

- (i) The report was prepared by the person who administered the test;
- (ii) The person who withdrew the blood sample was competent to administer the test under section 169.123, subdivision 3; and
- (iii) The report was prepared consistent with any applicable rules promulgated by the commissioner of public safety.

A report described in clause (a) purported to be signed by the person performing the analysis or examination in a laboratory named above in that clause, or a blood sample report described in clause (b) purported to be signed by the person who withdrew the blood sample shall be admissible as evidence without proof of the seal, signature or official character of the person whose name is signed to it.

Subd. 2. **TESTIMONY AT TRIAL.** An accused person or his attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the person who performed the laboratory analysis or examination following persons testify in person at the trial on behalf of the state:

(a) A person who performed the laboratory analysis or examination for the report described in subdivision 1, clause (a); or

(b) A person who prepared the blood sample report described in subdivision 1, clause (b).

Sec. 15. **EFFECTIVE DATE.**

The provisions of sections 1 to 6, section 8, section 9, subdivision 3, and sections 11, 13 and 14 are effective April 1, 1982. The provisions of section 7, section 9, subdivisions 2, 5, 5a, 5b, 5c, 6 and 7, and section 12 are effective July 1, 1982. The provisions of section 10 are effective July 1, 1983. All provisions apply to violations occurring on or after their effective dates.

Approved March 19, 1982

CHAPTER 424 — H.F.No. 2175

An act relating to Minnesota Statutes, correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; authorizing the revisor of statutes to make necessary reference changes if the administrative procedure act is recompiled as a separate chapter; amending Minnesota Statutes 1980, Sections 60C.02, Subdivision 1; 62B.04, Subdivision 1; 92.03, Subdivision 4; 106.011, Subdivision 20; 106.021, Subdivision 2; 106.081, Subdivision 1; 106.091, Subdivision 2; 120.17, Subdivisions 4a and 5; 123.21; 123.78, Subdivision 1; 123.932, Subdivision 1a; 125.12, Subdivision 3; 129.121, Subdivision 1; 136.015; 145.61, Subdivision 2;

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145.833, Subdivisions 9, 10 and 11; 160.05, Subdivision 1; 175.35; 177.23, Subdivisions 4, 7 and 10; 177.27; 177.28; 177.29; 177.30; 177.31; 177.32; 177.33; 177.34; 177.35; 214.14, Subdivision 1; 273.11, Subdivision 5; 282.01, Subdivision 1; 290.41, Subdivision 3; 458.192, Subdivision 15; 462.415, Subdivisions 4 and 6; 462.421, Subdivisions 1, 2 and 20; 462.425, Subdivision 7; 462.426, Subdivision 1; 462.427, Subdivision 2; 462.428, Subdivision 3; 462.445, Subdivisions 1, 4 and 5; 462.451, Subdivision 2; 462.461, Subdivisions 1 and 2; 462.485; 462.511; 462.541, Subdivision 2; 462.545, Subdivisions 1, 2, 3 and 6; 462.555; 462.561; 462.571; 462.581; 462.591, Subdivision 1; 462.621, Subdivisions 1 and 3; 462.631, Subdivision 1; 462.635; 462.645, Subdivisions 1, 5 and 7; 462.665; 462.671; 462.701; 462.705; 462.712; 462.713; 473.195, Subdivision 1; 504.24, Subdivision 2; Chapter 111, by adding a section; Minnesota Statutes 1981 Supplement, Sections 11A.18, Subdivision 9; 43A.08, Subdivision 2; 43A.27, Subdivision 2; 47.20, Subdivisions 4a and 4b; 60A.11, Subdivisions 9 and 10; 69.011, Subdivision 2; 69.031, Subdivision 5; 97.488, by adding a subdivision; 116H.129, Subdivisions 1, 5 and 6; 156A.02, Subdivision 6; 168.013, Subdivision 1c; 169.825, Subdivision 10; 171.36; 176.306, Subdivision 2; 204B.31; 222.63, Subdivision 4; 273.11, Subdivision 1; 290.077, Subdivision 4; 290.09, Subdivision 15; 299F.011, Subdivision 1; 353.01, Subdivisions 2a and 6; 355.11, Subdivision 5; 414.0325, Subdivision 5; 462.601; 462.605; 514.011, Subdivision 4a; 525.551, Subdivision 5; 525.6198; and Laws 1981, Chapter 224, Section 73; repealing Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b; Minnesota Statutes 1981 Supplement, Section 290.971, Subdivision 7; Laws 1980, Chapter 587, Article 1, Sections 31, 32, 33, 34, 35, 36, 37, 38 and 39; Laws 1981, Chapters 31, Section 7; 60, Section 14; 137, Section 3; 158; 178, Section 33; 205, Section 1; 224, Section 92; 255, Sections 1, 3 and 4; 356, Sections 99, 189, 190, 191, 210 and 212; and 357, Section 28.

REVISOR'S BILL

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

Section 1. Minnesota Statutes 1981 Supplement, Section 11A.18, Subdivision 9, is amended to read:

Subd. 9. **CALCULATION OF POST-RETIREMENT ADJUSTMENT.** Annually, following June 30, the state board shall determine whether a post-retirement adjustment shall be payable and shall determine the amount of any post-retirement adjustment which shall be payable.

