections with the correct reference. Minnesota Statutes 2002, sections 18.44 to 18.61, were repealed in Laws 2003, chapter 128, article 7, and replaced by Minnesota Statutes, chapter 18H.
- 8 **Explanation.** This amendment corrects a citation error to the federal Electronic Funds Transfer Act.
- 9 **Explanation.** Minnesota Statutes, section 115A.28, subdivision 1, was repealed by Laws 1996, chapter 310, section 1, making the reference in this section obsolete.
- 10 **Explanation.** Minnesota Statutes, section 487.33, was repealed by Laws 2006, chapter 260, article 5, section 54, making the reference in this section obsolete.
- 11 **Explanation.** This amendment corrects an erroneous reference to the federal Workforce Investment Act.
- 12 **Explanation.** Minnesota Statutes, section 119A.01, subdivision 3, was repealed by Laws 2005, chapter 98, article 2, section 18, making the reference in this subdivision obsolete.
- 13 **Explanation.** Minnesota Statutes, section 119B.211, was repealed by Laws 2004, chapter 288, article 4, section 62, making the reference in this section obsolete.
- 14 **Explanation.** This amendment corrects an incomplete reference made as part of a revisor instruction applied to Minnesota Statutes, chapters 518 and 518A.
- 15 **Explanation.** Minnesota Statutes, section 518.551, subdivision 5a, was repealed by Laws 2005, chapter 164, section 31, and Laws 2006, chapter 280, section 43, making the reference in this section obsolete.
- 16 **Explanation.** This amendment corrects an erroneous reference. Minnesota Statutes, section 270C.58, subdivision 3, was part of section 289A.38, and was recodified in Laws 2005, chapter 151, article 1, section 64. The Department of Revenue has determined that the recodified provision was not part of the intended reference to section 289A.38, and should be removed.
- 17 **Explanation.** The administrative appeal, Minnesota Statutes, section 296A.25, was repealed in Laws 2005, chapter 151, article 1, section 117, and recodified as section 270C.35 in Laws 2005, chapter 151, article 1, section 41.
- 18 **Explanation.** Minnesota Statutes, section 297A.62, subdivision 2, was repealed by Laws 2001, First Special Session chapter 5, article 12, section 95, as amended, effective December 31, 2005, making the reference in this section obsolete.

## Section

- 19** **Explanation.** The administrative appeal, Minnesota Statutes, section 297F.22, was repealed in Laws 2005, chapter 151, article 1, section 117, and recodified as section 270C.35 in Laws 2005, chapter 151, article 1, section 41.
- 20** **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 21** **Explanation.** This amendment corrects a cross-reference to the Uniform Limited Partnership Act, which became fully effective on January 1, 2007.
- 22** **Explanation.** This amendment corrects an obsolete reference to Minnesota Statutes, section 559.2091, which was repealed by Laws 2001, chapter 57, section 7.
- 23** **Explanation.** This amendment corrects an obsolete reference to Minnesota Statutes, section 298.23, which was repealed by Laws 1998, chapter 389, article 10, section 23.
- 24** **Explanation.** This amendment corrects an erroneous reference.
- 25** **Explanation.** This amendment corrects an erroneous range reference.
- 26** **Explanation.** Minnesota Statutes, section 272.02, subdivision 65, providing for a property tax exemption for biotechnology and health sciences industry zone property, was repealed by Laws 2005, First Special Session chapter 3, article 7, section 20. The reference in this subdivision to the property tax exemption in Minnesota Statutes, section 469.336, which cites section 272.02, subdivision 65, is no longer appropriate because of the repealer.
- 27** **Explanation.** Minnesota Statutes, section 272.02, subdivision 65, providing for a property tax exemption for biotechnology and health sciences industry zone property, was repealed by Laws 2005, First Special Session chapter 3, article 7, section 20. The reference to section 272.02, subdivision 65, was stricken in section 469.336, and the clauses were renumbered, necessitating this amendment.
- 28** **Explanation.** Minnesota Statutes, section 272.02, subdivision 65, was repealed by Laws 2005, First Special Session chapter 3, article 7, section 20, making the reference in this section obsolete.
- 29** **Explanation.** Minnesota Statutes, section 477A.0132, was repealed by Laws 2003, First Special Session chapter 21, article 5, section 14, and Laws 2003, First Special Session chapter 21, article 6, section 17, making the reference in this subdivision obsolete.
- 30** **Explanation.** This amendment corrects an erroneous reference.
- 31** **Explanation.** This amendment corrects an erroneous reference.
- 32** **Explanation.** Minnesota Statutes, section 477A.0121, subdivision 4, relating to financing of the offices of district public defenders was repealed by Laws 2003, First Special Session chapter 21, article 6, section 17, making the reference in this subdivision obsolete.
- 33** **Explanation.** Minnesota Statutes, section 477A.0121, subdivision 4, relating to financing of the offices of district public defenders was repealed by Laws 2003, First Special Session chapter 21, article 6, section 17, making the reference in this subdivision obsolete.
- 34** **Explanation.** This amendment corrects an erroneous reference.
- 35** **Explanation.** Laws 2006, chapter 260, article 5, section 54, repealed Minnesota Statutes, section 487.33, relating to court disposition of fines. This material was recodified in Minnesota Statutes, section 484.90. This amendment corrects an erroneous reference.
- 36** **Explanation.** This amendment corrects an erroneous reference in Minnesota Rules.
- 37** **Explanation.** Certain mandatory provisions for sex offenders, Minnesota Statutes, section 609.108, and repeat sex offenders, Minnesota Statutes, section 609.109, were repealed in the 2006 legislative session, Laws 2006, chapter 260, article 1, section 48. The proposed revisor's instruction ties certain sections referencing the former sex offender law, Minnesota Statutes, sections 609.108 and 609.109, to the 2004 edition of Minnesota Statutes. This will

**Section**

allow defendants sentenced for crimes committed before the effective date of Minnesota Statutes, section 609.3455, the new dangerous sex offender law, to be sentenced under the old law.