

Section 1. Minnesota Statutes 1971, Section 282.33, Subdivision 1, is amended to read:

**282.33 TAXATION; TAX-FORFEITED LANDS; LOST OR DESTROYED DEEDS.** Subdivision 1. Whenever an unrecorded deed from the state of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, an application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of ~~taxation-revenue~~. If it appears to the commissioner of ~~taxation-revenue~~ that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. The said application shall be accompanied by a fee of ~~\$1-\$3~~, payable to the commissioner of ~~taxation-revenue~~, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 2. Minnesota Statutes 1971, Section 282.36, is amended to read:

**282.36 FEES PAYABLE TO REPURCHASER.** Any person repurchasing land after forfeiture to the state for non-payment of taxes under the provisions of a repurchase law shall at the time the certificate of repurchase is issued by the county auditor or before receiving quit claim deed pursuant thereto, pay to the county treasurer a fee of ~~\$1-\$3~~. Fees so collected during any calendar year shall be credited to a special fund and, upon a warrant issued by the county auditor on or before March 1 of the year following, shall be remitted to the state treasurer and credited to the general fund. The commissioner of ~~taxation revenue~~ shall, on or before February 1 in each year, certify to the state treasurer the number of deeds issued during the preceding calendar year to which these fees apply, showing by counties the number of deeds so issued and the total fees due therefor. This section shall not apply to repurchases made under any law enacted prior to January 1, 1945.

Sec. 3. This act is effective on August 1, 1974.

Approved March 15, 1974.

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#### CHAPTER 161—S.F.No.2353

*An act relating to the definition of a person; changing the word man to person in certain statutes; amending Minnesota Statutes 1971, Sections 35.07; 35.08; 43.09, Subdivision 2; 65A.26; 66A.29; 67A.16, Subdivision 2; 84.14, Subdivision 1; 121.301; 164.02, Subdivision 1; 183.22; 183.39, Subdivision 1; 219.25; 368.65; 375.35; 376.61; and 447.04.*

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

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Section 1. Minnesota Statutes 1971, Section 35.07, is amended to read:

**35.07 PERSONS; STATUTORY DESIGNATION.** When the state board shall have duly ordered the vaccination of any domestic animals because the premises whereon such animals are kept are infected with the virus of anthrax, and as a result of such treatment any or all of such animals shall die from vaccination anthrax, as demonstrated by state laboratory findings, the board shall pay to the owner the cash value of such diseased animals, the same to be determined by three competent, disinterested ~~men-persons~~, one appointed by the state, one by the owner, and a third by the first two.

Such appraisal shall in no case exceed \$60 for a cow, \$125 for a horse, \$5 for a sheep, and \$10 for a hog, except in the case of purebred cattle, horses, sheep, or swine, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in that case the maximum appraisal shall not exceed \$150 for a cow, \$150 for a horse, \$25 for a sheep, and \$25 for a hog.

The appraisements made under this section shall be in writing, signed by the appraisers, and certified by the board to the state auditor, who shall draw a warrant on the state treasurer for the amount thereof.

Sec. 2. Minnesota Statutes 1971, Section 35.08, is amended to read:

**35.08 KILLING OF DISEASED ANIMALS.** When the board shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, glanders, or Bangs disease, it shall notify the owner or keeper thereof of such decision and when, in the judgment of the board, such animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the meat inspection division of the United States department of agriculture maintains inspection, or where the animal disease eradication division of the United States department of agriculture or the board may establish field post-mortem inspection, the owner shall receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner the representative or authorized agent of the board shall agree, in writing, with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three competent, disinterested ~~men-persons~~, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its full replacement cost-value taking into consideration the purpose and use of such animal.

Such appraisal shall in no case exceed \$125 for a horse, except in the case of purebred horses, where the pedigree shall be proved by cer-

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tificates of registration from the herd books where registered, and in which case the maximum appraisal shall not exceed \$225.

The appraisal made under this section shall be in writing, signed by the appraisers, and certified by the board to the state auditor, who shall draw a warrant on the state treasurer for the amount due the owner.

