

Sections 1 to 8 and 10 are effective January 1, 1988. Section 9 is effective the day following final enactment.

Approved June 2, 1987

CHAPTER 356—S.F.No. 652

An act relating to agriculture; providing a computerized filing system and central data base for uniform commercial code financing statements and lien statements; imposing a penalty; appropriating money; amending Minnesota Statutes 1986, section 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 336.

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

Section 1. Minnesota Statutes 1986, section 336.9-407, is amended to read:

336.9-407 INFORMATION FROM FILING OFFICER.

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of a file for any effective financing statements naming a particular debtor and any statement of assignment thereof. The filing officer shall report the findings as of that date and hour by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party therein;

(b) photocopies of the original documents on file; or,

(c) upon request, both the certificate and photocopies of the statements.

The uniform fee for conducting the search and for preparing a certificate showing up to five listed filings or for preparing up to five photocopies of original documents, or any combination of up to five listed filings and photocopies, shall be \$5 if the request is in the standard form prescribed by the secretary of state and otherwise shall be \$10. Another fee, at the same rate, shall also be charged for conducting a search and preparing a certificate showing federal and state tax liens on file with the filing officer naming a particular debtor. There shall be an additional fee of 50 cents for each financing statement and each statement of assignment or tax lien listed on the certificate and for each photocopy prepared in excess of the first five. Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be

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provided with photocopies of the data upon payment of no more than the actual cost of making the copies.

Sec. 2. **[336.9-411] COMPUTERIZED FILING SYSTEM.**

(a) The secretary of state shall develop and implement a statewide computerized filing system to accumulate and disseminate information relative to lien statements, financing statements, and other uniform commercial code documents. The computerized filing system must allow information to be entered and retrieved from the computerized filing system by county recorders.

(b) County recorders shall enter information relative to lien statements, financing statements, and other uniform commercial code documents filed in their offices into a central data base maintained by the secretary of state. The information must be entered under the rules of the secretary of state.

(c) The secretary of state may allow private parties to have electronic-view-only access to the computerized filing system on a fee basis. If the computerized filing system allows a form of electronic access to information regarding the obligations of debtors, the access must be available 24 hours a day, every day of the year.

(d) The secretary of state shall adopt rules to implement the computerized filing system. The secretary of state may adopt permanent and emergency rules. The rules must:

(1) allow filings to be made at the offices of all county recorders and the secretary of state's office as required by section 336.9-401;

(2) establish a central data base for all information relating to liens and security interests that are filed at the offices of county recorders and the secretary of state;

(3) provide procedures for entering data into a central data base;

(4) allow the offices of all county recorders and the secretary of state's office to add, modify, and delete information in the central data base as required by the uniform commercial code;

(5) allow the offices of all county recorders and the secretary of state's office to have access to the central data base for review and search capabilities;

(6) require the secretary of state to maintain the central data base;

(7) provide security and protection of all information in the central data base and monitor the central data base to ensure that unauthorized entry is not allowed;

(8) require standardized information for entry into the central data base;

(9) prescribe an identification procedure for debtors and secured parties that will enhance lien and financing statement searches;

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(10) provide a system for coding information on collateral; and

(11) prescribe a procedure for phasing-in or converting from the existing filing system to a computerized filing system.

Sec. 3. [336.9-412] LIABILITY FOR INFORMATION ERRORS.

The state, the secretary of state, counties, county recorders, and their employees and agents are immune from liability that occurs as a result of errors in or omissions from information provided from the computerized filing system.

Sec. 4. [336.9-413] UNIFORM COMMERCIAL CODE ACCOUNT.

(a) The uniform commercial code account is established as an account in the state treasury.

(b) The filing officer with whom a financing statement, amendment, or continuation statement is filed, or to whom a request for search is made, shall collect a \$2 surcharge on each filing or search. By June 1 and December 1 of each year, each county recorder shall forward the accumulated receipts from the surcharge to the secretary of state. The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as a part of the search.

(c) The surcharge amounts received from county recorders and the surcharge amounts collected by the secretary of state's office must be deposited in the state treasury and credited to the uniform commercial code account.

(d) Fees that are not expressly set by statute but are charged by the secretary of state to offset the costs of providing a service under sections 2 to 4 must be deposited in the state treasury and credited to the uniform commercial code account.

(e) Money in the uniform commercial code account is continuously appropriated to the secretary of state to implement and maintain the computerized uniform commercial code filing system under section 2.

Sec. 5. APPROPRIATION.

Subdivision 1. UNIFORM COMMERCIAL CODE ACCOUNT. \$500,000 is appropriated from the general fund for transfer to the uniform commercial code account for implementation and maintenance of the computerized uniform commercial code filing system to be available until expended.

Subd. 2. REIMBURSEMENT. The appropriation in subdivision 1 must be reimbursed from the uniform commercial code account to the general fund by June 30, 1989.

Subd. 3. COMPLEMENT. The approved complement of the office of the secretary of state is increased by 7 persons.

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Sec. 6. EFFECTIVE DATE.

Subdivision 1. GENERALLY. Sections 2 to 5 are effective the day after enactment except as provided in subdivisions 2 and 3.

Subd. 2. COMPUTERIZED FILING SYSTEM. The computerized filing system under section 2 must be implemented by the secretary of state and operational by November 1, 1988, and the provisions of section 2 relating to the computerized filing system are effective on the date that the secretary of state notifies the public and the filing officers that the computerized filing system is operational. The secretary of state must give notice of the system being operational at least 30 days before the operational date.

Subd. 3. FILING AND SEARCH SURCHARGE. The filing and search fee surcharge under section 4, paragraph (b), is effective for filings and search requests made on or after July 1, 1987.

Approved June 2, 1987

CHAPTER 357—S.F.No. 841

An act relating to natural resources; conservation reserve program; definitions, eligibility for inclusion, applications, agreements, payments, and other terms and conditions; establishing a native prairie bank program; appropriating funds; amending and changing requirements for the waterbank programs; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 3, 5, 6, and 7; 40.44, subdivisions 2 and 3; 40.45; 84.943, subdivisions 1, 3, and 5; 84.944, subdivision 1; 84.95, subdivision 2 and by adding a subdivision; 105.391, subdivision 3; and 105.392, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Section 1. Minnesota Statutes 1986, section 40.41, is amended to read:

40.41 PURPOSE AND POLICY.

It is the purposes of sections 40.41 to 40.45 to keep certain marginal agricultural land out of crop production ~~or pasture~~ to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodible land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

Sec. 2. Minnesota Statutes 1986, section 40.42, subdivision 5, is amended to read:

Subd. 5. **LANDOWNER.** "Landowner" means ~~a Minnesota resident who owns or is a buyer under a contract for deed; of land that qualifies as a family~~

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