

(b) housing, the examiner may order the sale, lease, or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the examiner deems just and equitable.

The examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 5. EFFECTIVE DATE. This act is effective the day following its final enactment. Section 3 shall not apply to cases pending before the department of human rights.

Approved April 11, 1980

CHAPTER 541—H.F.No. 1899

An act relating to the office of secretary of state; adjusting certain fees collected by that office; making them more uniform; amending Minnesota Statutes 1978, Sections 47.16; 53.01; 221.67; 303.13, Subdivision 1; 308.06, Subdivision 4; 317.04, Subdivision 3; 317.67; 540.152; and 543.08.

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

Section 1. Minnesota Statutes 1978, Section 47.16, is amended to read:

47.16 **CERTIFICATION BY COMMISSIONER.** Subdivision 1. If the commissioner of banks is satisfied that such the corporation has been organized for legitimate purposes, and under such conditions as to merit and have public confidence, and that all provisions of law applicable to every branch of business in which, by the terms of its certificate, it is authorized to engage, have been complied with, he shall so certify. When the original certificate, with proof of publication thereof, and the certificate of incorporation from the secretary of state ~~to the regularity of its incorporation, shall be~~ is filed with the commissioner of banks, he shall, within 60 days thereafter, execute and deliver to it his certificate of authority.

Subd. 2. For ~~issuing a certificate required by Laws 1955, Chapter 820, relating to an original incorporation filing articles of incorporation pursuant to this chapter or an amendment to them~~, the secretary of state shall be paid a fee of \$10. ~~Where the certificate relates to the regularity of an amendment to the corporate articles, the secretary of state shall be paid a fee of \$5.~~

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Sec. 2. Minnesota Statutes 1978, Section 53.01, is amended to read:

53.01 **ORGANIZATION.** It is lawful for three or more persons, who desire to form a corporation for the purpose of carrying on primarily the business of loaning money in small amounts to persons within the conditions ~~hereinafter~~ set forth in this chapter , to organize, under this law chapter , an industrial loan and thrift company, by filing with the secretary of state and the county recorder in the county in which the place of business of the corporation is located, a certificate of incorporation, and upon paying the fees prescribed by sections 301.07 and 301.071 and upon compliance with the procedure provided for the organization and government of ordinary corporations under the laws of this state, and ~~complying upon compliance~~ with the additional requirements of this chapter prior to receiving authorization to doing do business ~~as set forth in this chapter~~ .

Sec. 3. Minnesota Statutes 1978, Section 221.67, is amended to read:

221.67 **SERVICE OF PROCESS.** The use of any of the public highways of this state for the transportation of persons or property for compensation by a motor carrier in interstate commerce shall be deemed an irrevocable appointment by such carrier of the secretary of state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding brought under section 221.66 against him or his executor, administrator, personal representative, heirs, successors or assigns. Such use is a signification of agreement by said interstate motor carrier that any such process in any action against him or his executor, administrator, personal representative, heirs, successors, or assigns which is so served shall be of the same legal force and validity as if served upon him personally. Such service shall be made by serving a copy thereof upon the secretary of state or by filing such copy in his office, together with payment of a fee of \$2 ~~\$10~~ , and such service shall be sufficient service upon the absent motor carrier; provided that notice of such service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of sections 221.61 to 221.68 is attached to the summons.

Sec. 4. Minnesota Statutes 1978, Section 303.13, Subdivision 1, is amended to read:

303.13 **SERVICE OF PROCESS.** Subdivision 1. **FOREIGN CORPORATION.** A foreign corporation shall be subject to service of process, as follows:

(1) By service thereof on its registered agent;

(2) When any foreign corporation authorized to transact business in this state ~~shall fail~~ fails to appoint or maintain in this state a registered agent upon whom service of process may be had, or whenever any ~~such~~ registered agent cannot be found at its registered office in this state, as shown by the return of the sheriff of the county in which ~~such the~~ registered office is situated, or whenever any corporation ~~shall have withdrawn~~ withdraws from the state, or whenever the certificate of authority of any foreign corporation ~~shall have been~~ is revoked or canceled, ~~then, and in every such case,~~ service may be made by delivering to and

