

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2384

(SENATE AUTHORS: LIMMER and Latz)		
DATE	D-PG	OFFICIAL STATUS
05/10/2017	4298	Introduction and first reading
		Referred to Rules and Administration
05/22/2017	6083	Withdrawn
	6083	Second reading
	6083	Urgency declared rules suspended
	6099a	Third reading Passed as amended
	6103	Returned from House
		Presentment date 05/26/17
	6105	Governor's action Approval 05/30/17
	6106	Secretary of State Chapter 99 05/30/17
		Effective date Various Dates

1.1

A bill for an act

1.2

relating to legislative enactments; correcting miscellaneous oversights,

1.3

inconsistencies, ambiguities, unintended results, and technical errors; amending

1.4

Minnesota Statutes 2016, sections 168.1294, as added; 515B.1-103, as amended

1.5

if enacted; 515B.4-116, as amended if enacted; 2017 S.F. No. 1456, article 8,

1.6

section 5, if enacted; 2017 S.F. No. 514, article 3, sections 1, if enacted; 2, if

1.7

enacted; 3, if enacted; 4, if enacted; 5, if enacted; 6, if enacted.

1.8

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

1.9

Section 1. **CROSS-REFERENCE CORRECTIONS.**

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The revisor of statutes shall renumber the reference to Minnesota Statutes, section

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62Q.01, subdivision 9, to Minnesota Statutes, section 62Q.01, subdivision 2a, where it

1.12

appears in Minnesota Statutes, sections 43A.23, subdivision 1, paragraph (c); 43A.317,

1.13

subdivision 6, paragraph (c); 62C.14, subdivision 5; 62L.02, subdivision 11; and 62Q.23,

1.14

paragraph (b).

1.15

EFFECTIVE DATE. This section is effective the day following final enactment.

1.16

Sec. 2. [CORR17-01] Minnesota Statutes, section 168.1294, as added by Laws 2017,

1.17

chapter 55, section 1, is amended to read:

1.18

168.1294 LAW ENFORCEMENT MEMORIAL PLATES.

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Subdivision 1. **Issuance of plates.** The commissioner shall issue special law enforcement

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memorial license plates or a single motorcycle plate to an applicant who:

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(1) is a registered owner of a passenger automobile, noncommercial one-ton pickup

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truck, motorcycle, or recreational motor vehicle;

(2) pays an additional fee of \$10 for each set of plates;

(3) pays the registration tax as required under section 168.013, along with any other fees required by this chapter;

(4) contributes \$25 upon initial application and a minimum of \$5 annually to the Minnesota law enforcement memorial account; and

(5) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** The commissioner, in consultation with representatives from the Minnesota Law Enforcement Memorial Association, shall adopt a suitable design for the plate that must include a ~~black~~ blue line with a ~~blue~~ black line of equal proportion above and below the ~~black~~ blue line, representing the thin blue line.

Subd. 3. **Plates transfer.** On application to the commissioner and payment of a transfer fee of \$5, special plates may be transferred to another qualified motor vehicle that is registered to the same individual to whom the special plates were originally issued.

Subd. 4. **Exemption.** Special plates issued under this section are not subject to section 168.1293, subdivision 2.

Subd. 5. **Fees.** Fees collected under subdivision 1, clauses (2) and (3), and subdivision 3 are credited to the vehicle services operating account in the special revenue fund.

Subd. 6. **Contributions; memorial account; appropriation.** Contributions collected under subdivision 1, clause (4), must be deposited in the Minnesota law enforcement memorial account, which is established in the special revenue fund. Money in the account is appropriated to the commissioner of public safety. This appropriation is first for the annual cost of administering the account funds, and the remaining funds are for distribution to the Minnesota Law Enforcement Memorial Association, to be used to further the mission of the association in assisting the families and home agencies of Minnesota law enforcement officers who have died in the line of duty.

Sec. 3. [CORR17-02A] Minnesota Statutes 2016, section 515B.1-103, as amended by 2017 H.F. No. 1538, if enacted, is amended to read:

515B.1-103 DEFINITIONS.

In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in this chapter:

(1) "Additional real estate" means real estate that may be added to a flexible common interest community.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant.

(A) A person "controls" a declarant if the person (i) is a general partner, officer, director, or employer of the declarant, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the declarant, (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant.

