

of titles of the county where that portion of the mortgaged property is located, of a release of that portion of the mortgaged property from the lien of the mortgage, or a certificate of release complying with section 507.401 in lieu of a release of that portion of the mortgaged property.

No separate reassignment of the rents and profits or satisfaction or release of the assignment is required.

(b) An assignment of a mortgage, whether or not the mortgage mentions an assignment of rents and profits, is sufficient to assign both the mortgage and the assignment of rents and profits permitted by this subdivision which secures the debt secured by the mortgage, and no separate assignment of the assignment of rents and profits shall be required.

#### Sec. 4. **EFFECTIVE DATE.**

(a) Section 1 is effective the day following final enactment and applies to all liens filed on or after August 1, 2002.

(b) Sections 2 and 3 apply to all mortgages and assignments of rents and profits created before, on, or after August 1, 2003.

Presented to the governor March 27, 2003

Signed by the governor March 31, 2003, 10:30 a.m.

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### CHAPTER 6—S.F.No. 726

*An act relating to the State Building Code; modifying municipal reporting requirements; amending Minnesota Statutes 2002, section 16B.685.*

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

Section 1. Minnesota Statutes 2002, section 16B.685, is amended to read:

#### **16B.685 ANNUAL REPORT.**

Beginning with the first report filed by ~~April 1~~ June 30, 2003, each municipality shall annually report by ~~April 1~~ June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded \$5,000 in the reporting year. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and

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

(3) the expenses associated with the municipal activities for which fees were collected.

**EFFECTIVE DATE.** This section is effective the day after final enactment.

Presented to the governor April 1, 2003

Signed by the governor April 3, 2003, 12:15 p.m.

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### CHAPTER 7—S.F.No. 356

*An act relating to family law; changing certain provisions of the de facto custodian law; amending Minnesota Statutes 2002, sections 257C.01, subdivision 2; 257C.07.*

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

Section 1. Minnesota Statutes 2002, section 257C.01, subdivision 2, is amended to read:

Subd. 2. **DE FACTO CUSTODIAN.** (a) “De facto custodian” means an individual who has been the primary caretaker for a child who has, within the 24 months immediately preceding the filing of the petition, resided with the individual without a parent present and with a lack of demonstrated consistent participation by a parent for a period of:

(1) six months or more, which need not be consecutive, if the child is under three years of age; or

(2) one year or more, which need not be consecutive, if the child is three years of age or older.

(b) For purposes of the definition in this subdivision, any period of time after a legal proceeding has been commenced and filed must not be included in determining whether the child has resided with the individual for the required minimum period.

(c) For purposes of the definition in this subdivision, “lack of demonstrated consistent participation” by a parent means refusal or neglect to comply with the duties imposed upon the parent by the parent-child relationship, including, but not limited to, providing the child necessary food, clothing, shelter, health care, education, creating a nurturing and consistent relationship, and other care and control necessary for the child’s physical, mental, or emotional health and development.

(d) “De facto custodian” does not include an individual who has a child placed in the individual’s care:

(1) through a custody consent decree under section 257C.07;

(2) through a court order or voluntary placement agreement under chapter 260C;

or

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