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HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE NO. 3787

April 19, 2010

Authored by Jackson

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

May 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to legislative enactments; correcting miscellaneous oversights,
1.3 inconsistencies, ambiguities, unintended results, and technical errors; amending
1.4 Minnesota Statutes 2008, sections 118A.05, subdivision 3, as amended; 160.21,
1.5 subdivision 6, as added; 171.30, subdivision 1, as amended if enacted; 245A.18,
1.6 subdivision 2; 253B.185, subdivision 1, as amended; 332.70, subdivision 3, as
1.7 amended; Minnesota Statutes 2009 Supplement, sections 16C.16, subdivision
1.8 6a, as amended; 549.09, subdivision 1, as amended; 626.556, subdivision 2, as
1.9 amended; Laws 2009, chapter 172, article 1, section 2, subdivision 5; Laws
1.10 2010, chapter 189, section 21, subdivision 4; 2010 S.F. No. 2510, article 3,
1.11 section 76, if enacted.

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

1.13 Section 1. Minnesota Statutes 2008, section 245A.18, subdivision 2, is amended to
1.14 read:

1.15 Subd. 2. **Child passenger restraint systems; training requirement.** (a) Programs
1.16 licensed by the Department of Human Services under Minnesota Rules, chapter 2960, that
1.17 serve a child or children under nine years of age must document training that fulfills the
1.18 requirements in this subdivision.

1.19 (b) Before a license holder, staff person, or caregiver transports a child or children
1.20 under age nine in a motor vehicle, the person transporting the child must satisfactorily
1.21 complete training on the proper use and installation of child restraint systems in motor
1.22 vehicles. Training completed under this section may be used to meet initial or ongoing
1.23 training under Minnesota Rules, part 2960.3070, subparts 1 and 2.

1.24 For all providers licensed prior to July 1, 2006, the training required in this subdivision
1.25 must be obtained by December 31, 2007.

1.26 (c) Training required under this section must be at least one hour in length,
1.27 completed at orientation or initial training, and repeated at least once every five years. At

2.1 a minimum, the training must address the proper use of child restraint systems based on
2.2 the child's size, weight, and age, and the proper installation of a car seat or booster seat in
2.3 the motor vehicle used by the license holder to transport the child or children.

2.4 (d) Training under paragraph (c) must be provided by individuals who are certified
2.5 and approved by the Department of Public Safety, Office of Traffic Safety. License holders
2.6 may obtain a list of certified and approved trainers through the Department of Public
2.7 Safety Web site or by contacting the agency.

2.8 (e) Child care providers that only transport school age children as defined in section
2.9 245A.02, subdivision 16, in school buses as defined in section 169.011, subdivision 71,
2.10 ~~clauses (1) to (4)~~ paragraphs (c) through (f), are exempt from this subdivision.

2.11 Sec. 2. [CORR10-01] Laws 2010, chapter 189, section 21, subdivision 4, is amended
2.12 to read:

2.13 Subd. 4. **Redevelopment Account** 5,000,000

2.14 For purposes of the redevelopment account
2.15 under Minnesota Statutes, sections 116J.571
2.16 to 116J.575.

2.17 \$2,000,000 is for a grant to the city of Lake
2.18 Elmo. \$1,000,000 must be used to design
2.19 and construct an expansion of the city's water
2.20 pumping, storage, and distribution system
2.21 to provide approximately 1,000 additional
2.22 service hookups and replace a city well lost
2.23 to contamination by perfluorochemicals
2.24 (PFC's). \$1,000,000 must be used to
2.25 design and construct the extension of a
2.26 16-inch sanitary sewer force main from
2.27 the Metropolitan Council interceptor on
2.28 Interstate Highway 94 to 30th Street to the
2.29 proposed southern edge of the Lake Elmo
2.30 Village area. This appropriation is not
2.31 available until the ~~council~~ commissioner has
2.32 determined that at least an equal amount has
2.33 been committed to the project from nonstate
2.34 sources.

3.1 Notwithstanding Minnesota Statutes,
3.2 section 16A.642, grant number
3.3 RDGP-06-0007-0-FY07, awarded in
3.4 September 2006 to the city of Tower from an
3.5 appropriation to the redevelopment account
3.6 in Laws 2005, chapter 20, article 1, section
3.7 23, subdivision 11, is available until June
3.8 30, 2013.

3.9 Sec. 3. [CORR10-03] Minnesota Statutes 2008, section 160.21, subdivision 6, as added
3.10 by Laws 2010, chapter 279, section 1, is amended to read:

3.11 Subd. 6. **Uncompleted subdivisions.** (a) A road authority, including a statutory or
3.12 home rule charter city, may remove snow from unopened or private roads in uncompleted
3.13 subdivisions containing five or more lots, upon adoption of an annual resolution finding
3.14 that the subdivision developer, due to general insolvency or pending foreclosure, is unable
3.15 to maintain the roads and that public safety may be jeopardized if the access of school
3.16 buses, public works vehicles, or authorized emergency vehicles, as defined in section
3.17 169.011, subdivision 3, is obstructed. Snow removal activities are limited to streets
3.18 reasonably necessary for access by these buses or vehicles.