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leaving with the secretary of state, or with any deputy or clerk in the corporation department of his office, three copies thereof and a fee of ~~\$7.50~~ \$10; provided, that after a foreign corporation ~~shall have withdrawn~~ withdraws from the state, pursuant to section 303.16, service upon ~~such~~ the corporation may be made pursuant to the provisions of this section only when based upon a liability or obligation of ~~such~~ the corporation incurred within this state or arising out of any business done in this state by ~~such~~ the corporation prior to the issuance of a certificate of withdrawal.

(3) If a foreign corporation makes a contract with a resident of Minnesota to be performed in whole or in part by either party in Minnesota, or if ~~such~~ a foreign corporation commits a tort in whole or in part in Minnesota against a resident of Minnesota, such acts shall be deemed to be doing business in Minnesota by the foreign corporation and shall be deemed equivalent to the appointment by the foreign corporation of the secretary of the state of Minnesota and his successors to be its true and lawful attorney upon whom may be served all lawful process in any actions or proceedings against the foreign corporation arising from or growing out of ~~such~~ the contract or tort. ~~Such~~ Process shall be served in duplicate upon the secretary of state, together with a fee of ~~\$7.50~~ \$10 and the secretary of state shall mail one copy thereof to the corporation at its last known address, and the corporation shall have 20 days within which to answer from the date of ~~such~~ the mailing, notwithstanding any other provision of the law. The making of the contract or the committing of the tort shall be deemed to be the agreement of the foreign corporation that any process against it which is so served upon the secretary of state shall be of the same legal force and effect as if served personally on it within the state of Minnesota.

Sec. 5. Minnesota Statutes 1978, Section 308.06, Subdivision 4, is amended to read:

Subd. 4. The original articles of incorporation, or a certified copy ~~thereof~~ of them, verified as ~~such~~ such by the affidavits of two of the incorporators, shall be filed with the secretary of state and a copy ~~thereof~~, certified and verified as above required, shall be recorded in the office of the county recorder of the county in which the principal place of business of the association is located. For filing the articles of incorporation, or amendments ~~thereto~~ to them, with the secretary of state ~~there~~ a fee of \$10 shall be paid to the secretary of state ~~treasurer~~ ~~a fee of \$12.50~~.

Sec. 6. Minnesota Statutes 1978, Section 317.04, Subdivision 3, is amended to read:

Subd. 3. **ELECTION TO ACCEPT.** (1) Whether or not a domestic corporation has elected to reject under subdivision 2, it may at any time accept and come under the provisions of sections 317.01 to 317.25 by adopting a resolution of acceptance by a majority vote of all the directors entitled to vote at a special meeting of the board of directors, notice having been duly given, and by certifying and filing the resolution in the manner prescribed by subdivision 2, clause (3), for effecting a rejection. For filing a resolution of acceptance the secretary of state shall collect a fee of \$10.

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(2) The election to accept sections 317.01 to 317.25 becomes effective upon the filing for record (a) of a copy of the adopted resolution to accept, together with articles of incorporation and amendments thereto with the secretary of state, and (b) of the resolution to accept, duly certified by the secretary of state, with the county recorder of the county in which the principal place of business of the corporation is located.

Sec. 7. Minnesota Statutes 1978, Section 317.67, is amended to read:

317.67 FEES; FILING DOCUMENTS, ISSUING CERTIFICATES. ~~(1)~~ Subdivision 1. The secretary of state shall collect the amount of the fees charged by the county recorder for recordation of any instrument required by this act chapter to be forwarded by the secretary of state to a county recorder.