(1) The state board shall determine whether a post-retirement adjustment shall be payable using the following procedure:

(a) The state board shall determine the amount of dividends, interest, accruals and realized equity capital gains or losses applicable to the most recent fiscal year ending June 30;

(b) The participating public pension funds or plans shall determine the amount of reserves required for every annuitant and benefit recipient as of the current June 30. Every annuitant or benefit recipient who has been receiving an annuity or benefit for at least one year as of the current June 30 shall be eligible to receive a post-retirement adjustment. Each fund shall report separately the amount of the reserves for those annuitants and benefit recipients who are eligible

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to receive a post-retirement benefit adjustment and those annuitants and benefit recipients who are not eligible to receive a post-retirement adjustment. The amount of the required reserves shall be certified to the board as soon as is practical following the current June 30;

(c) The state board shall determine the amount of investment income required to equal five percent of the required reserves as of the preceding June 30 adjusted by five percent of each transfer in or transfer out multiplied by the fraction of a year from the date of transfer to the current June 30. This amount of required investment income shall be subtracted from the actual amount of investment income determined pursuant to clause (1)(a), to determine the amount of excess investment income. If this amount is positive, then a post-retirement adjustment may be paid.

(2) The state board shall determine the amount of any post-retirement adjustment which is payable using the following procedure:

(a) The state board shall determine the amount of excess investment income by the method indicated in clause (1);

(b) The participating public pension funds and plans shall certify to the state board the total required reserves as of the first of January next following the end of the fiscal year for the annuitants and benefit recipients eligible to receive the post-retirement adjustment as determined by clause (1)(b). The required reserves shall be determined on the assumption that all annuitants and benefit recipients eligible to receive the post-retirement adjustment will be alive on the January 1 in question;

(c) If the state board determines that the book value of the assets of the fund is less than an amount equal to 100 percent of the current June 30 required reserves, with the book value and required reserves to be determined after the adjustments provided for in subdivision 11, then the board shall allocate 25 ~~five~~ percent of the excess investment income as an asset of the fund. The excess investment income allocated as an asset of the fund shall not exceed the difference between book value and required reserves. The remaining amount shall be termed available for distribution. The book value of assets on any given date shall be the net assets at cost less the excess investment income determined pursuant to clause (1)(c);

(d) The resulting total amount available for distribution shall be increased by 2-1/2 percent, and the result shall be stated as a percentage of the total required reserves pursuant to clause (2)(b), and if the percentage is equal to or greater than one percent, the amount shall be certified to each participating public pension fund or plan as the amount of the post-retirement adjustment. If the percentage is less than one percent, the amount shall be credited to a separate reserve established for this purpose. The reserve shall be invested in the same manner as all other assets of the fund and shall be credited with any investment

income as specified in clause (1)(a). Amounts credited to the reserve shall be utilized in determining a post-retirement adjustment in the subsequent year. The amount certified shall be carried to five decimal places and stated as a percentage.

Sec. 2. Laws 1981, Chapter 158, is repealed.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2, is amended to read:

Subd. 2. **ADDITIONAL UNCLASSIFIED POSITIONS.** Notwithstanding any other law to the contrary, the commissioner, upon request of the governor, may establish permanent unclassified positions, or unclassify previously classified positions, provided that:

(a) The positions involve only deputy or assistant heads of agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of an agency who is required by law to be appointed by the governor, or by a board appointed by the governor.

(b) The positions established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, employee relations and the housing finance agency; to four in the departments of agriculture, and ~~economic development~~ energy, planning and development; to three in the department of public service, ~~the planning agency~~, and the pollution control agency; and to two in the departments of human rights, and veterans affairs, ~~and the crime control planning board~~; and to one for a confidential secretary of any head of an agency listed in this paragraph. Agencies not enumerated in this paragraph shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(c) Funds are available.

Sec. 4. Laws 1981, Chapter 356, Section 99, is repealed.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 43A.27, Subdivision 2, is amended to read:

Subd. 2. **ELECTIVE ELIGIBILITY.** The following persons, if not otherwise covered by section 43A.24, may elect coverage for themselves or their dependents at their own expense:

(a) A state employee, including persons on layoff from a civil service position as provided in collective bargaining agreements or a plan established pursuant to section 43A.18;

(b) An employee of the board of regents of the University of Minnesota, including persons on layoff, as provided in collective bargaining agreements or by the Board of Regents;

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(c) An officer or employee of the state agricultural society, state horticultural society, Sibley house association, Minnesota humanities commission, Minnesota international center, Minnesota academy of science, science museum of Minnesota, Minnesota safety council, ~~or Minnesota humane society,~~ state office of disabled American veterans, or state office of veterans of foreign wars;

(d) A civilian employee of the adjutant general who is paid from federal funds and who is not eligible for benefits from any federal civilian employee group life insurance or health benefits program; and

(e) An officer or employee of the state capitol credit union or the highway credit union.

Sec. 6. Laws 1981, Chapter 357, Section 28, is repealed.

Sec. 7. *Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4a,* is amended to read:

Subd. 4a. No conventional or cooperative apartment loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which shall be based upon the monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional or cooperative apartment loan or contract for deed made or contracted for during any calendar month is equal to the monthly index of the federal national mortgage association auction yields for the first preceding calendar month rounded off to the next highest quarter of one percent per annum.

(2) On or before the last day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of the federal national mortgage association auction yields for that calendar month and shall determine the maximum lawful rate of interest for conventional or cooperative apartment loans or contracts for deed for the next succeeding month as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the first day of each month or as soon thereafter as practicable and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of that month. If a federal national mortgage association free market system conventional home mortgage auction is not held in any month, the maximum lawful rate of interest determined by the commissioner of banks pursuant to the last auction is the maximum lawful rate of interest through the last day of the month in which the next auction is held.