3.19 (b) Snow removal under this subdivision does not constitute:

3.20 (1) acceptance of the road from the developer by the road authority for public use;

3.21 (2) the opening of the road to public use; nor

3.22 (3) a use, repair, or maintenance of the road sufficient for the purposes of dedication
3.23 of roads under section 160.05.

3.24 (c) The road authority may impose a reasonable and proportionate charge on all
3.25 properties within the subdivision for services provided under this subdivision. These
3.26 charges, if unpaid, may constitute a lien upon the properties within the subdivision and may
3.27 be collected as a special assessment as provided by section ~~492.101~~ 429.101 or by charter.

3.28 (d) Where a road has been maintained pursuant to this subdivision, the road authority
3.29 with jurisdiction over the road, and its officers and employees, are exempt from liability
3.30 for any tort claim for injury to person or property arising from plowing, maintaining,
3.31 or otherwise working on the road and from traveling on the road and related to its
3.32 maintenance or condition. This paragraph does not apply to a claim for injury that is
3.33 affirmatively caused by a negligent act of the road authority or its officers and employees.

3.34 (e) This subdivision expires May 2, 2013.

4.1 Sec. 4. [CORR10-04] Minnesota Statutes 2008, section 118A.05, subdivision 3, as
4.2 amended by Laws 2010, chapter 234, section 1, is amended to read:

4.3 Subd. 3. **Securities lending agreements.** Securities lending agreements, including
4.4 custody agreements, may be entered into with a financial institution meeting the
4.5 qualifications of subdivision 2, clause (1) or (2), and having ~~a bank~~ an office located in
4.6 Minnesota. Securities lending transactions may be entered into with entities meeting the
4.7 qualifications of subdivision 2 and the collateral for such transactions shall be restricted to
4.8 the securities described in this section and section 118A.04.

4.9 Sec. 5. [CORR10-05] Minnesota Statutes 2008, section 332.70, subdivision 3, as
4.10 amended by Laws 2010, chapter 240, section 3, is amended to read:

4.11 Subd. 3. **Correction and deletion of records.** (a) If the completeness or accuracy
4.12 of a criminal record maintained by a business screening service is disputed by the
4.13 individual who is the subject of the record, the screening service shall, without charge,
4.14 investigate the disputed record. In conducting an investigation, the business screening
4.15 service shall review and consider all relevant information submitted by the subject of the
4.16 record with respect to the disputed record to determine whether the record maintained by
4.17 the screening service accurately reflects the content of the official record, as maintained by
4.18 the official government custodian.

4.19 (b) If, upon investigation, the screening service determines that the record does not
4.20 accurately reflect the content of the official record, the screening service shall correct the
4.21 disputed record so as to accurately reflect the content of the official record. If the disputed
4.22 record is found to be sealed, expunged, or the subject of a pardon, the business screening
4.23 service shall promptly delete the record. A business screening service that complies with
4.24 this subdivision is not in violation of this section.

4.25 (c) A business screening service may terminate an investigation of a disputed record
4.26 if the business screening agency reasonably determines that the dispute is frivolous, which
4.27 may be based on the failure of the subject of the record to provide sufficient information to
4.28 investigate the disputed record. Upon making a determination that the dispute is frivolous,
4.29 the business screening service shall inform the subject of the record of the specific reasons
4.30 why it has determined that the dispute is frivolous and provide a description of any
4.31 information required to investigate the disputed record.

4.32 (d) The business screening service shall notify the subject of the disputed record
4.33 of the correction or deletion of the record or of the termination or completion of the
4.34 investigation related to the record within 30 days of the date when the agency receives
4.35 notice of the dispute from the subject of the record.

5.1 Sec. 6. [CORR10-06] 2010 S.F. No. 2510, article 3, section 76, if enacted, is amended
5.2 to read:

5.3 Sec. 76. **EFFECTIVE DATE.**

5.4 Sections 3 to 10; 12 to 17, ~~and~~ 19 to 28; 29, subdivisions 1 to 5; and 30 to 56
5.5 are effective January 1, 2012. Section 29, subdivision 6, is effective the day following
5.6 final enactment.

5.7 Sec. 7. [CORR10-07] Minnesota Statutes 2008, section 253B.185, subdivision 1, as
5.8 amended by Laws 2010, chapter 300, section 26, is amended to read:

5.9 Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this
5.10 section, the provisions of this chapter pertaining to persons who are mentally ill and
5.11 dangerous to the public apply with like force and effect to persons who are alleged or
5.12 found to be sexually dangerous persons or persons with a sexual psychopathic personality.
5.13 For purposes of this section, "sexual psychopathic personality" includes any individual
5.14 committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

5.15 (b) Before commitment proceedings are instituted, the facts shall first be submitted
5.16 to the county attorney, who, if satisfied that good cause exists, will prepare the petition.
5.17 The county attorney may request a prepetition screening report. The petition is to be
5.18 executed by a person having knowledge of the facts and filed with the committing court
5.19 of the county in which the patient has a settlement or is present. If the patient is in the
5.20 custody of the commissioner of corrections, the petition may be filed in the county where
5.21 the conviction for which the person is incarcerated was entered.

