

## CHAPTER 25—H.F.No.221

An act relating to errors in Minnesota Statutes; providing for the elimination of duplicitous, conflicting, ambiguous, and obsolete provisions superseded by or conflicting with other provisions of law or expired by the passage of time; amending Minnesota Statutes 1969, Sections 1.36; 1.40; 3.431, Subdivision 1; 3.69; 3A.06; 9.071; 11.16, Subdivision 1; 15.50, Subdivisions 2 and 6; 16.21; 21.51, Subdivision 7; 31.52, Subdivision 1; 31.56, Subdivision 5; 31A.07, Subdivision 2; 69.67; 82.03, Subdivision 2; 83A.02; 83A.03; 83A.04; 88.52, Subdivision 3; 89.015; 120.05; 124.32, Subdivision 1; 151.34; 168.43; 168.54, Subdivision 4; 233.21; 233.28; 233.39; 239.01; 239.02; 239.52; 260.015, Subdivision 10; 260.021, Subdivisions 1 and 2; 260.311, Subdivision 3; 270.051, Subdivision 2; 270.34; 272.02; 274.16; 282.224; 290.96; 298.22, Subdivision 1; 326.10, Subdivision 1; 340.491; 340.492; 341.05, Subdivisions 1 and 2; 357.021, Subdivision 2; 360.017, Subdivision 2; 378.01; 378.03; 378.06; 384.151, Subdivision 3; 412.261; 423.392; 465.50; 471.62; 484.28; 488.21, Subdivision 2; 488A.021, Subdivisions 4, 6, and 7; 525.526; 543.08; 609.125; 609.52, Subdivision 2; 611.26, Subdivision 1; 611.33, Subdivision 3; 617.293; 624.68; 626.33; 627.14; 631.06; and Laws 1969, Chapter 1129, Article I, Section 7; and repealing Minnesota Statutes 1969, Sections 4.16, Subdivisions 1 and 2; 54.30 to 54.34; 83A.01; 120.02, Subdivision 16; 122.12; 136.64; 168.54, Subdivision 1; 239.04; 247.11 to 247.17; 299F.02; 332.11, Subdivision 1; 357.06; 382.21 to 382.26; 384.15; 384.152; 384.153; 384.155; 384.16; 384.18; 385.37; 385.374; and 519.10; and Laws 1969, Chapters 347, Section 1; 881, Section 6; and 1148, Section 52.

## REVISOR'S BILL

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **REVISOR'S BILL; DUPLICITOUS, CONFLICTING, AMBIGUOUS, AND OBSOLETE PROVISIONS.** Minnesota Statutes 1969, Section 1.36, is amended in line 4 by deleting "appropriation made by section 1.40" and inserting in lieu thereof "appropriations made for the support of the commission by the state of Minnesota".

Sec. 2. Minnesota Statutes 1969, Section 1.40, is amended by deleting lines 1, 2, and 3, and "and such money" in line 4 and inserting in lieu thereof "Money appropriated by Minnesota for the support of the commission".

Sec. 3. Minnesota Statutes 1969, Section 3.431, Subdivision 1, is amended in line 3 by deleting "The first", in line 4 by deleting "be selected immediately after the passage and", in line 5 by deleting "approval of sections 3.421 to 3.461 to", in line 6 by deleting "next succeeding", and in line 7 by deleting "Subsequent".

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1969, Section 3.69, is amended by deleting the first paragraph.

Sec. 5. Minnesota Statutes 1969, Section 3A.06, is amended in line 2, by deleting "state employees retirement association" and inserting in lieu thereof "Minnesota state retirement system".

Sec. 6. Minnesota Statutes 1969, Section 4.16, Subdivisions 1 and 2, are repealed.

Sec. 7. Minnesota Statutes 1969, Section 9.071, is amended by deleting clause (2) and renumbering the remaining clauses in order.

Sec. 8. Minnesota Statutes 1969, Section 11.16, Subdivision 1, is amended in lines 3 and 4, by deleting "state employees retirement association" and inserting in lieu thereof "Minnesota state retirement system".

Sec. 9. Minnesota Statutes 1969, Section 15.50, Subdivision 2, Clause (a), is amended in line 9, by deleting "Avenue" and inserting in lieu thereof "Street".