(3) A contract rate within the maximum lawful interest rate applicable to a cooperative apartment loan or contract for deed at the time the loan is made is

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the maximum lawful interest rate for the term of the cooperative apartment loan or contract for deed.

(4) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional or cooperative apartment loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or cooperative apartment loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional or cooperative apartment loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional or cooperative apartment loan is deemed to be a new conventional or cooperative apartment loan for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or his authorized agent.

(5) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, ~~issued on or before November 30, 1982,~~ at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

Sec. 8. Minnesota Statutes 1981 Supplement, Section 47.20, Subdivision 4b, is amended to read:

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Subd. 4b. Notwithstanding any other provision of this chapter including section ~~47.204~~ 47.204, with respect to any conventional loan pursuant to which the mortgagee or lender shall receive any share of future appreciation of the mortgaged property, the following limitations shall apply:

(1) The share of future appreciation of the mortgaged property which the lender or mortgagee may receive shall be limited to the proportionate amount produced by dividing the lesser of the acquisition cost or fair market value of the mortgaged property at the time the conventional loan is made into the original principal amount of the conventional loan; provided that in no event shall the annual rate of return obtained by the lender or mortgagee over the term of the conventional loan exceed the maximum lawful interest rate prescribed in subdivision 4a.

(2) The lender or mortgagee shall not receive any share of future appreciation of the mortgaged property except upon sale or transfer of the mortgaged property or any interest therein, whether by lease, deed, contract for deed or otherwise, whether for consideration or by gift or in the event of death, or otherwise, and whether voluntarily, involuntarily, or by operation of law, provided that if the mortgagor or mortgagors own the mortgaged property as co-tenants, the transfer of the mortgaged property or any interest therein from one of such co-tenants to another co-tenant, whether by reason of death or otherwise, shall not be considered a sale or transfer, and a taking by eminent domain shall not be considered a sale or transfer unless it is a total taking for which payment is made for the full value of the mortgaged property, and a casualty loss shall not be considered a sale or transfer unless the proceeds of any insurance claim made in connection with such casualty loss are applied to prepay the principal of the conventional loan.

(3) Before the loan is made, the lender shall disclose to the mortgagor or mortgagors the terms and conditions upon which the lender or mortgagee shall receive any share of future appreciation of the mortgaged property.

The commissioner may from time to time make, amend and rescind rules, forms and orders necessary to carry out the provisions of this subdivision. The provisions of this subdivision shall not apply to loans made pursuant to the program authorized by Laws 1981, Chapter 97.

Sec. 9. Minnesota Statutes 1980, Section 60A.11, Subdivisions 5a and 5b, are repealed.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 60A.11, Subdivision 9, is amended to read:

Subd. 9. **GENERAL CONSIDERATIONS.** The following considerations shall apply in the interpretation of this section:

(a) This section shall apply to the investments of insurance companies other than life insurance companies;

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(b) The purpose of this section is to protect and further the interests of policyholders, claimants, creditors and the public by providing standards for the development and administration of programs for the investment of the assets of domestic companies. These standards and the investment programs developed by companies shall take into account the safety of company's principal, investment yield and growth, stability in the value of the investment, the liquidity necessary to meet the company's expected business needs, and investment diversification;

(c) All financial terms relating to insurance companies shall have the meanings assigned to them under statutory accounting methods. All financial terms relating to non-insurance companies shall have the meanings assigned to them under generally accepted accounting principles;

(d) Investments shall be valued in accordance with the valuation procedures established by the National Association of Insurance Commissioners, unless the commissioner requires or finds another method of valuation reasonable under the circumstances; and

(e) A company may elect to hold an investment which qualifies under more than one ~~section~~ subdivision, under the ~~section~~ subdivision of its choice. Nothing herein shall prevent a company from electing to hold an investment under a ~~section~~ subdivision different from the one in which it previously held the investment.

Sec. 11. Minnesota Statutes 1981 Supplement, Section 60A.11, Subdivision 10, is amended to read:

Subd. 10. **DEFINITIONS.** The following terms shall have the meaning assigned in this subdivision for purposes of this section and section 60A.111:

(a) "Admitted assets", for purposes of computing percentage limitations on particular types of investments, means the assets as shown by the company's annual statement, required by section 60A.13, as of the December 31 immediately preceding the date the company acquires the investment;

(b) "Clearing corporation" means The Depository Trust Company and, with the approval of the commissioner, any other clearing corporation as defined in section 336.8-102;

(c) "Control" has the meaning assigned to that term in, and shall be determined in accordance with, section 60D.01, subdivision 4;

(d) "Custodian bank" means a bank or trust company that is supervised and examined by state or federal authority having supervision over banks and is acting as custodian;

(e) "Issuer" means the corporation, business trust, governmental unit, partnership, association, individual or other entity which issues or on behalf of which is issued any form of obligation;

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(f) "Member bank" means a national bank, state bank or trust company which is a member of the Federal Reserve System;

(g) "National securities exchange" means an exchange registered under section 6 of the Securities Exchange Act of 1934 or an exchange regulated under the laws of the Dominion of Canada;

(h) "Obligations" shall include bonds, notes, debentures, transportation equipment certificates, repurchase agreements, and obligations for the payment of money not in default as to payments of principal and interest on the date of investment, whether constituting general obligations of the issuer or payable only out of certain revenues or certain funds pledged or otherwise dedicated for payment. Leases are considered obligations if the lease is assigned for the benefit of the company and is non-terminable by the lessee or lessees thereunder upon foreclosure of any lien upon the leased property, and rental payments are sufficient to amortize the investment over the primary lease term;