5.22 (c) Upon the filing of a petition alleging that a proposed patient is a sexually
5.23 dangerous person or is a person with a sexual psychopathic personality, the court shall
5.24 hear the petition as provided in section 253B.18.

5.25 (d) In commitments under this section, the court shall commit the patient to a secure
5.26 treatment facility unless the patient establishes by clear and convincing evidence that a
5.27 less restrictive treatment program is available that is consistent with the patient's treatment
5.28 needs and the requirements of public safety.

5.29 (e) After a final determination that a patient is a sexually dangerous person or sexual
5.30 psychopathic personality, the court shall order commitment for an indeterminate period of
5.31 time and the patient shall be transferred, provisionally discharged, or discharged, only as
5.32 provided in this section.

5.33 Sec. 8. [CORR10-08] Minnesota Statutes 2009 Supplement, section 549.09,
5.34 subdivision 1, as amended by Laws 2010, chapter 249, section 1, is amended to read:

6.1 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery
6.2 of money, including a judgment for the recovery of taxes, interest from the time of
6.3 the verdict, award, or report until judgment is finally entered shall be computed by the
6.4 court administrator or arbitrator as provided in paragraph (c) and added to the judgment
6.5 or award.

6.6 (b) Except as otherwise provided by contract or allowed by law, preverdict,
6.7 preaward, or prereport interest on pecuniary damages shall be computed as provided
6.8 in paragraph (c) from the time of the commencement of the action or a demand for
6.9 arbitration, or the time of a written notice of claim, whichever occurs first, except as
6.10 provided herein. The action must be commenced within two years of a written notice of
6.11 claim for interest to begin to accrue from the time of the notice of claim. If either party
6.12 serves a written offer of settlement, the other party may serve a written acceptance or a
6.13 written counteroffer within 30 days. After that time, interest on the judgment or award
6.14 shall be calculated by the judge or arbitrator in the following manner. The prevailing
6.15 party shall receive interest on any judgment or award from the time of commencement
6.16 of the action or a demand for arbitration, or the time of a written notice of claim, or as
6.17 to special damages from the time when special damages were incurred, if later, until the
6.18 time of verdict, award, or report only if the amount of its offer is closer to the judgment or
6.19 award than the amount of the opposing party's offer. If the amount of the losing party's
6.20 offer was closer to the judgment or award than the prevailing party's offer, the prevailing
6.21 party shall receive interest only on the amount of the settlement offer or the judgment or
6.22 award, whichever is less, and only from the time of commencement of the action or a
6.23 demand for arbitration, or the time of a written notice of claim, or as to special damages
6.24 from when the special damages were incurred, if later, until the time the settlement offer
6.25 was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers
6.26 and counteroffers. For the purposes of clause (2), the amount of settlement offer must
6.27 be allocated between past and future damages in the same proportion as determined by
6.28 the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict,
6.29 preaward, or prereport interest shall not be awarded on the following:

- 6.30 (1) judgments, awards, or benefits in workers' compensation cases, but not including
6.31 third-party actions;
- 6.32 (2) judgments or awards for future damages;
- 6.33 (3) punitive damages, fines, or other damages that are noncompensatory in nature;
- 6.34 (4) judgments or awards not in excess of the amount specified in section 491A.01;
- 6.35 and

7.1 (5) that portion of any verdict, award, or report which is founded upon interest, or
7.2 costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

7.3 (c)(1) For a judgment or award of \$50,000 or less or a judgment or award for
7.4 or against the state or a political subdivision of the state, regardless of the amount, the
7.5 interest shall be computed as simple interest per annum. The rate of interest shall be based
7.6 on the secondary market yield of one year United States Treasury bills, calculated on a
7.7 bank discount basis as provided in this section.

7.8 On or before the 20th day of December of each year the state court administrator
7.9 shall determine the rate from the one-year constant maturity treasury yield for the most
7.10 recent calendar month, reported on a monthly basis in the latest statistical release of the
7.11 board of governors of the Federal Reserve System. This yield, rounded to the nearest one
7.12 percent, or four percent, whichever is greater, shall be the annual interest rate during the
7.13 succeeding calendar year. The state court administrator shall communicate the interest
7.14 rates to the court administrators and sheriffs for use in computing the interest on verdicts
7.15 and shall make the interest rates available to arbitrators.

7.16 This clause applies to any section that references section 549.09 by citation for
7.17 the purposes of computing an interest rate on any amount owed to or by the state or a
7.18 political subdivision of the state, regardless of ~~if the amount is greater than or less than~~
7.19 ~~\$50,000~~ the amount.

7.20 (2) For a judgment or award over \$50,000, other than a judgment or award for or
7.21 against the state or a political subdivision of the state, the interest rate shall be ten percent
7.22 per year until paid.