Sec. 10. Minnesota Statutes 1969, Section 15.50, Subdivision 6, Clause (b), is amended in line 2 by inserting "of" after "subdivisions" and before "the".

Sec. 11. Minnesota Statutes 1969, Section 16.21, is amended by deleting the first 13 lines.

Sec. 12. Minnesota Statutes 1969, Section 21.51, Subdivision 7, is amended by deleting the last sentence.

Sec. 13. Minnesota Statutes 1969, Section 31.52, Subdivision 1, is amended in line 3, by deleting "rabbit packing plant" and in line 10, by deleting "poultry packing plant".

Sec. 14. Minnesota Statutes 1969, Section 31.56, Subdivision 5, is amended in lines 4 and 5, by deleting ", or which hold a state permit".

Sec. 15. Minnesota Statutes 1969, Section 31A.07, Subdivision 2, is amended in line 4 after "containers," and before "as" by inserting "a label or official mark" and in line 5, by deleting ", the information required under section 31A.01, subdivision 15".

Sec. 16. Minnesota Statutes 1969, Sections 54.30, 54.31, 54.32, 54.33, and 54.34, are repealed.

Sec. 17. Minnesota Statutes 1969, Section 69.67, is amended to read:

**69.67 VIOLATIONS, PENALTIES.** Any firemen's relief association that violates the provisions of sections 69.66 to 69.68, shall not be

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entitled to any ~~payments from moneys collected~~ state aid pursuant to Minnesota Statutes, Section ~~69.02~~ 69.021. The ~~state county~~ auditor shall not ~~issue and deliver warrants~~ make the payment provided in section ~~69.03~~ 69.031 to the treasurer of any municipality or association wherein a violation of sections 69.66 to 69.68 occurs.

Sec. 18. Minnesota Statutes 1969, Section 82.03, Subdivision 2, is amended in line 11, by deleting "for his first papers".

Sec. 19. Minnesota Statutes 1969, Section 83A.01, is repealed.

Sec. 20. Minnesota Statutes 1969, Section 83A.02, is amended in lines 1 and 2 by deleting "state geographic board, and it" inserting in lieu thereof "commissioner of natural resources, and he" and in line 13, by deleting "representatives" and inserting in lieu thereof "representative".

Sec. 21. Minnesota Statutes 1969, Section 83A.03, is amended in line 1, by deleting "state geographic board" and inserting in lieu thereof "commissioner of natural resources".

Sec. 22. Minnesota Statutes 1969, Section 83A.04, is amended in line 4, by deleting "state geographic board" and inserting in lieu thereof "commissioner of natural resources".

Sec. 23. Minnesota Statutes 1969, Section 378.01, is amended in line 4 by deleting "State Geographic Board" and inserting in lieu thereof "commissioner of natural resources".

Sec. 24. Minnesota Statutes 1969, Section 378.03, is amended in line 2 by deleting "State Geographic Board" and inserting in lieu thereof "commissioner of natural resources".

Sec. 25. Minnesota Statutes 1969, Section 378.06, is amended in line 5 by deleting "State Geographic Board" and inserting in lieu thereof "commissioner of natural resources".

Sec. 26. In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall substitute "commissioner of natural resources" for "State Geographic Board" wherever it appears.

Sec. 27. Minnesota Statutes 1969, Section 88.52, Subdivision 3, Clause (b), 4th paragraph, is amended in lines 15 and 16 by deleting "Lake States" and inserting in lieu thereof "North Central".

Sec. 28. Minnesota Statutes 1969, Section 89.015, is amended in line 4 by deleting "Lake States" and inserting in lieu thereof "North Central".

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

Sec. 29. Minnesota Statutes 1969, Section 270.34, is amended in line 7 by deleting "lake states" and inserting in lieu thereof "north central".

Sec. 30. Minnesota Statutes 1969, Section 120.02, Subdivision 16, is repealed.