(B) A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the person, (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(C) Control does not exist if the powers described in this subsection are held solely as a security interest and have not been exercised.

(3) "Allocated interests" means the following interests allocated to each unit: (i) in a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association; (ii) in a cooperative, the common expense liability and the ownership interest and votes in the association; and (iii) in a planned community, the common expense liability and votes in the association.

(4) "Association" means the unit owners' association organized under section 515B.3-101.

(5) "Board" means the body, regardless of name, designated in the articles of incorporation, bylaws or declaration to act on behalf of the association, or on behalf of a master association when so identified.

(6) "CIC plat" means a common interest community plat described in section 515B.2-110.

(7) "Common elements" means all portions of the common interest community other than the units.

(8) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, or master association when so identified, together with any allocations to reserves.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515B.2-108.

(10) "Common interest community" or "CIC" means contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate which satisfies the definition of a common interest community is a common interest community whether or not it is subject to this chapter. Real estate subject to a master declaration, regardless of when the master declaration was recorded, shall not collectively constitute a separate common interest community unless so stated in the master declaration.

(11) "Condominium" means a common interest community in which (i) portions of the real estate are designated as units, (ii) the remainder of the real estate is designated for common ownership solely by the owners of the units, and (iii) undivided interests in the common elements are vested in the unit owners.

(11a) "Construction defect claim" means a civil action or an arbitration proceeding based on any legal theory including, but not limited to, claims under chapter 327A for damages, indemnity, or contribution brought against a development party to assert a claim, counterclaim, cross-claim, or third-party claim for damages or loss to, or the loss of use of, real or personal property caused by a defect in the initial design or construction of an improvement to real property that is part of a common interest community, including an improvement that is constructed on additional real estate pursuant to section ~~515B.2-124~~ 515B.2-111. "Construction defect claim" does not include claims related to subsequent maintenance, repairs, alterations, or modifications to, or the addition of, improvements that are part of the common interest community, and that are contracted for by the association or a unit owner.

(12) "Conversion property" means real estate on which is located a building that at any time within two years before creation of the common interest community was occupied for residential use wholly or partially by persons other than purchasers and persons who occupy with the consent of purchasers.

(13) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled to a proprietary lease by virtue of the member's ownership interest in the association.

(14) "Dealer" means a person in the business of selling units for the person's own account.

(15) "Declarant" means:

(i) if the common interest community has been created, (A) any person who has executed a declaration, or a supplemental declaration or amendment to a declaration adding additional real estate, except secured parties, a spouse holding only an inchoate interest, persons whose interests in the real estate will not be transferred to unit owners, or, in the case of a leasehold common interest community, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (B) any person who reserves, or succeeds under section 515B.3-104 to any special declarant rights; or

(ii) any person or persons acting in concert who have offered prior to creation of the common interest community to transfer their interest in a unit to be created and not previously transferred.

(16) "Declaration" means any instrument, however denominated, that creates a common interest community.

(16a) "Development party" means an architect, contractor, construction manager, subcontractor, developer, declarant, engineer, or private inspector performing or furnishing the design, supervision, inspection, construction, coordination, or observation of the construction of any improvement to real property that is part of a common interest community, or any of the person's affiliates, officers, directors, shareholders, members, or employees.

(17) "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in the common interest community, but the term does not include the transfer or release of a security interest.

(18) "Flexible common interest community" means a common interest community to which additional real estate may be added.

(19) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

(20) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515B.2-109 (c) or (d) for the exclusive use of one or more but fewer than all of the units.

(21) "Master association" means an entity created on or after June 1, 1994, that directly or indirectly exercises any of the powers set forth in section 515B.3-102 on behalf of one or more members described in section 515B.2-121 (b), (i), (ii) or (iii), whether or not it also exercises those powers on behalf of one or more property owners' associations described in section 515B.2-121 (b)(iv). A person (i) hired by an association to perform maintenance, repair, accounting, bookkeeping or management services, or (ii) granted authority under an instrument recorded primarily for the purpose of creating rights or obligations with respect to utilities, access, drainage, or recreational amenities, is not, solely by reason of that relationship, a master association.

(22) "Master declaration" means a written instrument, however named, (i) recorded on or after June 1, 1994, and (ii) complying with section 515B.2-121, subsection (e).