(i) "Qualified assets" means the sum of (1) all investments qualified in accordance with this section other than investments in affiliates and subsidiaries, (2) investments in obligations of affiliates as defined in section 60D.01, subdivision 2 secured by real or personal property sufficient to qualify the investment under subdivision 4 ~~or~~ 15 19 or 23, (3) qualified investments in subsidiaries, as defined in section 60D.01, subdivision 9, on a consolidated basis with the insurance company without allowance for goodwill or other intangible value, and (4) cash on hand and deposit, agent's balances or uncollected premiums not due more than 90 days, assets held pursuant to section 60A.12, subdivision 2, investment income due and accrued, funds due or on deposit or recoverable on loss payments under contracts of reinsurance entered into pursuant to section 60A.09, premium bills and notes receivable, federal income taxes recoverable, and equities and deposits in pools and associations;

(j) "Qualified net earnings" means that the net earnings of the issuer after elimination of extraordinary non-recurring items of income and expense and before income taxes and fixed charges over the five immediately preceding completed fiscal years, or its period of existence if less than five years, has averaged not less than one and one-quarter times its average annual fixed charges applicable to the period;

(k) "Required liabilities" means the sum of (1) total liabilities as required to be reported in the company's most recent annual report to the commissioner of insurance of this state, (2) for companies operating under the stock plan, the minimum paid-up capital and surplus required to be maintained pursuant to section 60A.07, subdivision 5a, (3) for companies operating under the mutual or reciprocal plan, the minimum amount of surplus required to be maintained pursuant to section 60A.07, subdivision 5b, and (4) the amount, if any, by which the company's loss and loss adjustment expense reserves exceed 350 percent of its surplus as it pertains to policyholders as of the same date. In addition to the

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required amounts pursuant to clauses (1) to (4), the commissioner may, at his or her discretion, require that the amount of any apparent reserve deficiency that may be revealed by one to five year loss and loss adjustment expense development analysis for the five years reported in the company's most recent annual statement to the commissioner be added to required liabilities; and

(l) "Unrestricted surplus" means the amount by which qualified assets exceed 110 percent of required liabilities.

Sec. 12. Minnesota Statutes 1980, Section 60C.02, Subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** Laws 1971, Chapter 145 applies to all kinds of direct insurance, except life, title, accident and sickness written by life insurance companies, credit, mortgage guaranty, and ocean marine and workers' compensation insurance subject to the provisions of section 79.28.

Sec. 13. Minnesota Statutes 1980, Section 62B.04, Subdivision 1, is amended to read:

Subdivision 1. **CREDIT LIFE INSURANCE.** (1) The initial amount of credit life insurance shall not exceed the total amount repayable under the contract of indebtedness. Thereafter, if the indebtedness is repayable in substantially equal installments, the amount of insurance shall not exceed the scheduled or actual amount of indebtedness, whichever is greater. ~~A transaction under section 53.04 wherein the certificate of indebtedness provides for payment in substantially equal installments shall constitute an indebtedness repayable in substantially equal installments under this subdivision.~~

(2) Notwithstanding clause (1), insurance on educational, agricultural and horticultural credit transaction commitments may be written on a nondecreasing or level term plan for the amount of the loan commitment.

Sec. 14. Minnesota Statutes 1981 Supplement, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. **CLERK TO FILE CERTIFICATE.** (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, ~~clause (1)~~ or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firefighter's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

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(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in subdivision 1, clause (h), shall certify the number of such police officers to the commissioner on forms prescribed by him. Credit for officers employed less than a full year shall be apportioned. Each full month of employment of a qualifying officer during the calendar year shall entitle the employing municipality or county to credit for one-twelfth of the payment for employment of a police officer for the entire year. For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county for the same month.

Sec. 15. Minnesota Statutes 1981 Supplement, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. **DEPOSIT OF STATE AID.** (1) The municipal treasurer, when the fire state aid is received by him, shall within 30 days after receipt transmit it to the treasurer of the duly incorporated firefighter's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in section ~~424A.05~~ 424A.08 and shall be disbursed only for the purposes and in the manner set forth in that section.

(2) The municipal treasurer, upon receipt of the police state aid, shall disburse the police state aid in the following manner:

(a) For a municipality in which a local police relief association exists and all peace officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all peace officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also

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be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in clause (a), to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full time peace officers, as defined in section 69.011, subdivision 1, clause (g).

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 16. Minnesota Statutes 1980, Section 92.03, Subdivision 4, is amended to read:

Subd. 4. **INTERNAL IMPROVEMENT LANDS.** All lands donated to the state under the eighth section of an act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4, 1841, shall be appraised and sold, and the minimum price shall be the same, and the moneys derived from the sale thereof shall be invested, as provided by the Constitution of the state of Minnesota, ~~Article 4, Section 32b~~ Article II, Section 8.

Sec. 17. Minnesota Statutes 1981 Supplement, Section 97.488, is amended by adding a subdivision to read:

Subd. 8. VIOLATIONS. A violation of this section is a misdemeanor.

Sec. 18. Minnesota Statutes 1980, Section 106.011, Subdivision 20, is amended to read:

Subd. 20. "Public waters" means waters as defined in section 105.38, ~~clause (1)~~ 105.37, subdivision 14.

Sec. 19. Minnesota Statutes 1980, Section 106.021, Subdivision 2, is amended to read:

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Subd. 2. DRAINAGE OF WATERBASINS AND WATERCOURSES.