Sec. 31. Minnesota Statutes 1969, Section 120.05, is amended to read :

120.05 PUBLIC SCHOOLS. Subdivision 1. CLASSIFICATION. For the purpose of administration the state board shall classify all public schools under the following heads, provided the requirements in subdivision 2 are met:

- (1) Elementary,
  - (a) Graded elementary,
  - (b) Ungraded elementary.
- (2) Secondary,
  - (a) Department,
  - (b) Four-year,
  - (c) Six-year,
  - (d) Junior,
  - (e) Senior,
  - (f) Vocational.
- ~~(3) Junior colleges,~~
- ~~(4) (3) Area vocational-technical school.~~

Subd. 2. DEFINITIONS. (1) Elementary school means any one of the schools listed under subdivision 1, (1), with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the state board of education and the following specifications:

(a) A graded elementary school is one organized and administered as such, in which each school grade is taught by one certified teacher, or in which no more than two grades in sequence are taught by one certified teacher, as such part of the school system of a district giving a full course of instruction in the first six years of the public school and employing at least three teachers devoting their full time to elementary school work, or giving a full course of instruction in the first eight years of the public school and employing at least four teachers devoting their entire time to elementary school work,

(b) An ungraded elementary school is a school giving a full course of elementary school instruction and employing one or more teachers but not having the rank of a graded elementary school,

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(c) The state board of education shall not close a school or deny any state aids to a district for its elementary schools because of enrollment limitations classified in accordance with the provisions of subdivision 2, clause (1).

(2) Secondary school means any one or more of the schools listed under subdivision 1, (2), with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the state board of education and the following specifications:

(a) A secondary school department is a school giving a full course of instruction in grade nine, grades nine and ten, grades nine, ten and eleven, or grades ten and eleven.

(b) A four-year secondary school is a school giving a full course of instruction in grades nine, ten, eleven and twelve.

(c) A six-year secondary school is a school giving a full course of instruction in grades seven through twelve inclusive.

(d) A junior secondary school is a school giving a full course of instruction in the seventh, eighth and ninth grades.

(e) A senior secondary school is a school giving a full course of instruction in the tenth, eleventh, and twelfth grades.

(f) A vocational secondary school is a school embracing not less than two years of secondary school work in the ninth grade or above in approved vocational training accompanied by related and supplemental instructions sufficient to constitute a full course of instruction.

~~(3) A junior college is a school organized according to sections 130.01 to 130.06.~~

~~(4) (3) An area vocational-technical school is a school organized according to section 121.21, and may be included in subdivision 1, clauses (2), (3), and (4) (3).~~

~~(5) (4) A full course of instruction in any type of school means a program of studies of sufficient scope and variety to provide each student with a complete daily schedule of school work and to fulfill the minimum requirements for graduation as established by the state board of education.~~

Sec. 32. Minnesota Statutes 1969, Section 122.12, is repealed.

Sec. 33. Minnesota Statutes 1969, Section 124.32, Subdivision 1, is amended in line 10, after "employed," and before "for" by inserting "or a pro rata amount for a part time person or a person employed".

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Sec. 34. Minnesota Statutes 1969, Section 136.64, is repealed.

Sec. 35. Minnesota Statutes 1969, Section 151.34, Clause (8), is amended in line 1 after "drug" and before "any" by deleting "of".

Sec. 36. Minnesota Statutes 1969, Section 168.43, is amended in lines 7 and 8 by deleting "Except as provided herein for licenses expiring in 1965,"; in line 8 by deleting "provided," and inserting a period; and by deleting lines 9 through 28.

Sec. 37. Minnesota Statutes 1969, Section 168.54, Subdivision 1, is repealed.

Sec. 38. Minnesota Statutes 1969, Section 168.54, Subdivision 4, is amended in line 1 by deleting "On and after July 1, 1955,".

Sec. 39. Minnesota Statutes 1969, Section 233.21, is amended in lines 3 and 4 by deleting "nearest grain inspection board" and inserting in lieu thereof "board of grain standards".

Sec. 40. Minnesota Statutes 1969, Section 233.28, is amended in line 1 by deleting "member of a board of appeals,".

Sec. 41. Minnesota Statutes 1969, Section 233.39, is amended in line 5 by deleting "All such fees so collected shall be covered into the state treasury" and by deleting lines 6, 7, 8, and 9.