(23) "Master developer" means a person who is designated in the master declaration as a master developer or, in the absence of such a designation, the owner or owners of the real estate subject to the master declaration at the time the master declaration is recorded, except (i) secured parties and (ii) a spouse holding only an inchoate interest. A master developer is not a declarant unless the master declaration states that the real estate subject to the master declaration collectively is or collectively will be a separate common interest community.

(24) "Period of declarant control" means the time period provided for in section 515B.3-103 (c) during which the declarant may appoint and remove officers and directors of the association.

(25) "Person" means an individual, corporation, limited liability company, partnership, trustee under a trust, personal representative, guardian, conservator, government, governmental subdivision or agency, or other legal or commercial entity capable of holding title to real estate.

(26) "Planned community" means a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be a part of a planned community.

(27) "Proprietary lease" means an agreement with a cooperative association whereby a member of the association is entitled to exclusive possession of a unit in the cooperative.

(28) "Purchaser" means a person, other than a declarant, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than (i) a leasehold interest of less than 20 years, including renewal options, or (ii) a security interest.

(29) "Real estate" means any fee simple, leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" may include spaces with or without upper or lower boundaries, or spaces without physical boundaries.

(30) "Residential use" means use as a dwelling, whether primary, secondary or seasonal, but not transient use such as hotels or motels.

(31) "Secured party" means the person owning a security interest as defined in paragraph (32).

(32) "Security interest" means a perfected interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a mortgagee's interest in a mortgage, a vendor's interest in a contract for deed, a lessor's interest in a lease intended as security, a holder's interest in a sheriff's certificate of sale during the period of redemption, an assignee's interest in an assignment of leases or rents intended as security, in a cooperative, a lender's interest in a member's ownership interest in the association, a pledgee's interest in the pledge of an ownership interest, or any other interest intended as security for an obligation under a written agreement.

(33a) This definition of special declarant rights applies only to common interest communities created before August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant to:

(i) complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the CIC is located;

(ii) add additional real estate to a common interest community;

(iii) subdivide or combine units, or convert units into common elements, limited common elements, or units;

(iv) maintain sales offices, management offices, signs advertising the common interest community, and models;

(v) use easements through the common elements for the purpose of making improvements within the common interest community or any additional real estate;

(vi) create a master association and provide for the exercise of authority by the master association over the common interest community or its unit owners;

(vii) merge or consolidate a common interest community with another common interest community of the same form of ownership; or

(viii) appoint or remove any officer or director of the association, or the master association where applicable, during any period of declarant control.

(33b) This definition of special declarant rights applies only to common interest communities created on or after August 1, 2010. "Special declarant rights" means rights reserved in the declaration for the benefit of a declarant and expressly identified in the declaration as special declarant rights. Such special declarant rights may include but are not limited to the following:

(i) to complete improvements indicated on the CIC plat, planned by the declarant consistent with the disclosure statement or authorized by the municipality in which the common interest community is located, and to have and use easements for itself and its employees, agents, and contractors through the common elements for such purposes;

(ii) to add additional real estate to a common interest community;

(iii) to subdivide or combine units, or convert units into common elements, limited common elements and/or units, pursuant to section 515B.2-112;

(iv) to maintain and use sales offices, management offices, signs advertising the common interest community, and models, and to have and use easements for itself and its employees, agents, and invitees through the common elements for such purposes;

(v) to appoint or remove any officer or director of the association during any period of declarant control;

(vi) to utilize an alternate common expense plan as provided in section 515B.3-115 (a)(2);

(vii) to grant common element licenses as provided in section 515B.2-109 (e); or

(viii) to review, and approve or disapprove, the exterior design, materials, size, site location, and other exterior features of buildings and other structures, landscaping and other exterior improvements, located within the common interest community, and any modifications or alterations thereto.

Special declarant rights shall not be reserved or utilized for the purpose of evading any limitation or obligation imposed on declarants by this chapter.

(34) "Time share" means a right to occupy a unit or any of several units during three or more separate time periods over a period of at least three years, including renewal options, whether or not coupled with a fee title interest in the common interest community or a specified portion thereof.

(35) "Unit" means a portion of a common interest community the boundaries of which are described in the common interest community's declaration and which is intended for separate ownership, or separate occupancy pursuant to a proprietary lease.

