

A bank may take additional liens on the same security and these shall be considered to be part of the same mortgage lien thereon providing it has been established that there are no intervening liens.

Loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the federal small business act or loans or obligations secured or guaranteed by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States, shall not be subject to the restrictions or limitations of this section imposed upon loans secured by real estate.

Sec. 2. Minnesota Statutes 1974, Section 48.19, is amended by adding a subdivision to read:

Subd. 4. Loans made to a borrower shall not be considered to be loans upon the security of real estate within the meaning of subdivision 1 if the bank takes, as a precaution against contingencies, a mortgage, deed, or trust or other instrument upon real estate located in this state, in the form of a second lien, and if:

(a) the bank looks for repayment by relying primarily on the borrower's general credit standing and forecast of income supported by the borrower's signed financial statement, with or without other security or;

(b) the bank relies primarily on other security as collateral for loan, provided that if the other security is composed in whole or in part of the guarantee of a third party, that guarantee shall be supported by a signed financial statement of the guarantor. Except for home improvement loans this subdivision applies only to non-automobile loans in a principal amount of \$3,000 or more. Separate loans may not be aggregated to attain the \$3,000 level.

Sec. 3. Minnesota Statutes 1974, Section 48.19, Subdivision 3, is repealed.

Sec. 4. This act is effective the day following final enactment.

Approved June 5, 1975.

CHAPTER 398—H.F.No.1007

An act relating to employment; excluding conservation officers from the operation of the fair labor standards act; repealing certain job application requirements; amending Minnesota Statutes 1974, Section 177.23, Subdivision 7; repealing Minnesota Statutes 1974, Section 43.16.

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

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

Section 1. Minnesota Statutes 1974, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. **STATE GOVERNMENT; OFFICERS AND EMPLOYEES; MINIMUM WAGES; OATH.** "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm;

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

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(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program ;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304 .

Sec. 2. Minnesota Statutes 1974, Section 43.16, is repealed.

Approved June 4, 1975.

CHAPTER 400—H.F.No.1009

[Not Coded]

An act relating to health and welfare; providing for increasing service levels under the nutrition for the elderly program; appropriating money.

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

Section 1. PUBLIC WELFARE; ELDERLY PERSONS; NUTRITION PROGRAM; APPROPRIATION. Subdivision 1. There is appropriated from the general fund in the state treasury to the governor's citizens council on aging through the commissioner of public welfare the sum of \$650,000 for the purpose of increasing service levels of programs funded by the federal "Older Americans Act," Title 7 (Nutrition Program for the Elderly). The governor's citizens council on aging may retain up to five percent of the above amount for administrative costs.

Subd. 2. SPENDING LIMITATIONS. The governor's citizens council on aging is authorized to expend this sum to supplement the nutrition program for the elderly. The governor's citizens council on aging may make grants for the provision of nutritionally sound meals and supportive social services to any public or private nonprofit organization, institution, agency or Indian tribal organization. Policies and procedures for the awarding of grants shall be determined by the governor's citizens council on aging in accordance with federal and state regulations.

Sec. 2. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, the appropriation made in section 1 shall not cancel at the end of a fiscal year and shall be available until June 30, 1977.

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