7.23 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has
7.24 received a payment after entry of judgment, whether the payment is made voluntarily by
7.25 or on behalf of the judgment debtor, or is collected by legal process other than execution
7.26 levy where a proper return has been filed with the court administrator, the judgment
7.27 creditor, or the judgment creditor's attorney, before applying to the court administrator
7.28 for an execution shall file with the court administrator an affidavit of partial satisfaction.
7.29 The affidavit must state the dates and amounts of payments made upon the judgment after
7.30 the most recent affidavit of partial satisfaction filed, if any; the part of each payment that
7.31 is applied to taxable disbursements and to accrued interest and to the unpaid principal
7.32 balance of the judgment; and the accrued, but the unpaid interest owing, if any, after
7.33 application of each payment.

7.34 (d) This section does not apply to arbitrations between employers and employees
7.35 under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from
7.36 awarding interest under chapter 179 or under section 179A.16 for essential employees.

8.1 (e) For purposes of this subdivision:

8.2 (1) "state" includes a department, board, agency, commission, court, or other entity
8.3 in the executive, legislative, or judicial branch of the state; and

8.4 (2) "political subdivision" includes a town, statutory or home rule charter city,
8.5 county, school district, or any other political subdivision of the state.

8.6 Sec. 9. [CORR10-09A] **EMERALD ASH BORER FUNDS.**

8.7 All funds appropriated in Laws 2009, chapter 172, for Emerald Ash Borer must be
8.8 in accordance with the same criteria for all other projects funded in article 1 of that law.

8.9 Sec. 10. [CORR10-09B] Laws 2009, chapter 172, article 1, section 2, subdivision 5,
8.10 is amended to read:

8.11 Subd. 5. **Fish, Game, and Wildlife Habitat** 13,903,000 -0-

8.12 (a) **Outdoor Heritage Conservation Partners**
8.13 **Grant Program**

8.14 \$4,000,000 in fiscal year 2010 is to the
8.15 commissioner of natural resources for a ~~pilot~~
8.16 program to provide competitive, matching
8.17 grants of up to \$400,000 to local, regional,
8.18 state, and national organizations, including
8.19 government, for enhancement, restoration,
8.20 or protection of forests, wetlands, prairies,
8.21 and habitat for fish, game, or wildlife in
8.22 Minnesota. Up to 6-1/2 percent of this
8.23 appropriation may be used for administering
8.24 the grant. The funds may be advanced in
8.25 three equal sums, on or after November
8.26 1, 2009, February 1, 2010, and April 1,
8.27 2010. Grantees may protect land through
8.28 acquisition of land or interests in land.
8.29 Easements must be permanent. Land
8.30 acquired in fee must be open to hunting
8.31 and fishing during the open season unless
8.32 otherwise provided by state law. The
8.33 commissioner of natural resources must
8.34 agree to each proposed acquisition of land

9.1 or interest in land. The program shall
9.2 require a match of at least \$1 nonstate funds
9.3 to \$10 state funds. The nonstate dollars
9.4 match may be in-kind. The criteria for
9.5 evaluating grant applications must include
9.6 amount of habitat restored, enhanced,
9.7 or protected; local support; degree of
9.8 collaboration; urgency; multiple benefits;
9.9 habitat benefits provided; consistency with
9.10 sound conservation science; adjacency to
9.11 protected lands; full funding of the project;
9.12 supplementing existing funding; public
9.13 access for hunting and fishing during the
9.14 open season; sustainability; and use of native
9.15 plant materials. All projects must conform
9.16 to the Minnesota statewide conservation and
9.17 preservation plan. Wildlife habitat projects
9.18 must also conform to the state wildlife action
9.19 plan. Priority may be given to projects
9.20 acquiring land or easements associated
9.21 with existing wildlife management areas.
9.22 All restoration or enhancement projects
9.23 must be on land permanently protected by
9.24 conservation easement or public ownership.
9.25 To the extent possible, a person conducting
9.26 prairie restorations with money appropriated
9.27 in this section must plant vegetation or sow
9.28 seed only of ecotypes native to Minnesota,
9.29 and preferably of the local ecotype, using a
9.30 high diversity of species originating from as
9.31 close to the restoration site as possible, and
9.32 protect existing native prairies from genetic
9.33 contamination. Subdivision 10 applies to
9.34 grants awarded under this paragraph. This
9.35 appropriation is available until June 30,
9.36 2013, at which time all grant projects must

10.1 be completed and final products delivered,
10.2 unless an earlier date is specified in the grant
10.3 agreement. No less than 15 percent of the
10.4 amount of each grant must be held back from
10.5 reimbursement until the grant recipient has
10.6 completed a grant accomplishment report in
10.7 the form prescribed by and satisfactory to the
10.8 Lessard Outdoor Heritage Council.

10.9 As a condition of proceeding with this
10.10 appropriation, the commissioner shall report
10.11 on the feasibility, process, and timeline for
10.12 creation of a Minnesota fish and wildlife
10.13 foundation, to be modeled after the National
10.14 Fish and Wildlife Foundation, and on the
10.15 possibility of allowing for the administration
10.16 by this entity of the conservation partners
10.17 grant program.

10.18 The legislative guide created in this act
10.19 shall consider whether this program should
10.20 be administered by the National Fish and
10.21 Wildlife Foundation, the commissioner of
10.22 natural resources, or some neutral third party.

