

Sec. 18. REPEALER.

Minnesota Statutes 1998, sections 518A.01; 518A.02; 518A.03; 518A.04; 518A.05; 518A.06; 518A.07; 518A.08; 518A.09; 518A.10; 518A.11; 518A.12; 518A.13; 518A.14; 518A.15; 518A.16; 518A.17; 518A.18; 518A.19; 518A.20; 518A.21; 518A.22; 518A.23; 518A.24; and 518A.25, are repealed.

Sec. 19. INSTRUCTION TO REVISOR.

The revisor of statutes shall change the reference to "sections 518A.01 to 518A.25" in Minnesota Statutes, section 518.155, to "chapter 518D."

Sec. 20. EFFECTIVE DATE.

This act is effective January 1, 2000. A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination which was commenced before the effective date of this act is governed by the law in effect at the time the motion or other request was made.

Presented to the governor April 16, 1999

Signed by the governor April 20, 1999, 9:18 a.m.

CHAPTER 75—S.F.No. 257

An act relating to statutory cities; permitting special elections in cases of certain vacancies; amending Minnesota Statutes 1998, sections 205.10, subdivision 2; and 412.02, subdivision 2a.

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

Section 1. Minnesota Statutes 1998, section 205.10, subdivision 2, is amended to read:

Subd. 2. **VACANCIES IN CITY OFFICES.** Special elections shall be held in statutory cities in conjunction with municipal general elections to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

Sec. 2. Minnesota Statutes 1998, section 412.02, subdivision 2a, is amended to read:

Subd. 2a. **VACANCY.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, ~~there shall be no need not~~ be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor elected at a regular city election. The council must specify by ordinance under what circumstances it will hold a

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special election to fill a vacancy other than a special election held at the same time as the regular city election.

Presented to the governor April 16, 1999

Signed by the governor April 20, 1999, 9:26 a.m.

CHAPTER 76—H.F.No. 868

An act relating to crime prevention; amending the theft law to specifically apply to certain situations involving the rental of personal property or equipment; amending Minnesota Statutes 1998, section 609.52, subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1998, section 609.52, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to, or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage to the owner which the owner has suffered by reason of losing an advantage over those who do not know of or use the trade secret. For a check, draft, or other order for the payment of money, "value" means the amount of money promised or ordered to be paid under the terms of the check, draft, or other order. For a theft committed within the meaning of subdivision 2, clause (5), ~~(a) items (i) and (b) (ii)~~, if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein. For a theft committed within the meaning of subdivision 2, clause (9), if the property has been restored to the owner, "value" means the rental value of the property, determined at the rental rate contracted by the defendant or, if no rental rate was contracted, the rental rate customarily charged by the owner for use of the property, plus any damage that occurred to the property while the owner was deprived of its possession, but not exceeding the total retail value of the property at the time of rental.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

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