No waterbasin shall be completely drained nor shall any activity regulated by section 105.42 be initiated in a watercourse until the determination that such water basin or watercourse is not public waters of the state as defined by section ~~105.38~~ 105.37, subdivision 14. If a waterbasin or watercourse is determined to be public waters, the permissible drainage activities shall be governed by section 105.391, ~~subdivisions 3 and 6~~ subdivision 3.

Sec. 20. Minnesota Statutes 1980, Section 106.081, Subdivision 1, is amended to read:

Subdivision 1. **SURVEY AND REPORT.** The engineer shall promptly proceed and examine all matters set forth in the petition and order and make such preliminary survey of the territory likely to be affected by the proposed improvement as will enable him to determine whether the same is necessary and feasible with reference to the requirements of section 106.021, subdivision 6. The engineer shall also examine and gather information concerning the ~~factors stated in sections 105.37, subdivision 6, and 105.38, clause (1)~~ criteria set forth in section 105.37, subdivisions 14 and 15, for consideration in the determination of whether the proposed drainage system substantially affects any public water. If some other plan than that described in the petition is found practical, the engineer shall so report, giving such detail and information as is necessary to inform the court or board on all matters pertaining to the feasibility of the proposed plan, either as outlined in the petition or according to a different plan recommended by the engineer. He shall show all changes, whether by extension, adding laterals, or otherwise, that may be necessary to make the plan of the proposed improvement practicable and feasible. If the construction of a ditch or drain is involved in the proposed improvement, the engineer shall examine and report the nature and capacity of the outlet and any necessary extension thereof.

Sec. 21. Minnesota Statutes 1980, Section 106.091, Subdivision 2, is amended to read:

Subd. 2. **COMMISSIONER'S REPORT.** The commissioner of natural resources shall make an advisory report to the board or court giving his opinion as to the sufficiency and adequacy of the engineer's report. The commissioner shall set forth in his report any matters pertaining to the project which should be further investigated and evaluated in accordance with ~~sections 105.37, subdivision 6; 105.38, clause (1)~~ the criteria set forth in sections 105.37, subdivisions 14 and 15, and 106.021, subdivision 6. If the commissioner determines that the report is not adequate and sufficient, he shall so report the specific inadequacies or insufficiencies. The commissioner's initial report shall be filed with the auditor or clerk on or before the date fixed for the preliminary hearing or at any continuance thereof. The commissioner may request additional time for review and evaluation of the engineer's report in cases where such additional time can be shown to be necessary for proper evaluation. However, no request for additional

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time for filing the commissioner's report may be made after five days from the date of notice by the auditor or clerk that a date is to be fixed for the preliminary hearing. No extension of time shall exceed two weeks from the date of the request.

Sec. 22. Minnesota Statutes 1980, Chapter 111, is amended by adding a section to read:

[111.421] MORATORIUM ON NEW DISTRICTS.

After May 21, 1965, no new district shall be organized under the provisions of sections 111.01 to 111.42.

Sec. 23. Minnesota Statutes 1981 Supplement, Section 116H.129, Subdivision 1, is amended to read:

Subdivision 1. ~~The commissioner of administration, in consultation with the commissioner and the appropriate standing committees of the legislature,~~ shall adopt rules containing minimum energy efficiency standards for existing residences. The standards shall be appropriate for evaluation of the energy efficiency of each major type of residential housing including, but not limited to, one to four family dwellings, apartment buildings, mobile homes, condominium buildings, and type of ownership. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current and projected average residential energy costs in Minnesota as certified by the commissioner in the state register, will exceed the cost of the energy conserving requirements amortized over the ~~five-year~~ ten-year period subsequent to the incurring of the cost. The costs computed under this section shall include reasonable inflation and interest factors. ~~The rules shall require that energy conserving requirements shall be amortized over a ten year period.~~

Sec. 24. Minnesota Statutes 1981 Supplement, Section 116H.129, Subdivision 5, is amended to read:

Subd. 5. **RESIDENTIAL ENERGY DISCLOSURE PROGRAM.** ~~The commissioner of administration, in consultation with the commissioner and the appropriate standing committees of the legislature,~~ shall adopt rules providing for residential energy disclosure requirements and shall approve forms for the purposes of this subdivision. The rules and forms shall provide only for the disclosure of structural characteristics, and energy use characteristics relating to energy consumption and conservation, and the extent of compliance with standards adopted pursuant to subdivision 4. Nothing in the forms shall indicate or be deemed to indicate that the residence meets all state building code specifications. For purposes of subdivision 7, a residential energy audit meeting the audit standards of 42 U.S.C. 9211 et seq. and reported on appropriate forms may be substituted for the rules and forms adopted pursuant to this subdivision.

Sec. 25. Minnesota Statutes 1981 Supplement, Section 116H.129, Subdivision 6, is amended to read:

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

Subd. 6. **BUILDING EVALUATORS.** The commissioner of ~~admini-
stration~~ shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy disclosure requirements. The commissioner of ~~administration~~ shall, by rule pursuant to chapter 15, ~~establish~~ adopt standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner of ~~administration~~ shall encourage the certification of existing groups of trained municipal personnel and qualified individuals from community-based organiza-
tions and public service organizations. Each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements. The inspections shall be made within 30 days of the request. After July 1, 1981, evaluators for the home energy disclosure program shall be certified only if they also meet all requirements for conducting residential energy audits pursuant to 42 U.S.C. 8211 et seq. Any person certified as a building evaluator prior to July 1, 1981, shall, by January 1, 1982, meet the upgraded certification standards in effect after July 1, 1981. The commissioner shall enter into an agreement with the department of education for the provision of evaluator training through the area vocational technical institutes. The commissioner may contract with the area vocational technical institutes to reduce the training costs to the students. The commissioner may eliminate the examination fee for persons seeking upgraded certificates. The commissioner may also establish requirements for continuing education, periodic recertification, and revocation of certification for evaluators.

