

nection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, partnership, or individual, or any dividends or profits accrued or to accrue thereon, or anything of value, not specified in the policy. For purposes of this section, "affiliate" has the meaning given in section 60D.15, subdivision 2.

Sec. 2. Minnesota Statutes 1996, section 72A.08, subdivision 2, is amended to read:

Subd. 2. **INSURED PROHIBITED FROM RECEIVING REBATES.** No person shall receive or accept from any such company or association, including any affiliate of the insurance company or association, or from any of its officers, agents, subagents, solicitors, employees, intermediaries, or representatives, or any other person any such rebate of premium payable on the policy, or any special favor or advantage in the dividends or other financial profits accrued, or to accrue, thereon, or any valuable consideration or inducement not specified in the policy of insurance. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements, or documents, at the trial of any other person, copartnership, association, or company charged with violation of any provision of this section on the ground that the testimony or evidence may tend to incriminate; but no person shall be prosecuted for any act concerning which the person shall be compelled to so testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Sec. 3. Minnesota Statutes 1996, section 72A.08, subdivision 3, is amended to read:

Subd. 3. **PENALTY FOR REBATE.** Any company, association, or individual violating any provisions of this section, whether the violation be in the giving or accepting of anything herein prohibited, shall be punished by a fine of not less than \$60 nor more than \$200. In the case of a violation by an affiliate or by an individual on behalf of an affiliate, this subdivision applies to the insurance company or association.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective August 1, 1998.

Presented to the governor April 7, 1998

Signed by the governor April 9, 1998, 10:45 a.m.

## CHAPTER 376—S.F.No. 2256

*An act relating to elections; eliminating certain provisions that have been ruled unconstitutional; amending Minnesota Statutes 1996, sections 211B.04; 211B.06, subdivision 1; 253B.23, subdivision 2; and 609.165, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 201.15, subdivision 1.*

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

Section 1. Minnesota Statutes 1997 Supplement, section 201.15, subdivision 1, is amended to read:

Subdivision 1. **GUARDIANSHIPS, AND INCOMPETENTS AND PSYCHOPATHS.** The state court administrator shall report monthly to the secretary of state the name, address, and date of birth of each individual 18 years of age or over, who during the month preceding the date of the report:

New language is indicated by underline, deletions by ~~strikeout~~.

- (a) was placed under a guardianship of the person; or
- (b) was adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a sexually dangerous person or a person with a sexual psychopathic personality.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), or (b), or (c). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Sec. 2. Minnesota Statutes 1996, section 211B.04, is amended to read:

**211B.04 CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.**

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 211B.05, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the ..... committee, .....(address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the ..... committee, .....(address), in support of .....(insert name of candidate or ballot question)" for material prepared and paid for by a person or committee other than a principal campaign committee.

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the ..... committee."

(d) Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer either that it is "in opposition to .....(insert name of candidate or ballot question.....)"; or that "this publication is not circulated on behalf of any candidate or ballot question."

(e) This section does not apply to objects stating only the candidate's name and the office sought, fundraising tickets, or personal letters that are clearly being sent by the candidate.

(f) This section does not apply to an individual who acts independently of any candidate, committee, political committee, or political fund and spends only from the individual's own resources a sum that is less than \$300 in the aggregate to produce or distribute campaign material that is distributed at least 14 days before the election to which the campaign material relates.

(g) This section does not modify or repeal section 211B.06.

Sec. 3. Minnesota Statutes 1996, section 211B.06, subdivision 1, is amended to read:

**New language is indicated by underline, deletions by ~~strikeout~~.**

Subdivision 1. **GROSS MISDEMEANOR.** A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination, or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, ~~whether or not defamatory,~~ or with respect to the effect of a ballot question, ~~that the person knows or has reason to believe is false and that is designed or tends to elect, injure, promote, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.~~

A person is guilty of a misdemeanor who intentionally participates in the drafting of a letter to the editor with respect to the personal or political character or acts of a candidate, if defamatory, or with respect to the effect of a ballot question, that the person knows is false and which is designed or tends to elect, injure, promote, or defeat any candidate for nomination or election to a public office or to promote or defeat a ballot question, that is false, and that the person knows is false or communicates to others with reckless disregard of whether it is false.