(36) "Unit identifier" means English letters or Arabic numerals, or a combination thereof, which identify only one unit in a common interest community and which meet the requirements of section 515B.2-104.

(37) "Unit owner" means a declarant or other person who owns a unit, a lessee under a proprietary lease, or a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a secured party. In a common interest community, the declarant is the unit owner of a unit until that unit has been conveyed to another person.

Sec. 4. [CORR17-02B] Minnesota Statutes 2016, section 515B.4-116, as amended by 2017 H.F. No. 1538, if enacted, is amended to read:

515B.4-116 RIGHTS OF ACTION; ATTORNEY'S FEES.

(a) In addition to any other rights to recover damages, attorney's fees, costs or expenses, whether authorized by this chapter or otherwise, if a declarant, an association, or any other person violates any provision of this chapter, or any provision of the declaration, bylaws, or rules and regulations any person or class of persons adversely affected by the failure to comply has a claim for appropriate relief. Subject to the requirements of section 515B.3-102, the association shall have standing to pursue claims on behalf of the unit owners of two or more units.

(b) The court may award reasonable attorney's fees and costs of litigation to the prevailing party. Punitive damages may be awarded for a willful failure to comply.

(c) As a condition precedent to any construction defect claim, the parties to the claim must submit the matter to mediation before a mutually agreeable neutral third party ~~under Rules of Civil Procedure, rule 114.02 (7).~~ For the purposes of this section, mediation has the meaning given under the General Rules of Practice, rule 114.02(7). If the parties are not able to agree on a neutral third-party mediator from the roster maintained by the Minnesota

Supreme Court, the parties may petition the district court in the jurisdiction in which the common interest community is located to appoint a mediator. The applicable statute of limitations and statute of repose for an action based on breach of a warranty imposed by this section, or any other action in contract, tort, or other law for any injury to real or personal property or bodily injury or wrongful death arising out of the alleged construction defect, is tolled from the date that any party makes a written demand for mediation under this section until the latest of the following:

(1) five business days after mediation is completed; or

(2) 180 days.

Notwithstanding the foregoing, mediation shall not be required prior to commencement of a construction defect claim if the parties have completed home warranty dispute resolution under section 327A.051.

(d) The remedies provided for under this chapter are not exclusive and do not abrogate any remedies under other statutes or the common law, notwithstanding whether those remedies are referred to in this chapter.

Sec. 5. [CORR17-03A] 2017 S.F. No. 514, article 3, section 1, if enacted, is amended to read:

Section 1. MORRISON COUNTY RECORDER MAY BE APPOINTED.

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Morrison County Board of Commissioners, the office of county recorder is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term

11.1 of office to which the person was elected or until a vacancy occurs in the office, whichever
11.2 occurs earlier.

11.3 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a
11.4 resolution to provide for the appointment of the county recorder, the county board must
11.5 publish a proposed resolution notifying the public of its intent to consider the issue once
11.6 each week for two consecutive weeks in the official publication of the county and in the
11.7 official publication of each city located wholly or partly in the county. Following publication
11.8 and prior to formally adopting the resolution, the county board shall provide an opportunity
11.9 at two separate meetings for public comment relating to the issue. One meeting must be
11.10 held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held
11.11 between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special
11.12 meetings. After the public comment opportunity at the second meeting, at the same meeting
11.13 or a subsequent meeting, the county board of commissioners may adopt a resolution that
11.14 provides for the appointment of the county recorder as permitted in this section. The
11.15 resolution must be approved by at least 80 percent of the members of the county board. The
11.16 resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution,
11.17 unless a petition is filed as provided in paragraph (b).

11.18 (b) Within 60 days after the county board adopts the resolution, a petition requesting a
11.19 referendum may be filed with the county auditor-treasurer. The petition must be signed by
11.20 at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the
11.21 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,
11.22 and any rules adopted to implement that section. If the petition is sufficient, the question
11.23 of appointing the county recorder must be placed on the ballot at a regular or special election.
11.24 If a majority of the voters of the county voting on the question vote in favor of appointment,
11.25 the resolution may be implemented.