Sec. 42. Minnesota Statutes 1969, Section 239.01, is amended to read:

**239.01 DIVISION OF WEIGHTS AND MEASURES; JURISDICTION.** There is hereby created a ~~department~~ division to be known as the ~~department~~ division of "weights and measures" hereafter referred to as the ~~department~~ division, and it shall be under the jurisdiction of the ~~commission~~ department of public service, which shall have supervision and control over all weights, weighing devices, and measures in the state.

Sec. 43. Minnesota Statutes 1969, Section 239.02, is amended to read:

**239.02 SUPERVISOR; DEPUTIES, EMPLOYEES.** The ~~commission~~ department shall appoint in accordance with chapter 43, a ~~commissioner~~ supervisor of weights and measures and such deputies and other employees as may be necessary to carry out the provisions of this chapter 239; and fix their compensation upon a graduated scale, based upon efficiency and length of service. The ~~commission~~ shall provide for such examinations as it may deem necessary to determine the qualifications and fitness of appointees.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The ~~commissioner~~ supervisor of weights and measures and the deputies shall give a bond in a sum to be fixed and approved by the ~~commission department~~.

Sec. 44. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall change the terms "department of weights and measures" or "department" to "division of weights and measures" or "division" wherever they appear referring to the division of weights and measures in Minnesota Statutes, Chapter 239.

Sec. 45. Minnesota Statutes 1969, Section 239.04, is repealed.

Sec. 46. Minnesota Statutes 1969, Section 239.52, is amended to read:

~~239.52 WEIGHTS AND MEASURES FEES. The revolving fund established by Laws 1947, Chapter 634, Section 20, shall be used to employ personnel and pay other expenses for special weights measures inspections only. All receipts from such special inspections shall be deposited in the account so established and are hereby reappropriated to that purpose. The railroad and warehouse commission is directed to adjust the schedule of fees for such special weights measures inspections to provide that each type of fee charged shall be sufficient to cover the cost of such the special inspection, and that the aggregate of fees collected shall be sufficient to pay for all salaries and other expenses connected with such special inspections. The railroad and warehouse commission shall review and adjust its schedule of fees for such special inspections at the end of each six months and have all fees charged approved by the commissioner of administration before they are adopted, so as to insure that the fees charged shall be sufficient to pay all the salaries and expenses connected with such special inspections during the fiscal year, and that the unobligated balance, including accounts receivable, in the revolving fund at the end of each fiscal year shall not be less than \$10,000. The unobligated balances in said revolving fund in excess of \$10,000, as of June 30 of each fiscal year, shall be cancelled into the general fund.~~

Sec. 47. Minnesota Statutes 1969, Sections 247.11, 247.12, 247.13, 247.14, 247.15, 247.16, and 247.17, are repealed.

Sec. 48. Minnesota Statutes 1969, Section 260.015, Subdivision 10, Clause (d), is amended in line 2, by deleting "of".

Sec. 49. Minnesota Statutes 1969, Section 260.021, Subdivision 1, is amended in line 2, after "counties" and before "now" by inserting "except St. Louis county,".

Sec. 50. Minnesota Statutes 1969, Section 260.021, Subdivision 2, is amended in lines 1 and 2, by deleting "and St. Louis counties" and inserting in lieu thereof "county".

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 51. Minnesota Statutes 1969, Section 260.311, Subdivision 3, is amended in line 9 by deleting "Probation officers heretofore or hereafter appointed" and by deleting lines 10, 11, and 12.

Sec. 52. Minnesota Statutes 1969, Section 270.051, Subdivision 2, is amended to read:

Subd. 2. ~~All the powers and duties now vested in, or imposed upon the state athletic commission relating to the collection of a five percent gross receipts tax as provided by section 341.05, subdivision 1, clause 3, are hereby transferred to, vested in, and imposed upon the commissioner of taxation. The duties of the state athletic commission in relation thereto are hereby abolished. The commissioner of taxation shall collect five percent of the gross receipts from admission to every boxing and sparring exhibition other than an amateur boxing and sparring exhibition held within the state, and five percent of the gross receipts from the lease or sale of radio, motion picture and television rights therein. All complimentary tickets for a boxing and sparring exhibition other than an amateur boxing and sparring exhibition presented at any entrance gate shall likewise be assessed for the tax herein provided five percent of the value thereof.~~

Each person issued a license in accordance with section 341.05, subdivision 2, shall also, within 24 hours after the termination of the telecast or subscription television program, pay to the commissioner five percent of the gross receipts from the sale of tickets of admission or money received from subscription for the showing or exhibiting of the telecast or program. If the boxing or sparring match, exhibition, or performance shown or exhibited is wholly amateur no payment is due.