10.23 **(b) Aquatic Management Area Acquisition**

10.24 \$5,748,000 in fiscal year 2010 is to the
10.25 commissioner of natural resources to acquire
10.26 land in fee title and easement to be added to
10.27 the state aquatic management area system.

10.28 Acquired land must remain open to hunting
10.29 and fishing, consistent with the capacity
10.30 of the land, during the open season, as
10.31 determined by the commissioner of natural
10.32 resources. A list of proposed fee title and
10.33 easement acquisitions must be provided as
10.34 part of the required accomplishment plan.

11.1 **(c) Cold Water River and Stream Restoration,**
11.2 **Protection, and Enhancement**

11.3 \$2,050,000 in fiscal year 2010 is to the
11.4 commissioner of natural resources for an
11.5 agreement with Trout Unlimited or successor
11.6 to restore, enhance, and protect cold water
11.7 river and stream habitats in Minnesota. A
11.8 list of proposed acquisitions and a list of
11.9 proposed projects, describing the types and
11.10 locations of restorations and enhancements,
11.11 must be provided as part of the required
11.12 accomplishment plan. The commissioner
11.13 of natural resources must agree to each
11.14 proposed acquisition, restoration, and
11.15 enhancement.

11.16 **(d) Dakota County Habitat Protection**

11.17 \$1,000,000 in fiscal year 2010 is to the
11.18 commissioner of natural resources for
11.19 an agreement with Dakota County for
11.20 acquisition of permanent easements. A list
11.21 of proposed acquisitions must be provided as
11.22 part of the required accomplishment plan.

11.23 **(e) Lake Rebecca Water Quality Improvement**
11.24 **Project**

11.25 \$450,000 in fiscal year 2010 is to the
11.26 commissioner of natural resources for an
11.27 agreement with the Three Rivers Park
11.28 District to improve the water quality in Lake
11.29 Rebecca in Lake Rebecca Park Reserve
11.30 in Hennepin County. A description of the
11.31 activities to enhance fish habitat in Lake
11.32 Rebecca must be provided as part of the
11.33 required accomplishment plan.

11.34 **(f) Fountain Lake Fish Barriers**

12.1 \$655,000 in fiscal year 2010 is to the
 12.2 commissioner of natural resources for
 12.3 an agreement with the Shell Rock River
 12.4 Watershed District to construct fish barriers
 12.5 at three locations on Fountain Lake. Land
 12.6 acquisition necessary for fish barrier
 12.7 construction is permitted. A list of proposed
 12.8 projects, describing the types and locations
 12.9 of barriers, must be provided as part of
 12.10 the required accomplishment plan. The
 12.11 commissioner of natural resources must
 12.12 agree to each proposed barrier.

12.13 Sec. 11. [CORR10-10] Minnesota Statutes 2008, section 171.30, subdivision 1, as
 12.14 amended by 2010 H.F. No. 3106, section 11, if enacted, is amended to read:

12.15 Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited
 12.16 license to the driver under the conditions in paragraph (b) in any case where a person's
 12.17 license has been:

12.18 (1) suspended under section 171.18, 171.173, or 171.186;

12.19 (2) revoked, canceled, or denied under section:

12.20 (i) 169.792;

12.21 (ii) 169.797;

12.22 (iii) 169A.52;

12.23 (A) subdivision 3, paragraph (a), clause (1); or (2);

12.24 (B) subdivision 3, paragraph (a), clause (4), (5), or (6), or if in compliance with
 12.25 section 171.306;

12.26 (C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an
 12.27 alcohol concentration of less than twice the legal limit; ~~(2) if the test results indicate an~~
 12.28 ~~alcohol concentration of less than twice the legal limit;~~

12.29 (D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section
 12.30 171.306;

12.31 (iv) 171.17; or

12.32 (v) 171.172; or

12.33 (3) revoked, canceled, or denied under section 169A.54;

12.34 (i) subdivision 1, clause (1), if the test results indicate an alcohol concentration
 12.35 of less than twice the legal limit;