Sec. 26. Laws 1981, Chapter 255, Sections 1, 3 and 4 are repealed.

Sec. 27. Notwithstanding any contrary provision of Laws 1981, Chapter 356, Section 249, Sections 23 to 25 are effective retroactively on January 1, 1982.

Sec. 28. Minnesota Statutes 1980, Section 120.17, Subdivision 4a, is amended to read:

Subd. 4a. **ATTENDANCE IN ANOTHER DISTRICT.** No resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service because he attends a public school in another school district pursuant to section 123.39, subdivision 5, if his attendance is not subject to section ~~120.065 or 123.39, subdivision 5a~~ 120.075. If the pupil attends a public school located in a contiguous district and the district of attendance does not provide special instruction and services, the district of residence shall provide necessary transportation for the pupil between the boundary of the district of residence and the educational facility where special instruction and services are provided within the district of residence. The district of residence may provide necessary transportation for the pupil between its boundary and the school attended in the contiguous district, but shall not pay the cost of transportation provided outside the boundary of the district of residence.

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

Sec. 29. Minnesota Statutes 1980, Section 120.17, Subdivision 5, is amended to read:

Subd. 5. **SCHOOL OF PARENTS' CHOICE.** Nothing in this chapter shall be construed as preventing parents of a handicapped educable child from sending such child to a school of their choice, if they so elect, subject to admission standards and policies to be adopted pursuant to the provisions of sections 128A.01 to ~~128A.08~~ 128A.07, and all other provisions of chapters 120 to 129.

Sec. 30. Minnesota Statutes 1980, Section 123.21, is amended to read:

123.21 LIMITATION OF SECTIONS.

Material contained in sections 123.11 to ~~123.20~~ 123.15 relates only to common school districts numbers 323 and 815. The provisions of law relating to independent school districts shall apply to and govern these common school districts unless a particular provision of sections 123.11 to ~~123.20~~ 123.15 provides for the matter, in which case that provision shall apply and control.

Sec. 31. Minnesota Statutes 1980, Section 123.78, Subdivision 1, is amended to read:

Subdivision 1. The school board of any district which is now or hereafter eligible to receive state aid for transportation under chapters 123 and 124, shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by any board by reason of distance or traffic condition in like manner and form as provided in sections ~~123.16, subdivisions 3 and 4; 123.18; 123.37, subdivisions 3 and 4; 123.39; and 124.223,~~ when applicable.

Sec. 32. Minnesota Statutes 1980, Section 123.932, Subdivision 1a, is amended to read:

Subd. 1a. As used in sections 123.931 to 123.937 ~~and section 123.938,~~ the terms defined in this section shall have the meanings ascribed to them.

Sec. 33. Minnesota Statutes 1980, Section 125.12, Subdivision 3, is amended to read:

Subd. 3. **PROBATIONARY PERIOD.** The first and second consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which he is thereafter employed shall be one year. A teacher who has complied with the then applicable probationary requirements in a school district prior to July 1, 1967, shall not be required to serve a new probationary period in the said district subsequent thereto. During the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit;

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provided, however, that the school board shall give any such teacher whose contract it declines to renew for the following school year written notice to that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the school board shall give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during his employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under ~~section 123.14, subdivision 4, or section 123.35, subdivision 5.~~

Sec. 34. Minnesota Statutes 1980, Section 129.121, Subdivision 1, is amended to read:

Subdivision 1. The governing board of any high school may delegate the control, supervision and regulation of interscholastic athletics and other extracurricular activities referred to in ~~sections 123.17 and section 123.38~~ to the Minnesota state high school league, a nonprofit incorporated voluntary association. Membership in said Minnesota state high school league shall be composed of such Minnesota high schools whose governing boards have certified in writing to the state commissioner of education that they have elected to delegate the control, supervision and regulation of their interscholastic athletic events and other extracurricular activities to said league. The Minnesota state high school league is hereby empowered to exercise the control, supervision and regulation of interscholastic athletics, musical, dramatic and other contests by and between pupils of the Minnesota high schools, delegated to it pursuant to this section. The Minnesota high school league may establish a policy or guidelines for the guidance of member high schools in the voluntary formation or alteration of athletic or other extracurricular conferences. The commissioner of education, or his representative, shall be an ex officio member of the governing body of such league, with the same rights and privileges as other members of its governing body. The rules and regulations of said league shall be exempt from the provisions of sections 15.0411 to 15.0422.

Sec. 35. Minnesota Statutes 1980, Section 136.015, is amended to read:

136.015 CHANGES IN DESIGNATION AND STATUS OF EDUCATIONAL INSTITUTIONS.

Educational institutions heretofore known and described as state normal schools and state teachers colleges as designated in Minnesota Statutes have been redesignated as state universities. All property of the Duluth State College has been transferred and all obligations of the college have been assumed by the regents of the University of Minnesota in accordance with Minnesota Statutes 1974, Section 137.13, and this college is now part of the university. The Southwest State University has been established in accordance with the provisions of Minnesota Statutes 1976, Section 136.016.

Changes or additions are indicated by underline, deletions by strikethrough.

