

service, shall adopt amendments to the Energy Code portion of the Minnesota Building Code to implement energy-efficient standards for new commercial buildings.

Sec. 7. TRANSFER.

While the energy portion of the state building code is developed by the commissioner of public service, adoption of the energy portion of the building code is transferred from the commissioner of public service to the commissioner of administration in consultation with the commissioner of public service in accordance with Minnesota Statutes, section 15.039, excluding subdivisions 6 and 7.

Sec. 8. REVIEW.

The construction codes advisory council established by Minnesota Statutes, section 16B.76, shall review the program evaluation report on the state building code issued by the office of the legislative auditor in January 1999 and shall report to the legislature by January 15, 2000, with recommendations on which proposals in the report, if any, should be implemented.

Sec. 9. ENERGY CODE.

The effective date of the residential building energy code set out in Minnesota Rules, chapters 7672 and 7674, is April 15, 2000. Until that date, the energy code set out in Minnesota Rules, chapter 7670, remains in effect for residential buildings.

Sec. 10. REPEALER.

Minnesota Statutes 1998, section 16B.165, is repealed.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 10 are effective July 1, 1999.

Presented to the governor May 6, 1999

Signed by the governor May 10, 1999, 1:00 p.m.

CHAPTER 136—H.F.No. 1359

An act relating to crime victims; clarifying the procedure for the deposit of unclaimed restitution funds; expanding coverage for crime victims reparations to include moving expense for victims of crime; extending the time limit for filing of claims to three years and allowing an exception to the time limit for all child abuse cases; amending Minnesota Statutes 1998, sections 611A.04, by adding a subdivision; 611A.52, subdivision 8; 611A.53, subdivision 2; and 611A.612.

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

Section 1. Minnesota Statutes 1998, section 611A.04, is amended by adding a subdivision to read:

Subd. 5. UNCLAIMED RESTITUTION PAYMENTS. Restitution payments held by the court for a victim that remain unclaimed by the victim for more than three years shall be deposited in the crime victims account created in section 611A.612.

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

At the time the deposit is made, the court shall record the name and last known address of the victim and the amount being deposited, and shall forward the data to the crime victims reparations board.

Sec. 2. Minnesota Statutes 1998, section 611A.52, subdivision 8, is amended to read:

Subd. 8. **ECONOMIC LOSS.** "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(1) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances, and prosthetic devices;

(2) reasonable expenses associated with recreational therapy where a claimant has suffered amputation of a limb;

(3) reasonable expenses incurred for psychological or psychiatric products, services, or accommodations, not to exceed an amount to be set by the board, where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(4) loss of income that the victim would have earned had the victim not been injured;

(5) reasonable expenses incurred for substitute child care or household services to replace those the victim or claimant would have performed had the victim or the claimant's child not been injured. As used in this clause, "child care services" means services provided by facilities licensed under and in compliance with either Minnesota Rules, parts 9502.0315 to 9502.0445, or 9545.0510 to 9545.0670, or exempted from licensing requirements pursuant to section 245A.03. Licensed facilities must be paid at a rate not to exceed their standard rate of payment. Facilities exempted from licensing requirements must be paid at a rate not to exceed \$3 an hour per child for daytime child care or \$4 an hour per child for evening child care; and

(6) reasonable expenses actually incurred to return a child who was a victim of a crime under section 609.25 or 609.26 to the child's parents or lawful custodian. These expenses are limited to transportation costs, meals, and lodging from the time the child was located until the child was returned home; and

(7) the claimant's moving expenses, storage fees, and phone and utility installation fees, up to a maximum of \$1,000 per claim, if the move is necessary due to a reasonable fear of danger related to the crime for which the claim was filed.

(b) In the case of death the term is limited to:

(1) reasonable expenses actually incurred for funeral, burial, or cremation, not to exceed an amount to be determined by the board on the first day of each fiscal year;

(2) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(3) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to dependents if the victim had lived; and

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(4) reasonable expenses incurred for substitute child care and household services to replace those which the victim or claimant would have performed for the benefit of dependents if the victim or the claimant's child had lived.