- 13.1 (ii) subdivision 1, clause (2);
- 13.2 (iii) subdivision 1, clause (4), (5), or (6), if in compliance with section 171.306; or
- 13.3 (iv) subdivision 2, if the person does not have a qualified prior impaired driving
- 13.4 incident as defined in section 169A.03, subdivision 22, on the person's record, ~~the~~
- 13.5 ~~commissioner may issue a limited license to the driver including under the following~~
- 13.6 ~~conditions;~~ and the test results indicate an alcohol concentration of less than twice the
- 13.7 legal limit.
- 13.8 (b) The following conditions for a limited license under paragraph (a) include:
- 13.9 (1) if the driver's livelihood or attendance at a chemical dependency treatment or
- 13.10 counseling program depends upon the use of the driver's license;
- 13.11 (2) if the use of a driver's license by a homemaker is necessary to prevent the
- 13.12 substantial disruption of the education, medical, or nutritional needs of the family of
- 13.13 the homemaker; or
- 13.14 (3) if attendance at a postsecondary institution of education by an enrolled student of
- 13.15 that institution depends upon the use of the driver's license.
- 13.16 ~~(b)~~ (c) The commissioner in issuing a limited license may impose such conditions
- 13.17 and limitations as in the commissioner's judgment are necessary to the interests of the
- 13.18 public safety and welfare including reexamination as to the driver's qualifications. The
- 13.19 license may be limited to the operation of particular vehicles, to particular classes and times
- 13.20 of operation, and to particular conditions of traffic. The commissioner may require that an
- 13.21 applicant for a limited license affirmatively demonstrate that use of public transportation
- 13.22 or carpooling as an alternative to a limited license would be a significant hardship.
- 13.23 ~~(c)~~ (d) For purposes of this subdivision: (1) "homemaker" refers to the person
- 13.24 primarily performing the domestic tasks in a household of residents consisting of at least
- 13.25 the person and the person's dependent child or other dependents; and (2) "twice the legal
- 13.26 limit" means an alcohol concentration of two times the limit specified in section 169A.20,
- 13.27 subdivision 1, clause (5).
- 13.28 ~~(d)~~ (e) The limited license issued by the commissioner shall clearly indicate the
- 13.29 limitations imposed and the driver operating under the limited license shall have the
- 13.30 license in possession at all times when operating as a driver.
- 13.31 ~~(e)~~ (f) In determining whether to issue a limited license, the commissioner shall
- 13.32 consider the number and the seriousness of prior convictions and the entire driving record
- 13.33 of the driver and shall consider the number of miles driven by the driver annually.
- 13.34 ~~(f)~~ (g) If the person's driver's license or permit to drive has been revoked under
- 13.35 section 169.792 or 169.797, the commissioner may only issue a limited license to the
- 13.36 person after the person has presented an insurance identification card, policy, or written

14.1 statement indicating that the driver or owner has insurance coverage satisfactory to
14.2 the commissioner of public safety. The commissioner of public safety may require
14.3 the insurance identification card provided to satisfy this subdivision be certified by the
14.4 insurance company to be noncancelable for a period not to exceed 12 months.

14.5 ~~(g)~~ (h) The limited license issued by the commissioner to a person under section
14.6 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner
14.7 must not issue a limited license to a person who previously has been issued a limited
14.8 license under section 171.186, subdivision 4.

14.9 ~~(h)~~ (i) The commissioner shall not issue a limited driver's license to any person
14.10 described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

14.11 ~~(i)~~ (j) The commissioner shall not issue a class A, class B, or class C limited license.

14.12 Sec. 12. [CORR10-11] Minnesota Statutes 2009 Supplement, section 16C.16,
14.13 subdivision 6a, as amended by Laws 2010, chapter 333, article 2, section 3, is amended to
14.14 read:

14.15 Subd. 6a. **Veteran-owned small businesses.** (a) Except when mandated by the
14.16 federal government as a condition of receiving federal funds, the commissioner shall
14.17 award up to a six percent preference, but no less than the percentage awarded to any
14.18 other group under this section, in the amount bid on state procurement to certified small
14.19 businesses that are majority-owned and operated by:

14.20 (1) recently separated veterans who have served in active military service, at any
14.21 time on or after September 11, 2001, and who have been discharged under honorable
14.22 conditions from active service, as indicated by the person's United States Department of
14.23 Defense form DD-214 or by the commissioner of veterans affairs;

14.24 (2) veterans with service-connected disabilities, as determined at any time by the
14.25 United States Department of Veterans Affairs; or

14.26 (3) any other veteran-owned small businesses certified under section 16C.19,
14.27 paragraph (d).

14.28 (b) The purpose of this designation is to facilitate the transition of veterans from
14.29 military to civilian life, and to help compensate veterans for their sacrifices, including but
14.30 not limited to their sacrifice of health and time, to the state and nation during their military
14.31 service, as well as to enhance economic development within Minnesota.

14.32 Sec. 13. [CORR10-12] Minnesota Statutes 2009 Supplement, section 626.556,
14.33 subdivision 2, as amended by Laws 2010, chapter 329, article 1, section 19, is amended to
14.34 read:

15.1 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
15.2 given them unless the specific content indicates otherwise:

15.3 (a) "Family assessment" means a comprehensive assessment of child safety, risk
15.4 of subsequent child maltreatment, and family strengths and needs that is applied to a
15.5 child maltreatment report that does not allege substantial child endangerment. Family
15.6 assessment does not include a determination as to whether child maltreatment occurred
15.7 but does determine the need for services to address the safety of family members and the
15.8 risk of subsequent maltreatment.