Sec. 36. Minnesota Statutes 1980, Section 145.833, Subdivision 9, is amended to read:

Subd. 9. "Health service areas" means those areas established pursuant to 42 U.S.C., Section ~~3004~~ 3001.

Sec. 37. Minnesota Statutes 1980, Section 145.833, Subdivision 10, is amended to read:

Subd. 10. "Health systems plan" means the plan developed by the health systems agency pursuant to the requirements of 42 U.S.C., Section ~~3001-2~~ 3001-2.

Sec. 38. Minnesota Statutes 1980, Section 145.833, Subdivision 11, is amended to read:

Subd. 11. "Annual implementation plan" means the plan developed annually by the health systems agency pursuant to the requirements of 42 U.S.C., Section ~~3001-2~~ 3001-2 which relate to the implementation of the health systems plan.

Sec. 39. Minnesota Statutes 1981 Supplement, Section 156A.02, Subdivision 6, is amended to read:

Subd. 6. For the purposes of sections 156A.02 to ~~156A.08~~ 156A.10 "groundwater thermal exchange device" means any space heating or cooling device, the operation of which is dependent upon extraction and reinjection of groundwaters from an independent aquifer. Thermal exchange devices licensed under this chapter shall be sealed against the introduction of any foreign substance into the system, but shall be so constructed as to permit periodic inspection of water quality and temperature.

Sec. 40. Minnesota Statutes 1980, Section 160.05, Subdivision 1, is amended to read:

Subdivision 1. **SIX YEARS.** When any road or portion thereof shall ~~have of a road~~ has been used and kept in repair and worked for at least six years continuously as a public highway, ~~the same~~ it shall be deemed dedicated to the public to the width of ~~two rods on each side of the center line thereof~~ the actual use and be and remain, until lawfully vacated, a public highway whether ~~the same~~ it has ever been established as a public highway or not; ~~provided, that.~~ Nothing ~~herein contained~~ contained in this subdivision shall impair the right, title, or interest of the water department of any city of the first class secured under Special Laws 1885, Chapter 110. This subdivision shall apply to roads and streets except platted streets within cities.

Sec. 41. Minnesota Statutes 1981 Supplement, Section 168.013, Subdivision 1c, is amended to read:

Subd. 1c. **FARM TRUCKS.** (1) On farm trucks having a gross weight of not more than 57,000 pounds, the tax shall be based on total gross weight and

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shall be 45 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first eight years of vehicle life, but in no event less than \$35, and during the ninth and succeeding years of vehicle life the tax shall be 27 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$21, except as otherwise provided in this subdivision. On farm trucks having a gross weight of not more than 57,000 pounds during each of the first eight years of vehicle life, the tax shall be:

(a) for the registration year 1982, 34 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 38 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 42 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 45 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of not more than 57,000 pounds during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 20 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 22 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 24 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 27 percent of the Minnesota base rate schedule.

(2) On farm trucks having a gross weight of more than 57,000 pounds, the tax shall be 60 percent of the Minnesota base rate during the first eight years of vehicle life and 36 percent of the Minnesota base rate during the ~~tenth~~ ninth and succeeding years, except as otherwise provided in this subdivision. On farm trucks having a gross weight of more than 57,000 pounds during the first eight years of vehicle life, the tax shall be:

(a) for the registration year 1982, 38 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 45 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 53 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 60 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of more than 57,000 pounds, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 23 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 27 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 31 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 36 percent of the tax imposed in the Minnesota base rate schedule.

In addition to the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

Sec. 42. Minnesota Statutes 1981 Supplement, Section 169.825, Subdivision 10, is amended to read:

Subd. 10. **GROSS WEIGHT SCHEDULE.** (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

	Maximum gross weight in pounds on a group of		
	2	3	4
Distances in feet between centers of fore- most and rearmost axles of a group	consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles

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4	34,000		
5	34,000		
	(35,000)		
6	34,000		
	(36,000)		
7	34,000	41,500	
	(37,000)		
8	34,000	42,000	
	(38,000)		
9	35,000	43,000	
	(39,000)		
10	36,000	43,500	49,000
	(40,000)		
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000
34			65,000
35			65,500
36			66,000
37			67,000
38			67,500
39			68,000
40			69,000
41			69,500
42			70,000
43			71,000
44			71,500
45			72,000
46			(72,500)

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

47	(73,500)
48	(74,000)
49	(74,500)
50	(75,500)
51	(76,000)

Maximum gross weight in pounds on a group of

	5	6	7
Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	
41	74,000	79,000	
42	74,500	79,500	
43	75,000	80,000	

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

44	75,500
45	76,500
46	77,000
47	77,500
48	78,000
49	79,000
50	79,500
51	80,000

The gross weights shown in parentheses in this clause are permitted only on routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed the following:

(1) 80,000 pounds for routes designated under section 169.832, subdivision 11; and

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes not designated under section 169.832, subdivision 11; and

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes not designated under section 169.832, subdivision 11;

(d) The maximum weights specified in this subdivision for five and six consecutive axles shall not apply to a combination of vehicles that includes a three axle semi-trailer first registered before the effective date of Laws 1981, Chapter 321, Sections 1 to 42 August 1, 1981. The gross weight for four or fewer consecutive axles on a combination of vehicles excepted under this clause shall not exceed any maximum weight specified for four or fewer consecutive axles;

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Sec. 43. Minnesota Statutes 1981 Supplement, Section 171.36, is amended to read:

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

171.36 LICENSE RENEWAL AND FEES.

All licenses shall expire one year from date of issuance and may be renewed upon application to the commissioner. Each application for an original or renewal school license shall be accompanied by a fee of \$150 and each application for an original or renewal instructor's license shall be accompanied by a fee of \$50. The license fees collected under ~~this article~~ sections 171.33 to 171.41 shall be paid into the trunk highway fund. No license fee shall be refunded in the event that the license is rejected or revoked.