Sec. 3. Minnesota Statutes 1971, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **UNCLASSIFIED SERVICE.** The unclassified service comprises positions held by state officers or employees who are:

- (1) Chosen by election or appointed to fill an elective office;
- (2) Heads of department required by law to be appointed by the governor or other elective officers, except the department of public service, and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;
- (3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;
- (4) All deputy registrars of motor vehicles and seasonal help employed by the registrar and his deputies to assist in the issuance of motor vehicle licenses;
- (5) One executive secretary and other confidential employees in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;
- (6) Officers and employees of the senate and house of representatives of the legislature;
- (7) Teachers, research assistants, student employees on less than half-time pay basis or eligible under terms of the federal economic opportunity act work study program, presidents, deans, and administrative officers in the state colleges; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;
- (8) Officers and enlisted ~~men~~ persons in the national guard and  
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the naval militia and all personnel employed by the adjutant general and assigned to any armory;

(9) Election officers;

(10) Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(11) Persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination, or installation;

(12) Deputy attorneys general, assistant attorneys general, legal assistants, examiners, three confidential employees, and special counsel to state departments appointed by the attorney general or employed with his authorization;

(13) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(14) Patient and inmate help in state charitable, penal, and correctional institutions;

(15) State highway patrolmen; provided, that with respect to the method of selection and appointment only, they shall be selected and appointed in accordance with the state civil service law as applicable to the classified service, but in all other respects the provisions of the state civil service law shall not apply to them;

(16) The deputy commissioner of agriculture;

(17) Persons, not exceeding one, appointed or employed by the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act;

(18) Seasonal help employed by the department of taxation.

Sec. 4. Minnesota Statutes 1971, Section 65A.26, is amended to read:

**65A.26 HAIL INSURANCE, POLICIES, LOSS ADJUSTMENT.** Every policy of insurance against damage by hail issued by any company, however organized, shall provide as follows: "In case of loss under this policy, and failure of the parties to agree as to the amount of such loss, it is mutually agreed that such amount shall be referred to three disinterested ~~men~~ persons, the company and the insured each choosing one

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out of three persons named by the other, the third being selected by such two. The written award of a majority of such referees shall be final and conclusive upon the parties as to amount of loss, and such reference, unless waived by the parties, shall be a condition precedent to any right of action to recover for such loss, and no suit for the recovery of any claim by virtue of this policy shall be sustained unless commenced within six months after the loss occurred," and shall provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.

Sec. 5. Minnesota Statutes 1971, Section 66A.29, is amended to read:

**66A.29 ARBITRATION REQUIRED.** Every policy shall provide as follows: "In case of loss under this policy and failure of the parties to agree as to the amount of such loss, it is mutually agreed that such amount shall be referred to three disinterested ~~men~~persons, the company and the insured each choosing one out of three persons named by the other, the third being selected by such two. The written award of a majority of such referees shall be final and conclusive upon the parties as to the amount of loss and such reference, unless waived by the parties, shall be a condition precedent to any right of action to recover for such loss, and no suit for the recovery of any claim by virtue of this policy shall be sustained unless commenced within six months after the loss occurred"; and shall provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.

Sec. 6. Minnesota Statutes 1971, Section 67A.16, Subdivision 2, is amended to read:

Subd. 2. **ARBITRATION.** In case of failure of the parties to agree as to the amount of loss, it is mutually agreed that the amount of the loss shall be referred to three disinterested ~~men~~persons, the company and the insured each choosing one, the third to be selected by the two so chosen.

The award, in writing, by a majority of the referees, shall be conclusive and final upon the parties as to the amount of loss or damage, and this reference, unless waived by the parties, shall be a condition precedent to any right of action in law or equity, to recover for the loss; but no person shall be chosen to act as referee against the objection of either party who has acted in like capacity within four months.

The referees shall have full authority to examine witnesses and determine all matters of dispute, and shall make their award, in writing, to the president or secretary of the company. The referees shall each be allowed the sum of \$5 per day for each day's service so rendered and the sum of ten cents per mile for every mile necessarily traveled in discharge of their duties, which shall be paid by the claimant, together with the fees of any witnesses who may have been called by the company, unless the award of the referees shall exceed the sum

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offered in liquidation of the loss or damage, in which case these expenses shall be paid by the company.

Sec. 7. Minnesota Statutes 1971, Section 84.14, Subdivision 1, is amended to read:

**84.14 DIRECTOR OF WILD RICE HARVEST.** Subdivision 1. The commissioner may appoint a director of the wild rice harvest, who shall be a ~~man-person~~ of proven experience in the actual cultivation and harvesting of wild rice, and such assistants as may be deemed necessary. The director shall serve at the will of the commissioner in this capacity and shall be appointed from the classified service of the state. He may be paid such salary as may be determined by the director of civil service and the commissioner of administration and for such periods during the year as may be designated by the commissioner, together with reasonable traveling expenses, from any sums available to the division of game and fish. The director shall have the duty of investigating the conditions affecting the crop of wild rice upon any waters that are proposed to be harvested.

Sec. 8. Minnesota Statutes 1971, Section 121.301, is amended to read:

**121.301 DISABILITY DETERMINATIONS, PROTECTION OF PROFESSIONAL PERSON MAKING REPORT.** No letter, report, communication, or any other matter, either oral or written, furnished by a physician or other professional ~~man~~ to any agency of the state of Minnesota for use in connection with an agreement of the type authorized by Minnesota Statutes, Section 121.30, shall be made the subject matter or basis for any suit for slander or libel.