11.26 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to
11.27 provide for the election of an office made an appointed position under this section, but not
11.28 until at least three years after the office was made an appointed position. The county board
11.29 must publish a proposed resolution notifying the public of its intent to consider the issue
11.30 once each week for two consecutive weeks in the official publication of the county. Following
11.31 publication and before formally adopting the resolution, the county board must provide an
11.32 opportunity at its next regular meeting for public comment relating to the issue. After the
11.33 public comment hearing, the county board may adopt the resolution. The resolution must
11.34 be approved by at least 60 percent of the members of the county board and is effective
11.35 August 1 following adoption of the resolution.

12.1 (b) The question of whether an office made an appointed position under this section
12.2 must be made an elected office must be placed on the ballot at the next general election if:

12.3 (1) the position has been an appointed position for at least three years;

12.4 (2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is
12.5 filed with the office of the county auditor-treasurer by August 1 of the year in which the
12.6 general election is held; and

12.7 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota
12.8 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority
12.9 of the voters of the county voting on the question vote in favor of making the office an
12.10 elected position, the election for the office must be held at the next regular or special election.

12.11 Sec. 6. [CORR17-03B] 2017 S.F. No. 514, article 3, section 2, if enacted, is amended to
12.12 read:

12.13 Sec. 2. **BENTON COUNTY RECORDER MAY BE APPOINTED.**

12.14 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota
12.15 Statutes, section 382.01, upon adoption of a resolution by the Benton County Board of
12.16 Commissioners, the office of county recorder is not elective but must be filled by appointment
12.17 by the county board as provided in the resolution.

12.18 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a
12.19 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the
12.20 duties of an elected official required by statute whose office is made appointive as authorized
12.21 by this section must be discharged by the county board of commissioners acting through a
12.22 department head appointed by the board for that purpose. Reorganization, reallocation,
12.23 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid
12.24 the discharge of duties required by statute.

12.25 Subd. 3. **Incumbents to complete term.** The person elected at the last general election
12.26 to an office made appointive under this section must serve in that capacity and perform the
12.27 duties, functions, and responsibilities required by statute until the completion of the term
12.28 of office to which the person was elected or until a vacancy occurs in the office, whichever
12.29 occurs earlier.

12.30 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a
12.31 resolution to provide for the appointment of the county recorder, the county board must
12.32 publish a proposed resolution notifying the public of its intent to consider the issue once

each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. Reverting to elected offices. (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

Sec. 7. [CORR17-03C] 2017 S.F. No. 514, article 3, section 3, if enacted, is amended to read:

Sec. 3. **PINE COUNTY AUDITOR-TREASURER MAY BE APPOINTED.**

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Pine County Board of Commissioners, the office of county auditor-treasurer is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbent to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county auditor-treasurer, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county and in the official publication of each city located wholly or partly in the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at two separate meetings for public comment relating to the issue. One meeting

must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special meetings. After the public comment opportunity at the second meeting, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county auditor-treasurer as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county auditor-treasurer must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority

16.1 of the voters of the county voting on the question vote in favor of making the office an
16.2 elected position, the election for the office must be held at the next regular or special election.

16.3 Sec. 8. [CORR17-03D] 2017 S.F. No. 514, article 3, section 4, if enacted, is amended to
16.4 read:

16.5 Sec. 4. **STEARNS COUNTY RECORDER MAY BE APPOINTED.**

16.6 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota
16.7 Statutes, section 382.01, upon adoption of a resolution by the Stearns County Board of
16.8 Commissioners, the office of county recorder is not elective but must be filled by appointment
16.9 by the county board as provided in the resolution.

16.10 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a
16.11 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the
16.12 duties of an elected official required by statute whose office is made appointive as authorized
16.13 by this section must be discharged by the county board of commissioners acting through a
16.14 department head appointed by the board for that purpose. Reorganization, reallocation,
16.15 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid
16.16 the discharge of duties required by statute.

16.17 Subd. 3. **Incumbents to complete term.** The person elected at the last general election
16.18 to an office made appointive under this section must serve in that capacity and perform the
16.19 duties, functions, and responsibilities required by statute until the completion of the term
16.20 of office to which the person was elected or until a vacancy occurs in the office, whichever
16.21 occurs earlier.