Sec. 53. Minnesota Statutes 1969, Section 341.05, Subdivision 1, is amended by deleting lines 13 through 20.

Sec. 54. Minnesota Statutes 1969, Section 341.05, Subdivision 2, is amended in line 10 by deleting "; and" and inserting a period, and by deleting line 11, 12, 13, 14, and 15.

Sec. 55. Minnesota Statutes 1969, Section 272.02, Clause (11), (b), is amended in lines 8, 9, and 10, by deleting the sentence beginning "Provided, however . . ." and ending ". . . September 1, 1967."

Sec. 56. Minnesota Statutes 1969, Section 274.16, is amended in lines 2 and 3 by deleting "and having a county assessor, and in any county not having a county assessor".

Sec. 57. Minnesota Statutes 1969, Section 282.224, is amended in line 3 by deleting "state auditor" and inserting in lieu thereof "commissioner of natural resources".

Sec. 58. Minnesota Statutes 1969, Section 290.96, is amended by deleting the second sentence.

Changes or additions indicated by underline, deletions by ~~strikeout~~.



Sec. 59. Minnesota Statutes 1969, Section 298.22, Subdivision 1, is amended to read:

**298.22 IRON RANGE RESOURCES AND REHABILITATION.**  
 Subdivision 1. ~~For the period beginning May 1, 1941, and ending April 30, 1942, there is hereby appropriated from the general fund, for the purposes hereinafter set forth, five percent of amounts paid and credited into said fund from the proceeds of taxes paid under the provisions of law relating to occupation taxes on the business of mining or producing iron ore, and on and after May 1, 1942, and ending June 30, 1969, there is hereby appropriated from the general fund, for the purposes hereinafter set forth, ten percent of all amounts paid and credited into said fund from the proceeds of these taxes. On and after July 1, 1969, there is hereby appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of these taxes paid under the provisions of law relating to occupation taxes on the business of mining or producing iron ore.~~ The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor, with the advice and consent of the senate for a four year term which shall coincide with the term of the governor until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire. The salary of the commissioner, who shall be in unclassified service, shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents.

Sec. 60. Minnesota Statutes 1969, Section 299F.02, is repealed.

Sec. 61. Minnesota Statutes 1969, Section 326.10, Subdivision 1, Clause (2), is amended in line 9 by deleting "of State Boards".

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

Sec. 62. Minnesota Statutes 1969, Section 332.11, Subdivision 1, is repealed.

Sec. 63. Minnesota Statutes 1969, Section 340.491, is amended by deleting the last sentence.

Sec. 64. Minnesota Statutes 1969, Section 340.492, is amended by deleting the last sentence.

Sec. 65. Minnesota Statutes 1969, Section 357.021, Subdivision 2, Clause (9), is amended to read:

(9) Filing and entering notice of appeal and bond and making return on appeal to supreme court, ~~\$15~~ \$25, as provided by section 605.03.

Sec. 66. Minnesota Statutes 1969, Section 357.06, is repealed.

Sec. 67. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute "department of public service" or "department" for "railroad and warehouse commission" or "commission" wherever they appear referring to the former railroad and warehouse commission.

Sec. 68. Minnesota Statutes 1969, Section 360.017, Subdivision 2, is amended in line 2 by deleting "investments" and inserting in lieu thereof "investment".

Sec. 69. Minnesota Statutes 1969, Sections 382.21, 382.23, 382.24, 382.25, and 382.26, are repealed.

Sec. 70. Minnesota Statutes 1969, Section 384.15, is repealed.

Sec. 71. Minnesota Statutes 1969, Section 384.151, Subdivision 3, is amended in line 3, after "amount" and before "subdivision" by inserting "provided in".

Sec. 72. Minnesota Statutes 1969, Section 384.152, is repealed.

Sec. 73. Minnesota Statutes 1969, Section 384.153, is repealed.

Sec. 74. Minnesota Statutes 1969, Section 384.155, is repealed.