Sec. 9. Minnesota Statutes 1971, Section 164.02, Subdivision 1, is amended to read:

**164.02 TOWN ROADS.** Subdivision 1. **ESTABLISHMENT AND SUPERVISION.** Town roads shall be established, located, relocated, constructed, reconstructed, improved and maintained, or vacated by the several towns. The town boards shall have supervision over town roads, and they may employ such ~~men-persons~~ as they deem necessary to carry out their duties. They may appropriate and expend such sums of money from their respective town road and bridge funds as they deem necessary for the establishment, location, relocation, construction, reconstruction, improvement and maintenance, or vacation of such roads.

Sec. 10. Minnesota Statutes 1971, Section 183.22, is amended to read:

**183.22 INSPECTION OF APPLIANCES.** Ladles, shanks, tongs, slings and yokes, skimmers and slage hoes used in the pouring of molten metals shall, prior to their use, be inspected daily as to their safety

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for the ~~men-persons~~ preparing and using same; and, in addition, a regular inspection, as to their safety, shall be made once a month by a ~~man-person~~ designated for that purpose.

A monthly inspection shall also be made of the chains and cables on counterweights in connection with drying ovens, and reports of such inspection shall be made on prescribed forms and be kept on file for examination by the state factory inspector.

Sec. 11. Minnesota Statutes 1971, Section 183.39, Subdivision 1, is amended to read:

**183.39 PERSONS ELIGIBLE.** Subdivision 1. Each boiler inspector shall be a ~~man-person~~ of good moral character, and shall be licensed in this state as a chief engineer, except for the purpose of organizing the division under Laws 1957, Chapter 503, the requirements of section 183.39, subdivision 1, shall not apply. There shall be a qualifying examination conducted among the present inspectors regardless of license. The requirements for inspectors hired after the qualifying examination shall be as required in section 183.39, subdivision 1. He shall not be interested in the manufacture or sale of boilers or steam machinery or in any patented article required or generally used in the construction of engines or boilers.

Sec. 12. Minnesota Statutes 1971, Section 219.25, is amended to read:

**219.25 CROSSING GATES.** When, in any investigation instituted upon its own motion or upon complaint and after notice and hearing, the department finds that the protection of life and property requires the constant operation of crossing gates, where the same are now or may be hereafter installed, the department is authorized to order any railway company operating the railroad at such crossing to provide ~~men-persons~~ to operate such crossing gates for the full 24 hours of each day.

Sec. 13. Minnesota Statutes 1971, Section 368.65, is amended to read:

**368.65 SNOW REMOVAL.** Upon a petition signed by the owners of at least two-thirds of the frontage upon any public alley within such town requesting the removal of snow therefrom, said town board is authorized to remove snow from such public alley or alleys within said town so as to keep the same in passable condition; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such ~~men-persons~~ and teams and other equipment as may be necessary for that purpose. The cost of such snow removal shall be determined by the town board by resolution to be filed with the town clerk on or before May 1 next following, and such resolution shall contain the names of the owners of the property benefited by such snow removal and the cost thereof. Upon receipt of such

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resolution, the town clerk shall prorate the cost thereof upon the basis of an equal sum per front foot and shall notify by mail each owner the amount thereof.

Sec. 14. Minnesota Statutes 1971, Section 375.35, is amended to read:

**375.35 APPROPRIATION TO MILITARY SERVICE ORGANIZATIONS, MEMORIAL DAY SERVICES.** The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed \$50 to each post of a recognized military service ~~men's~~ persons' organization or society, holding charter from congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises.

Sec. 15. Minnesota Statutes 1971, Section 376.61, is amended to read:

**376.61 PERSONS ADMISSIBLE.** No ~~male person~~ under the age of ~~17 years or female under the age of~~ 18 years shall be kept in a county nursing home. No person shall be required to become an inmate of any county nursing home as a condition, wholly or in part, of any public assistance grant.

Sec. 16. Minnesota Statutes 1971, Section 447.04, is amended to read:

**447.04 CHARITY BUREAU.** The council of any village now or hereafter having a population of more than 8,000, may establish and maintain a public charity bureau for the purpose of providing public charitable relief to the poor therein, and to assist ~~ex-service men~~ persons in securing hospitalization, sick relief, federal aid or benefits, and for the relief generally of such persons, and to defray the expense thereof.

Sec. 17. This act shall be effective on the day following its final enactment.

Approved March 15, 1974.

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#### CHAPTER 162—S.F.No.2449

*An act relating to hospitalization and commitment; securing equal rights of administrative review for patients in federal hospitals; amending Minnesota Statutes 1971, Section 253A.08, Subdivision 2.*

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

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