15.9 (b) "Investigation" means fact gathering related to the current safety of a child
15.10 and the risk of subsequent maltreatment that determines whether child maltreatment
15.11 occurred and whether child protective services are needed. An investigation must be used
15.12 when reports involve substantial child endangerment, and for reports of maltreatment in
15.13 facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to
15.14 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and
15.15 13, and 124D.10; or in a nonlicensed personal care provider association as defined in
15.16 sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

15.17 (c) "Substantial child endangerment" means a person responsible for a child's care,
15.18 and in the case of sexual abuse includes a person who has a significant relationship to the
15.19 child as defined in section 609.341, or a person in a position of authority as defined in
15.20 section 609.341, who by act or omission commits or attempts to commit an act against a
15.21 child under their care that constitutes any of the following:

15.22 (1) egregious harm as defined in section 260C.007, subdivision 14;

15.23 (2) sexual abuse as defined in paragraph (d);

15.24 (3) abandonment under section 260C.301, subdivision 2;

15.25 (4) neglect as defined in paragraph (f), clause (2), that substantially endangers the
15.26 child's physical or mental health, including a growth delay, which may be referred to as
15.27 failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

15.28 (5) murder in the first, second, or third degree under section 609.185, 609.19, or
15.29 609.195;

15.30 (6) manslaughter in the first or second degree under section 609.20 or 609.205;

15.31 (7) assault in the first, second, or third degree under section 609.221, 609.222, or
15.32 609.223;

15.33 (8) solicitation, inducement, and promotion of prostitution under section 609.322;

15.34 (9) criminal sexual conduct under sections 609.342 to 609.3451;

15.35 (10) solicitation of children to engage in sexual conduct under section 609.352;

16.1 (11) malicious punishment or neglect or endangerment of a child under section
16.2 609.377 or 609.378;

16.3 (12) use of a minor in sexual performance under section 617.246; or

16.4 (13) parental behavior, status, or condition which mandates that the county attorney
16.5 file a termination of parental rights petition under section 260C.301, subdivision 3,
16.6 paragraph (a).

16.7 (d) "Sexual abuse" means the subjection of a child by a person responsible for the
16.8 child's care, by a person who has a significant relationship to the child, as defined in
16.9 section 609.341, or by a person in a position of authority, as defined in section 609.341,
16.10 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
16.11 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree),
16.12 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct
16.13 in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual
16.14 abuse also includes any act which involves a minor which constitutes a violation of
16.15 prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes
16.16 threatened sexual abuse.

16.17 (e) "Person responsible for the child's care" means (1) an individual functioning
16.18 within the family unit and having responsibilities for the care of the child such as a
16.19 parent, guardian, or other person having similar care responsibilities, or (2) an individual
16.20 functioning outside the family unit and having responsibilities for the care of the child
16.21 such as a teacher, school administrator, other school employees or agents, or other lawful
16.22 custodian of a child having either full-time or short-term care responsibilities including,
16.23 but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching,
16.24 and coaching.

16.25 (f) "Neglect" means the commission or omission of any of the acts specified under
16.26 clauses (1) to (9), other than by accidental means:

16.27 (1) failure by a person responsible for a child's care to supply a child with necessary
16.28 food, clothing, shelter, health, medical, or other care required for the child's physical or
16.29 mental health when reasonably able to do so;

16.30 (2) failure to protect a child from conditions or actions that seriously endanger the
16.31 child's physical or mental health when reasonably able to do so, including a growth delay,
16.32 which may be referred to as a failure to thrive, that has been diagnosed by a physician and
16.33 is due to parental neglect;

16.34 (3) failure to provide for necessary supervision or child care arrangements
16.35 appropriate for a child after considering factors as the child's age, mental ability, physical

17.1 condition, length of absence, or environment, when the child is unable to care for the
17.2 child's own basic needs or safety, or the basic needs or safety of another child in their care;

17.3 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
17.4 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
17.5 child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

17.6 (5) nothing in this section shall be construed to mean that a child is neglected solely
17.7 because the child's parent, guardian, or other person responsible for the child's care in
17.8 good faith selects and depends upon spiritual means or prayer for treatment or care of
17.9 disease or remedial care of the child in lieu of medical care; except that a parent, guardian,
17.10 or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report
17.11 if a lack of medical care may cause serious danger to the child's health. This section does
17.12 not impose upon persons, not otherwise legally responsible for providing a child with
17.13 necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

17.14 (6) prenatal exposure to a controlled substance, as defined in section 253B.02,
17.15 subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal
17.16 symptoms in the child at birth, results of a toxicology test performed on the mother at
17.17 delivery or the child at birth, or medical effects or developmental delays during the child's
17.18 first year of life that medically indicate prenatal exposure to a controlled substance;

17.19 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

17.20 (8) chronic and severe use of alcohol or a controlled substance by a parent or
17.21 person responsible for the care of the child that adversely affects the child's basic needs
17.22 and safety; or

17.23 (9) emotional harm from a pattern of behavior which contributes to impaired
17.24 emotional functioning of the child which may be demonstrated by a substantial and
17.25 observable effect in the child's behavior, emotional response, or cognition that is not
17.26 within the normal range for the child's age and stage of development, with due regard to
17.27 the child's culture.

17.28 (g) "Physical abuse" means any physical injury, mental injury, or threatened injury,
17.29 inflicted by a person responsible for the child's care on a child other than by accidental
17.30 means, or any physical or mental injury that cannot reasonably be explained by the child's
17.31 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
17.32 that have not been authorized under section 121A.67 or 245.825.