16.22 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a
16.23 resolution to provide for the appointment of the county recorder, the county board must
16.24 publish a proposed resolution notifying the public of its intent to consider the issue once
16.25 each week for two consecutive weeks in the official publication of the county and in the
16.26 official publication of each city located wholly or partly in the county. Following publication
16.27 and prior to formally adopting the resolution, the county board shall provide an opportunity
16.28 at two separate meetings for public comment relating to the issue. One meeting must be
16.29 held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held
16.30 between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special
16.31 meetings. After the public comment opportunity at the second meeting, at the same meeting
16.32 or a subsequent meeting, the county board of commissioners may adopt a resolution that
16.33 provides for the appointment of the county recorder as permitted in this section. The

resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

18.1 Sec. 9. [CORR17-03E] 2017 S.F. No. 514, article 3, section 5, if enacted, is amended to
18.2 read:

18.3 Sec. 5. **MARSHALL COUNTY RECORDER MAY BE APPOINTED.**

18.4 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota
18.5 Statutes, section 382.01, upon adoption of a resolution by the Marshall County Board of
18.6 Commissioners, the office of county recorder is not elective but must be filled by appointment
18.7 by the county board as provided in the resolution.

18.8 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a
18.9 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the
18.10 duties of an elected official required by statute whose office is made appointive as authorized
18.11 by this section must be discharged by the county board of commissioners acting through a
18.12 department head appointed by the board for that purpose. Reorganization, reallocation,
18.13 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid
18.14 the discharge of duties required by statute.

18.15 Subd. 3. **Incumbents to complete term.** The person elected at the last general election
18.16 to an office made appointive under this section must serve in that capacity and perform the
18.17 duties, functions, and responsibilities required by statute until the completion of the term
18.18 of office to which the person was elected or until a vacancy occurs in the office, whichever
18.19 occurs earlier.

18.20 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a
18.21 resolution to provide for the appointment of the county recorder, the county board must
18.22 publish a proposed resolution notifying the public of its intent to consider the issue once
18.23 each week for two consecutive weeks in the official publication of the county and in the
18.24 official publication of each city located wholly or partly in the county. Following publication
18.25 and prior to formally adopting the resolution, the county board shall provide an opportunity
18.26 at two separate meetings for public comment relating to the issue. One meeting must be
18.27 held between the hours of 8:00 a.m. and 5:00 p.m. and the other meeting must be held
18.28 between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be regular or special
18.29 meetings. After the public comment opportunity at the second meeting, at the same meeting
18.30 or a subsequent meeting, the county board of commissioners may adopt a resolution that
18.31 provides for the appointment of the county recorder as permitted in this section. The
18.32 resolution must be approved by at least 80 percent of the members of the county board. The
18.33 resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution,
18.34 unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

20.1 Sec. 10. [CORR17-03F] 2017 S.F. No. 514, article 3, section 6, if enacted, is amended to
20.2 read:

20.3 Sec. 6. **RICE COUNTY AUDITOR-TREASURER AND RECORDER MAY BE**
20.4 **APPOINTED.**

20.5 Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota
20.6 Statutes, section 382.01, upon adoption of a resolution by the Rice County Board of
20.7 Commissioners, the offices of county auditor-treasurer and county recorder are not elective
20.8 but must be filled by appointment by the county board as provided in the resolution.

20.9 Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a
20.10 resolution by the county board of commissioners, and subject to subdivisions 3 and 4, the
20.11 duties of an elected official required by statute whose office is made appointive as authorized
20.12 by this section must be discharged by the county board of commissioners acting through a
20.13 department head appointed by the board for that purpose. Reorganization, reallocation,
20.14 delegation, or other administrative change or transfer does not diminish, prohibit, or avoid
20.15 the discharge of duties required by statute.

20.16 Subd. 3. **Incumbents to complete term.** The person elected at the last general election
20.17 to an office made appointive under this section must serve in that elected capacity and
20.18 perform the duties, functions, and responsibilities required by statute until the completion
20.19 of the term of office to which the person was elected or until a vacancy occurs in the office,
20.20 whichever occurs earlier.