Sec. 4. Minnesota Statutes 1996, section 253B.23, subdivision 2, is amended to read:

Subd. 2. **LEGAL RESULTS OF COMMITMENT STATUS.** (a) Except as otherwise provided in this chapter and in sections 246.15 and, 246.16, and 609.165, no person by reason of commitment or treatment pursuant to this chapter shall be deprived of any legal right, including but not limited to the right to dispose of property, sue and be sued, execute instruments, make purchases, enter into contractual relationships, vote, and hold a driver's license. Commitment or treatment of any patient pursuant to this chapter is not a judicial determination of legal incompetency except to the extent provided in section 253B.03, subdivision 6.

(b) Proceedings for determination of legal incompetency and the appointment of a guardian for a person subject to commitment under this chapter may be commenced before, during, or after commitment proceedings have been instituted and may be conducted jointly with the commitment proceedings. The court shall notify the head of the treatment facility to which the patient is committed of a finding that the patient is incompetent.

(c) Where the person to be committed is a minor or owns property of value and it appears to the court that the person is not competent to manage a personal estate, the court shall appoint a general or special guardian or conservator of the person's estate as provided by law.

Sec. 5. Minnesota Statutes 1996, section 609.165, is amended by adding a subdivision to read:

Subd. 1c. **PERSONS CIVILLY COMMITTED.** Notwithstanding subdivision 1, a person who has been deprived of civil rights by reason of conviction of a crime is not restored to civil rights as long as the person remains civilly committed under chapter 253B or Minnesota Statutes 1992, section 526.10, based in whole or in part on the same conduct as caused the person to be convicted of the crime.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 6. EFFECTIVE DATE.**

This act is effective the day following final enactment. Section 3 applies to offenses committed on or after its effective date. Section 5 applies to discharges under Minnesota Statutes, section 609.165, subdivision 2, that occur on or after its effective date.

Presented to the governor April 7, 1998

Signed by the governor April 9, 1998, 10:50 a.m.

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**CHAPTER 378—S.F.No. 2718****VETOED**

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**CHAPTER 379—H.F.No. 2722**

*An act relating to the environment; providing penalties for violations of underground storage tank statutes and rules; modifying provisions relating to the placement of motor vehicle antifreeze in wastewater systems; providing for a study; amending Minnesota Statutes 1996, sections 115.071, by adding a subdivision; and 116.073, subdivisions 1 and 2; Minnesota Statutes 1997 Supplement, section 115A.916.*

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

Section 1. Minnesota Statutes 1996, section 115.071, is amended by adding a subdivision to read:

Subd. 7. UNDERGROUND STORAGE TANKS; RED TAGS. (a) The commissioner may issue a red tag for failure to have the regulated underground tank system protected from corrosion, failure to have spill and overflow protection, or failure to have a leak detection method in place. A red tag may also be issued for underground storage tank system violations if an enforcement action, including, but not limited to, a citation as defined in section 116.073, subdivision 1, has been issued and the violations are not corrected. Upon discovery of a violation at a facility with an underground storage tank system, the commissioner shall affix a red tag, in plain view, to the fill pipe cap of the tank system that provides notice that delivery of petroleum products to the tank system is prohibited. When the red tag is issued, agency staff must determine the product level in the tank.

(b) No owner or operator of a facility having an underground storage tank system shall fill or allow the filling of a tank with a petroleum product while a red tag is affixed to the fill pipe cap of the tank system.

(c) A person shall not remove, deface, alter, or otherwise tamper with a red tag so that the information contained on the tag is not legible.

(d) A red tag may not be removed until the commissioner has inspected the underground storage tank system and established that it is no longer in violation. After making that determination, the commissioner shall remove the red tag within 24 hours or as soon as reasonably possible. Upon agreement by the commissioner, the red tag may also be removed by an agency-certified installer who provides documentation to the commissioner that the violation for which the system was red-tagged has been corrected.

New language is indicated by underline, deletions by ~~strikeout~~.