

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 17, 2000

Signed by the governor April 20, 2000, 10:20 a.m.

CHAPTER 429—H.F.No. 2671

An act relating to human services; excluding certain earned income from income for the purposes of assistance; mental retardation protection; requiring legislative recommendations.

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

Section 1. INCOME EXCLUSION OR DISREGARD.

(a) The earned income that a temporary census employee for the 2000 census receives from the United States Census Bureau is excluded from income under Minnesota Statutes, sections 256B.056, subdivision 4; 256D.03, subdivision 3; 256J.21, subdivision 2; and 256L.01, subdivision 5, and disregarded as income under Minnesota Statutes, sections 256D.06, subdivision 1; and 256D.435, subdivision 5.

(b) An income exclusion or disregard under paragraph (a) applies to a person receiving benefits on or before March 1, 2000, under Minnesota Statutes, chapter 256B, 256J, or 256L, or sections 256D.03, subdivision 3, 256D.06, or 256D.33 to 256D.54.

Sec. 2. RECOMMENDATIONS ON TRANSFERRING PUBLIC GUARDIANSHIP RESPONSIBILITIES.

The commissioner of human services, in consultation with representatives of interested groups, including family members, advocacy organizations, counties, service providers, the office of the ombudsman for mental health and mental retardation, and others, must develop specific legislative recommendations on transferring public guardianship responsibilities and related duties and authority under Minnesota Statutes, chapter 252A, from the commissioner of human services and counties to another entity that can independently and responsibly fulfill the guardianship and related obligations. To be eligible to perform these transferred duties, an entity must either be a multi-purpose agency that provides a broad range of social services or a new or existing office within state government that does not currently have operational or financial duties under Minnesota Statutes, chapter 252A, and it must provide assurances that it will act in the best interests of each ward or conservatee, per Minnesota Statutes, section 525.539, subdivision 7. The legislative recommendations, including cost estimates, shall be provided to the chairs of the house of representatives health and human services policy committee and the senate health and family security policy committee by December 15, 2000.

New language is indicated by underline, deletions by strikeout.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor April 17, 2000

Signed by the governor April 20, 2000, 10:25 a.m.

CHAPTER 430—H.F.No. 2563

An act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision.

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

Section 1. Minnesota Statutes 1998, section 514.02, subdivision 1, is amended to read:

Subdivision 1. **PROCEEDS OF PAYMENTS; ACTS CONSTITUTING THEFT.** (a) Proceeds of payments received by a person contributing to an improvement to real estate within the meaning of section 514.01 shall be held in trust by that person for the benefit of those persons who furnished the labor, skill, material, or machinery contributing to the improvement. Proceeds of the payment are not subject to garnishment, execution, levy, or attachment. Nothing contained in this subdivision shall require money to be placed in a separate account and not commingled with other money of the person receiving payment or create a fiduciary liability or tort liability on the part of any person receiving payment or entitle any person to an award of punitive damages among persons contributing to an improvement to real estate under section 514.01 for a violation of this subdivision.

(b) ~~If a person, on any improvement to real estate within the meaning of section 514.01, fails to use the proceeds of any a payment made to that person on account of such for the improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to such the improvement, knowing that the cost of any such the labor performed, or skill, material, or machinery furnished for such improvement remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement under section 514.07, or a payment bond in the basic amount of the contract price for such the improvement, conditioned for the prompt payment to any person or persons entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of such the payment and upon conviction shall be fined not more than \$3,000 or imprisoned not more than one year, or both. is punishable under section 609.52. For~~

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