20.21 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a
20.22 resolution to provide for the appointment of the county auditor-treasurer and county recorder,
20.23 the county board must publish a proposed resolution notifying the public of its intent to
20.24 consider the issue once each week for two consecutive weeks in the official publication of
20.25 the county and in the official publication of each city located wholly or partly in the county.
20.26 Following publication and prior to formally adopting the resolution, the county board shall
20.27 provide an opportunity at two separate meetings for public comment relating to the issue.
20.28 One meeting must be held between the hours of 8:00 a.m. and 5:00 p.m. and the other
20.29 meeting must be held between the hours of 5:00 p.m. and 9:00 p.m. The meetings may be
20.30 regular or special meetings. After the public comment opportunity at the second meeting,
20.31 at the same meeting or a subsequent meeting, the county board of commissioners may adopt
20.32 a resolution that provides for the appointment of the county auditor-treasurer and county
20.33 recorder as permitted in this section. The resolution must be approved by at least 80 percent
20.34 of the members of the county board. The resolution may take effect 60 days after it is

21.1 adopted, or at a later date stated in the resolution, unless a petition is filed as provided in
21.2 paragraph (b).

21.3 (b) Within 60 days after the county board adopts the resolution, a petition requesting a
21.4 referendum may be filed with the county auditor-treasurer. The petition must be signed by
21.5 at least ~~ten~~ five percent of the registered voters of the county. The petition must meet the
21.6 requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071,
21.7 and any rules adopted to implement that section. If the petition is sufficient, the question
21.8 of appointing the county auditor-treasurer and county recorder must be placed on the ballot
21.9 at a regular or special election. If a majority of the voters of the county voting on the question
21.10 vote in favor of appointment, the resolution may be implemented.

21.11 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to
21.12 provide for the election of an office made an appointed position under this section, but not
21.13 until at least three years after the office was made an appointed position. The county board
21.14 must publish a proposed resolution notifying the public of its intent to consider the issue
21.15 once each week or two consecutive weeks in the official publication of the county. Following
21.16 publication and before formally adopting the resolution, the county board must provide an
21.17 opportunity at its next regular meeting for public comment relating to the issue. After the
21.18 public comment hearing, the county board may adopt the resolution. The resolution must
21.19 be approved by at least 60 percent of the members of the county board and is effective
21.20 August 1 following adoption of the resolution.

21.21 (b) The question of whether an office made an appointed position under this section
21.22 must be made an elected office must be placed on the ballot at the next general election if:

21.23 (1) the position has been an appointed position for at least three years;

21.24 (2) a petition signed by at least ~~five~~ ten percent of the registered voters of the county is
21.25 filed with the office of the county auditor-treasurer by August 1 of the year in which the
21.26 general election is held; and

21.27 (3) the petition meets the requirements of the secretary of state, as provided in Minnesota
21.28 Statutes, section 204B.071, and any rules adopted to implement that section. If a majority
21.29 of the voters of the county voting on the question vote in favor of making the office an
21.30 elected position, the election for the office must be held at the next regular or special election.

22.1 Sec. 11. [CORR17-05] 2017 S.F. No. 1456, article 8, section 5, if enacted, is amended to
22.2 read:

22.3 Sec. 5. **[72A.328] AFFINITY GROUP.**

22.4 Subdivision 1. **Definitions.** (a) For purposes of this section the following terms have
22.5 the meanings given.

22.6 (b) "Affinity program" means a group of individuals who are members of an entity that
22.7 offers individuals benefits based on their membership in that entity. Affinity program does
22.8 not include an entity that obtains group insurance, as defined in section 60A.02, subdivision
22.9 28, or risk retention groups as defined in section 60E.02, subdivision 12.

22.10 (c) "Policy" means an individually underwritten policy of private passenger vehicle
22.11 insurance, as defined in section 65B.001, subdivision 2, ~~or~~ an individually underwritten
22.12 policy of homeowner's insurance, as defined in section 65A.27, subdivision 4, or an
22.13 individually underwritten policy issued under section 60A.06, subdivision 1, clause (10).

22.14 Subd. 2. **Discount.** An insurance company may offer an individual a discount or other
22.15 benefit relating to a policy based on the individual's membership in an affinity program if:

22.16 (1) the benefit or discount is based on an actuarial justification; and

22.17 (2) the insurance company offers the benefit or discount to all members of the affinity
22.18 program eligible for the discount or benefit.

22.19 Sec. 12. **EFFECTIVE DATE.**

22.20 Unless otherwise provided, each section of this act is effective at the time the provision
22.21 being corrected is effective.