~~(2)~~ Subd. 2. In addition to the fees prescribed by ~~clause (1)~~ subdivision 1 , the secretary of state shall collect ~~when he files:~~

- ~~(a) a resolution to accept or to reject the provisions of sections 4 to 25, \$6;~~
- ~~(b) articles of incorporation and issues a certificate of incorporation, \$12;~~
- ~~(c) articles of merger or consolidation and issues a certificate thereof, \$6;~~
- ~~(d) agreement of merger or consolidation of a domestic and foreign corporation executed pursuant to the law of a foreign state or place, \$6;~~
- ~~(e) a certificate of address of registered office, \$2;~~
- ~~(f) statement of change of address of registered office, \$2;~~
- ~~(g) a certificate of amendment, \$6;~~
- ~~(h) any other instrument, \$2.~~
- ~~(3) The commissioner of insurance shall collect when he files:~~
 - ~~(a) articles of incorporation, \$2;~~
 - ~~(b) articles of amendment, \$2;~~
 - ~~(c) articles of merger or consolidation, \$2;~~
 - ~~(d) certificate of trustworthiness, \$2 a fee of \$10 for filing any instrument that is required to be filed under this chapter .~~

Sec. 8. Minnesota Statutes 1978, Section 540.152, is amended to read:

540.152 SERVICE OF PROCESS ON UNIONS, GROUPS OR ASSOCIATIONS. The transaction of any acts, business or activities within the state of Minnesota by any officer, agent, representative, employee or member of any union or other groups or associations having officers, agents, members or property without the state on behalf of ~~such the~~ union or other groups or associations or any of its members or affiliated local unions shall be deemed an appointment by ~~such the~~ union or other groups or associations of the secretary of state of the state of Minnesota to be the true and lawful attorney of ~~such the~~ union or other

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groups or associations, upon whom may be served all legal processes or notices in any action or proceeding against or involving ~~said~~ the union or other groups or associations growing out of ~~such~~ any acts, business or activities within the state of Minnesota resulting in damage or loss to person or property or giving rise to any cause of action under the laws of the state of Minnesota or to any matters or proceedings arising under the Minnesota Labor Relations Act, ~~and~~ . Such acts, business or activities shall be a signification of the agreement of ~~said~~ the union or other groups or associations and its members that any ~~such~~ process or notice in any action, matter or proceeding against or involving it, which is so served, shall be of the same legal force and validity as if served upon ~~such~~ the union or other groups or associations and its members personally. Service of ~~such~~ process or notice shall be made by filing a copy thereof in the office of the secretary of state, together with payment of a fee of ~~\$\$~~ \$10 and together with an affidavit that no officer or managing agent of ~~said~~ the union or other group or association has been found in this state and thereupon ~~such~~ the service shall be sufficient service upon ~~said~~ the union or other groups or associations and its members; and notice of ~~such~~ service and a copy of the process or notice shall, within ten days thereafter, be sent by mail by the person who caused ~~the same~~ it to be served ~~to such~~ on the union or other groups or associations at its last known address and an affidavit of compliance with the provisions of this chapter shall be filed with the court or other state agency or department before which the action, matter, or proceeding is pending.

Sec. 9. Minnesota Statutes 1978, Section 543.08, is amended to read:

543.08 SUMMONS, SERVICE UPON CERTAIN CORPORATIONS. If a private domestic corporation has no officer within the state upon whom service can be made, of which fact the return of the sheriff that none can be found in his county shall be conclusive evidence, service of the summons upon it may be made by depositing two copies, together with a fee of ~~\$\$~~ \$10 with the secretary of state, which shall be deemed personal service upon the corporation. One of the copies shall be filed by the secretary, and the other forthwith mailed by him to the corporation, if the place of its main office is known to him or is disclosed by the files of his office.

If the defendant is a foreign insurance corporation, the summons may be served by two copies delivered to the insurance commissioner, who shall file one in his office and forthwith mail the other postage prepaid to the defendant at its home office.

Sec. 10. This act is effective July 1, 1980.

Approved April 11, 1980

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