Claims for loss of support for minor children made under clause (3) must be paid for three years or until the child reaches 18 years old, whichever is the shorter period. After three years, if the child is younger than 18 years old a claim for loss of support may be resubmitted to the board, and the board staff shall evaluate the claim giving consideration to the child's financial need and to the availability of funds to the board. Claims for loss of support for a spouse made under clause (3) shall also be reviewed at least once every three years. The board staff shall evaluate the claim giving consideration to the spouse's financial need and to the availability of funds to the board.

Claims for substitute child care services made under clause (4) must be limited to the actual care that the deceased victim would have provided to enable surviving family members to pursue economic, educational, and other activities other than recreational activities.

Sec. 3. Minnesota Statutes 1998, section 611A.53, subdivision 2, is amended to read:

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if:

(a) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within 30 days of its occurrence is deemed to have been unable to have reported it within that period;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;

(d) the victim or claimant was in the act of committing a crime at the time the injury occurred;

(e) no claim was filed with the board within ~~two~~ three years of victim's injury or death; except that (1) if the claimant was unable to file a claim within that period, then the claim can be made within ~~two~~ three years of the time when a claim could have been filed; and (2) if the victim's injury or death was not reasonably discoverable within ~~two~~ three years of the injury or death, then the claim can be made within ~~two~~ three years of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (1) lack of knowledge of the existence of the Minnesota Crime Victims Reparations Act, (2) the failure of a law enforcement agency to provide information or assistance to a potential claimant under section 611A.66, (3) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (4) the fact that the claimant is not of the age of majority; or

(f) the claim is less than \$50.

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The limitations contained in clauses (a) and (e) do not apply to victims of domestic child abuse as defined in section 260.015, subdivision 24. In those cases the ~~two-year~~ three-year limitation period commences running with the report of the crime to the police.

Sec. 4. Minnesota Statutes 1998, section 611A.612, is amended to read:

611A.612 CRIME VICTIMS ACCOUNT.

A crime victim account is established as a special account in the state treasury. Amounts collected by the state under section 611A.61 ~~or~~ paid to the crime victims reparations board under section 611A.04, subdivision 1a, or amounts deposited by the court under section 611A.04, subdivision 5, shall be credited to this account. Money credited to this account is annually appropriated to the department of public safety for use for crime victim reparations under sections 611A.51 to 611A.67.

Presented to the governor May 6, 1999

Signed by the governor May 10, 1999, 1:04 p.m.

CHAPTER 137—S.F.No. 1715

An act relating to commerce; providing enforcement authority for the commissioner; regulating service of process; regulating residential building contractors and remodelers; providing criminal penalties; amending Minnesota Statutes 1998, sections 45.027, subdivisions 6 and 7; 45.028, subdivision 2; 80A.15, subdivision 2; 326.83, subdivision 18; 326.89, subdivision 3; 326.92, by adding a subdivision; 326.94, subdivision 2; and 332.37; proposing coding for new law in Minnesota Statutes, chapter 82B; repealing Minnesota Statutes 1998, section 326.89, subdivision 3a.

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

Section 1. Minnesota Statutes 1998, section 45.027, subdivision 6, is amended to read:

Subd. 6. **VIOLATIONS AND PENALTIES.** The commissioner may impose a civil penalty not to exceed ~~\$2,000~~ \$10,000 per violation upon a person who violates any law, rule, or order related to the duties and responsibilities entrusted to the commissioner unless a different penalty is specified.

Sec. 2. Minnesota Statutes 1998, section 45.027, subdivision 7, is amended to read:

Subd. 7. **ACTIONS AGAINST LICENSEES.** (a) In addition to any other actions authorized by this section, the commissioner may, by order, deny, suspend, or revoke the authority or license of a person subject to the duties and responsibilities entrusted to the commissioner, as described under section 45.011, subdivision 4, or censure that person if the commissioner finds that:

- (1) the order is in the public interest; and
- (2) the person has violated any law, rule, or order related to the duties and responsibilities entrusted to the commissioner; or

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