17.33 Abuse does not include reasonable and moderate physical discipline of a child
17.34 administered by a parent or legal guardian which does not result in an injury. Abuse does
17.35 not include the use of reasonable force by a teacher, principal, or school employee as
17.36 allowed by section 121A.582. Actions which are not reasonable and moderate include,

18.1 but are not limited to, any of the following that are done in anger or without regard to the
18.2 safety of the child:

18.3 (1) throwing, kicking, burning, biting, or cutting a child;

18.4 (2) striking a child with a closed fist;

18.5 (3) shaking a child under age three;

18.6 (4) striking or other actions which result in any nonaccidental injury to a child

18.7 under 18 months of age;

18.8 (5) unreasonable interference with a child's breathing;

18.9 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

18.10 (7) striking a child under age one on the face or head;

18.11 (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
18.12 substances which were not prescribed for the child by a practitioner, in order to control or
18.13 punish the child; or other substances that substantially affect the child's behavior, motor
18.14 coordination, or judgment or that results in sickness or internal injury, or subjects the
18.15 child to medical procedures that would be unnecessary if the child were not exposed
18.16 to the substances;

18.17 (9) unreasonable physical confinement or restraint not permitted under section
18.18 609.379, including but not limited to tying, caging, or chaining; or

18.19 (10) in a school facility or school zone, an act by a person responsible for the child's
18.20 care that is a violation under section 121A.58.

18.21 (h) "Report" means any report received by the local welfare agency, police
18.22 department, county sheriff, or agency responsible for assessing or investigating
18.23 maltreatment pursuant to this section.

18.24 (i) "Facility" means:

18.25 (1) a licensed or unlicensed day care facility, residential facility, agency, hospital,
18.26 sanitarium, or other facility or institution required to be licensed under sections 144.50 to
18.27 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

18.28 (2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and
18.29 124D.10; or

18.30 (3) a nonlicensed personal care provider organization as defined in sections 256B.04,
18.31 subdivision 16, and 256B.0625, subdivision 19a.

18.32 (j) "Operator" means an operator or agency as defined in section 245A.02.

18.33 (k) "Commissioner" means the commissioner of human services.

18.34 (l) "Practice of social services," for the purposes of subdivision 3, includes but is
18.35 not limited to employee assistance counseling and the provision of guardian ad litem and
18.36 parenting time expeditor services.

19.1 (m) "Mental injury" means an injury to the psychological capacity or emotional
19.2 stability of a child as evidenced by an observable or substantial impairment in the child's
19.3 ability to function within a normal range of performance and behavior with due regard to
19.4 the child's culture.

19.5 (n) "Threatened injury" means a statement, overt act, condition, or status that
19.6 represents a substantial risk of physical or sexual abuse or mental injury. Threatened
19.7 injury includes, but is not limited to, exposing a child to a person responsible for the
19.8 child's care, as defined in paragraph (e), clause (1), who has:

19.9 (1) subjected a child to, or failed to protect a child from, an overt act or condition
19.10 that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a
19.11 similar law of another jurisdiction;

19.12 (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause
19.13 (4), or a similar law of another jurisdiction;

19.14 (3) committed an act that has resulted in an involuntary termination of parental rights
19.15 under section 260C.301, or a similar law of another jurisdiction; or

19.16 (4) committed an act that has resulted in the involuntary transfer of permanent legal
19.17 and physical custody of a child to a relative under section 260C.201, subdivision 11,
19.18 paragraph (d), clause (1), or a similar law of another jurisdiction.

19.19 (o) Persons who conduct assessments or investigations under this section shall take
19.20 into account accepted child-rearing practices of the culture in which a child participates
19.21 and accepted teacher discipline practices, which are not injurious to the child's health,
19.22 welfare, and safety.

19.23 (p) "Accidental" means a sudden, not reasonably foreseeable, and unexpected
19.24 occurrence or event which:

19.25 (1) is not likely to occur and could not have been prevented by exercise of due
19.26 care; and

19.27 (2) if occurring while a child is receiving services from a facility, happens when the
19.28 facility and the employee or person providing services in the facility are in compliance
19.29 with the laws and rules relevant to the occurrence or event.

19.30 (q) "Nonmaltreatment mistake" means:

19.31 (1) at the time of the incident, the individual was performing duties identified in the
19.32 center's child care program plan required under Minnesota Rules, part 9503.0045;

19.33 (2) the individual has not been determined responsible for a similar incident that
19.34 resulted in a finding of maltreatment for at least seven years;

19.35 (3) the individual has not been determined to have committed a similar
19.36 nonmaltreatment mistake under this paragraph for at least four years;

20.1 (4) any injury to a child resulting from the incident, if treated, is treated only with
20.2 remedies that are available over the counter, whether ordered by a medical professional or
20.3 not; and

20.4 (5) except for the period when the incident occurred, the facility and the individual
20.5 providing services were both in compliance with all licensing requirements relevant to the
20.6 incident.

20.7 This definition only applies to child care centers licensed under Minnesota Rules,
20.8 chapter 9503. If clauses (1) to (5) apply, rather than making a determination of ~~substantial~~
20.9 substantiated maltreatment by the individual, the commissioner of human services shall
20.10 determine that a nonmaltreatment mistake was made by the individual.

20.11 Sec. 14. **EFFECTIVE DATE.**

20.12 Unless otherwise provided, each section of this act takes effect at the time the
20.13 provision being corrected takes effect.