Sec. 75. Minnesota Statutes 1969, Section 384.16, is repealed.

Sec. 76. Minnesota Statutes 1969, Section 384.18, is repealed.

Sec. 77. Minnesota Statutes 1969, Section 385.37, is repealed.

Sec. 78. Minnesota Statutes 1969, Section 385.374, is repealed.

Sec. 79. Minnesota Statutes 1969, Section 412.261, is amended in line 15 by deleting "six" and inserting in lieu thereof "seven".

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Sec. 80. Minnesota Statutes 1969, Section 423.392, is amended in line 6, by deleting "at the time of the passage of this act" and inserting in lieu thereof "April 29, 1947".

Sec. 81. Minnesota Statutes 1969, Section 465.50, is amended in line 7, by deleting "30th of" and inserting in lieu thereof "last Monday in".

Sec. 82. Minnesota Statutes 1969, Section 471.62, is amended in line 1 after "Any" and before "village" by inserting "city".

Sec. 83. Minnesota Statutes 1969, Section 484.28, is amended in line 7, by deleting "commissioner of administration" and inserting in lieu thereof "revisor of statutes".

Sec. 84. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall remove from the list in section 488.21, subdivision 2, the municipalities whose courts were abolished by Extra Session Laws 1967, Chapter 29, Section 14.

Sec. 85. Minnesota Statutes 1969, Section 488A.021, Subdivision 4, is amended in line 2, by deleting "this act" and inserting in lieu thereof "sections 488A.01 to 488A.17".

Sec. 86. Minnesota Statutes 1969, Section 488A.021, Subdivision 6, is amended in line 2, by deleting "this act" and inserting in lieu thereof "sections 488A.01 to 488A.17".

Sec. 87. Minnesota Statutes 1969, Section 488A.021, Subdivision 7, is amended in line 6, by deleting "act" and inserting in lieu thereof "section".

Sec. 88. Minnesota Statutes 1969, Section 519.10, is repealed.

Sec. 89. Minnesota Statutes 1969, Section 525.526, is amended to read:

**525.526 APPORTIONMENT BEFORE DISTRIBUTION.** No fiduciary shall be required to transfer, pay over, or distribute to any person other than the fiduciary charged with the duty to collect and pay the tax any fund or property with respect to which the tax is or may be imposed until the amount of the tax apportioned or which may be apportioned against such fund or property and any interest due from the persons entitled to such fund or property is paid, or, ~~that~~ if the tax has not been determined or apportionment made, until adequate security for such payment is furnished to the person making such transfer, payment, or distribution.

Sec. 90. Minnesota Statutes 1969, Section 543.08, is amended to read:

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

**543.08 SUMMONS, SERVICE UPON CERTAIN CORPORATIONS.** ~~If the action be against a private domestic corporation, the summons may be served by delivering a copy thereof to its president, vice-president, secretary, cashier, or treasurer, or to any director or managing agent thereof.~~

If ~~such a private domestic corporation have~~ 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 ~~thereof~~, together with a fee of \$5 with the secretary of state, which shall be deemed personal service upon ~~such the~~ the corporation. One of ~~such the~~ copies shall be filed by ~~such the~~ the secretary, and the other forthwith mailed by him to the corporation, if the place of its main office ~~be is~~ is known to him or ~~be is~~ is disclosed by the files of his office.

~~If the defendant be a foreign corporation the summons may be served by delivering a copy to any of its officers or agents within the state, provided that any foreign corporation having an agent in this state for the solicitation of freight and passenger traffic or either thereof over its lines outside of this state, may be served with summons by delivering a copy thereof to such agent. If the defendant is a foreign insurance corporation, the summons may be served by two copies shall be 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.~~

~~If such foreign corporation shall have appointed a resident agent authorized to accept service of process, and shall have caused such appointment to be filed and recorded as required or authorized by law, delivery of a copy of the summons to such agent shall be deemed service thereof on such corporation.~~

Sec. 91. Minnesota Statutes 1969, Section 609.125, is amended to read:

**609.125 SENTENCE FOR MISDEMEANOR OR GROSS MISDEMEANOR.** Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

- (1) To imprisonment for a definite term; or
- (2) To payment of a fine, or to imprisonment for a specified term if the fine is not paid; or
- (3) ~~In the case of a conviction of a gross misdemeanor,~~ To both imprisonment for a definite term and payment of a fine.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 92. Minnesota Statutes 1969, Section 609.52, Subdivision 2, is amended in line 3 after "claim" and before "right" by deleting "or" and inserting in lieu thereof "of".

