

guardian or conservator. A guardian or conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause (b);

(4) Where a ward or conservatee has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ward or conservatee, may authorize an exchange or sale of the ward's or conservatee's interest or a purchase by the ward or conservatee of any interest other heirs may have in the real estate.

Sec. 41. REPEALER.

Minnesota Statutes 1996, sections 48.38; 48.475; 48.65; 48.66; 48.67; 48.68; 48.69; 48.70; 48.71; 48.72; 48.73; 48.75; 48.76; 48.77; 48.78; 48.79; 48.80; 48.81; 48.82; 48.83; 48.84; 48.841; 48.845; 48.846; 48.85; and 48.86; and Minnesota Statutes 1997 Supplement, section 48.476, are repealed.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:30 a.m.

CHAPTER 332—S.F.No. 2252

An act relating to crimes; modifying criminal penalties for DWI; authorizing sentences to programs of intensive supervision; making technical correction; amending Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3e.

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

Section 1. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3e, is amended to read:

Subd. 3e. **ENHANCED GROSS MISDEMEANORS; MANDATORY PENALTIES.** (a) The mandatory penalties in this subdivision apply to persons who are convicted of an enhanced gross misdemeanor under subdivision 3, paragraph (d), or section 169.129. Notwithstanding section 609.135, these penalties must be imposed and executed.

(b) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (1), shall be sentenced as follows:

(1) if the person has one prior impaired driving conviction within the past ten years, the person must be sentenced to either (i) a minimum of 90 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 60 days of this the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has two prior impaired driving convictions within the past ten years, the person must be sentenced to either (i) a minimum of 180 days of incarceration, at least

New language is indicated by underline, deletions by strikeout.

30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 150 days of ~~this~~ the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has three prior impaired driving convictions within the past 15 years, or four or more prior impaired driving convictions within the person's lifetime, the person must be sentenced to either (i) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve the remainder of ~~this~~ the minimum penalty under item (i) on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention.

(c) A person who is convicted of an enhanced gross misdemeanor under the circumstances described in subdivision 3, paragraph (d), clause (2) ~~or (3)~~, or under section 169.129, shall be sentenced as follows:

(1) if the person has two prior impaired driving convictions, two prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to either (i) a minimum of 90 days incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 60 days of ~~this~~ the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265;

(2) if the person has three prior impaired driving convictions, three prior license revocations, or a combination of the two, within the past ten years, the person must be sentenced to either (i) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve not more than 150 days of ~~this~~ the minimum penalty under item (i) on home detention or in an intensive probation program described in section 169.1265; or

(3) if the person has: ~~(3)~~ four prior impaired driving convictions, four prior license revocations, or a combination of the two, within the past 15 years; or ~~(ii)~~ has five or more prior impaired driving convictions, five or more prior license revocations, or a combination of the two, within the person's lifetime; then the person must be sentenced to either (i) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility, or (ii) a program of intensive supervision of the type described in section 169.1265 that requires the person to consecutively serve at least six days in a local correctional facility. The court may order that the person serve the remainder of ~~this~~ the minimum penalty under item (i) on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention.

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Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day after final enactment.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:35 a.m.

CHAPTER 333—S.F.No. 154

An act relating to civil actions; limiting liability for injury related to certain food donations to the state and political subdivisions; amending Minnesota Statutes 1996, section 604A.10, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 604A.10, subdivision 2, is amended to read:

Subd. 2. **DONATION; DISTRESSED FOOD.** A food manufacturer, distributor, processor, or a person who donates or collects distressed food to or for the state, a political subdivision, or an institution or facility operated by the state or a political subdivision for any lawful purpose or to or for a nonprofit charitable organization for distribution at no charge to the elderly or needy, or who directly distributes distressed food to the elderly or needy at no charge, is not liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food, unless the injury is caused by the gross negligence, recklessness, or intentional misconduct of the food manufacturer, processor, distributor, or person.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 1998, and applies to donations or collections of distressed food on or after the effective date.

Presented to the governor March 23, 1998

Signed by the governor March 25, 1998, 9:40 a.m.

CHAPTER 334—H.F.No. 2814

An act relating to health; establishing a minimum definition of durable medical equipment; requiring disclosure of covered medical equipment and supplies; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Section 1. **[62Q.66] DURABLE MEDICAL EQUIPMENT COVERAGE.**

No health plan company that covers durable medical equipment may utilize medical coverage criteria for durable medical equipment that limits coverage solely to equipment used in the home.

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