Sec. 93. Minnesota Statutes 1969, Section 611.26, Subdivision 1, is amended in line 2 by deleting "or 611.13" and inserting in lieu thereof ", except the second,".

Sec. 94. Minnesota Statutes 1969, Section 611.33, Subdivision 3, is amended in line 3 by deleting ", or if" and inserting a period and by deleting lines 4 and 5.

Sec. 95. Minnesota Statutes 1969, Section 617.293, is amended in line 6 after "sodomasochistic" and before "and" by inserting "abuse".

Sec. 96. Minnesota Statutes 1969, Section 624.68, is amended to read:

**624.68 RECEIVING DEPOSIT IN INSOLVENT BANKS OR FINANCIAL INSTITUTIONS.** Every officer, director, agent, or employee of any banking ~~institution~~ organization or financial ~~institution~~ organization as defined in ~~Minnesota Statutes, section 48.521, 345.31~~ and every person, company, and corporation engaged in whole or in part, in business as a banking ~~institution~~ organization or financial ~~institution~~ organization, who shall accept or receive on deposit from any person, any money, bank bills, notes, currency, checks, bills, drafts, or paper circulating as money, knowing or, in the case of officers or directors, having good reason to know that such banking ~~institution~~ organization or financial ~~institution~~ organization is insolvent, and every person knowing of such insolvent condition who shall be accessory to, or permit, or connive at the accepting or receiving on deposit therein any such deposits, shall be guilty of a felony and punished by imprisonment in the state prison for not less than one year nor more than five years or by a fine of not less than \$500 nor more than \$10,000.

Sec. 97. Minnesota Statutes 1969, Section 626.33, is amended by deleting lines 1, 2, 3, 4, 5, and 6, by deleting all of line 7 except "The" by inserting in line 8 after "superintendent," and before "from" "with the approval of the commissioner of public safety," and by inserting in line 14 after "superintendent" and before "may" ", with the approval of the commissioner of public safety,".

Sec. 98. Minnesota Statutes 1969, Section 627.14, is amended in lines 2 and 4 by deleting "libel" and inserting in lieu thereof "criminal defamation" in each line.

Sec. 99. Minnesota Statutes 1969, Section 631.06, is amended in line 3 by deleting "libel" and inserting in lieu thereof "criminal defamation".

**Changes or additions indicated by underline, deletions by strikeout.**

Sec. 100. Laws 1969, Chapter 347, Section 1, is repealed.

Sec. 101. Laws 1969, Chapter 881, Section 6, is repealed.

Sec. 102. That part of Laws 1969, Chapter 1129, Article I, Section 7, that amends Minnesota Statutes 1967, Section 161.47, renumbered as Section 299D.03, Subdivision 2, Clause (3), is repealed.

Sec. 103. Laws 1969, Chapter 1148, Section 52, is repealed.

Approved March 4, 1971.

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### CHAPTER 26—H.F.No.253

[Not Coded]

*An act legalizing and validating certain deeds executed by religious corporations.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **RELIGIOUS CORPORATIONS, CERTAIN DEEDS, VALIDATED.** All deeds heretofore executed by any religious corporation, organized under Minnesota Statutes, Chapter 315, conveying real property within this state which were recorded prior to July 1, 1970, in the office of the register of deeds or registrar of titles of the county in which the real estate conveyed is situate, and the record thereof, are hereby legalized, validated and confirmed, notwithstanding that the church records do not disclose that the execution of such deeds was authorized by the congregation of said religious corporation in the manner provided by law.

Sec. 2. **APPLICATION.** This act shall not apply to any action or proceeding now pending in any of the courts of this state wherein the validity of any such deed is being litigated.

Approved March 4, 1971.

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### CHAPTER 27—H.F.No.258

[Not Coded]

*An act authorizing Clay county to establish, operate, and maintain refuse disposal facilities; to appropriate money and issue*

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**