Sec. 44. Minnesota Statutes 1980, Section 175.35, is amended to read:

175.35 ENFORCEMENT.

It shall be the duty of the department of labor and industry to enforce the provisions of sections 175.33 and 175.34 and it may call upon the state commissioner of health and local boards of health for assistance.

Sec. 45. Minnesota Statutes 1981 Supplement, Section 176.306, Subdivision 2, is amended to read:

Subd. 2. DISTRICT ADMINISTRATORS; CLERKS OF COURT.

The judicial district administrators or the clerks of court of the county or district courts nearest to the locations selected by the chief hearing examiner pursuant to subdivision ~~3~~ 1 shall provide suitable hearing rooms at the times and places agreed upon for the purpose of conducting workers' compensation hearings.

Sec. 46. Minnesota Statutes 1980, Section 177.23, Subdivision 4, is amended to read:

Subd. 4. "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or check on banks convertible into cash on demand at full face value, subject to such allowances as may be permitted by ~~regulations~~ rules of the department under section 177.28.

Sec. 47. Minnesota Statutes 1980, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "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 to perform services other than corn detasseling;

(2a) for purposes of section 177.24, an individual who has not attained the age of 18 who is employed in agriculture as a corn detasseler;

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

(3) any staff member employed with an organized resident or day camp licensed with the state;

(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~~ those terms are defined and delimited by ~~regulations~~ rules of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as ~~such~~ those terms are defined by ~~regulations~~ rules 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;

(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;

(15) any individual employed as a seafarer; the term "seafarer" means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213(b) (6).

Sec. 48. Minnesota Statutes 1980, Section 177.23, Subdivision 10, is amended to read:

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

Subd. 10. With respect to any caretaker, manager or other on-site employee of a residential building or buildings whose principal place of residence is in the residential building or buildings, including a caretaker, manager or other on-site employee who receives a principal place of residence as full or partial compensation for duties performed for an employer, the term "hours worked", as contained in ~~regulations~~ rules promulgated pursuant to section 177.28, shall include time during which the caretaker, manager or other on-site employee is performing any duties of employment, but shall not mean time during which the caretaker, manager or other on-site employee is on the premises and available to perform duties of employment and is not otherwise performing any duties of employment.

Sec. 49. Minnesota Statutes 1980, Section 177.27, is amended to read:

177.27 POWERS AND DUTIES OF THE COMMISSIONER.

Subdivision 1. The commissioner or his authorized representative may enter during reasonable office hours or upon request and inspect the place of business or employment of any employer of employees in any occupation in the state, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any ~~such~~ employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any ~~such~~ employees; transcribe any or all of ~~such~~ the books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question ~~such~~ the employees for the purpose of ascertaining whether the provisions of sections 177.21 to 177.35 and the ~~regulations~~ rules issued pursuant thereto have been and are being complied with.

Subd. 2. The commissioner or his authorized representative may require from any employer of employees in any occupation in the state full and correct statements in writing, including sworn statements, with respect to wages, hours, name, addresses, and ~~such~~ other information pertaining to his employees and their employment as the commissioner or his authorized representative may deem necessary or appropriate.

Subd. 3. The commissioner or his authorized representative may issue any order requiring an employer to comply with the provisions of sections 177.21 to 177.35 or with any ~~regulation~~ rule promulgated under the provisions of section 177.28. Any order shall be served by the department upon the employer or his authorized representative in person or by certified mail at the employer's place of business. If an employer wishes to contest the order for any reason, he shall file written notice of his objection to the order with the commissioner within 10 days after service of ~~said~~ the order upon ~~said~~ the employer. Thereafter, a public hearing shall be held in accordance with the provisions of sections 15.0418 to 15.0426, and ~~such~~ regulations rules consistent therewith as the commissioner may make.

Changes or additions are indicated by underlining, deletions by ~~strikeout~~.

Subd. 4. The commissioner may investigate, mediate, and settle wage claims by an employee against an employer if the failure to pay any ~~such~~ wage may violate Minnesota laws or any order or ~~regulation~~ rule of the department thereunder.

Subd. 5. The commissioner may commence a civil action in any court of competent jurisdiction for the benefit of any employee for appropriate relief with respect to any wage claim which the commissioner deems to be valid, upon a written request being filed with the commissioner by ~~such~~ the employee, provided: (1) the failure to pay ~~such~~ the wage would constitute a violation of Minnesota laws or any order or ~~regulation~~ rule of the department thereunder, and (2) the wage claim does not exceed \$300. The employer shall pay all costs and disbursements as may be allowed by the court, and shall further pay an assessment of ten percent of the amount of any awarded wage claim to the treasurer of the state of Minnesota. In any action herein no security for payment of costs shall be required. Nothing herein shall be construed to prevent an employee from prosecuting his own claim for wages.

Subd. 6. Upon the written request of the commissioner, the attorney general of the state of Minnesota shall commence a civil action for appropriate relief against the employer as provided in subdivision 5.

Sec. 50. Minnesota Statutes 1980, Section 177.28, is amended to read:

177.28 POWER TO MAKE ~~REGULATIONS~~ RULES.

Subdivision 1. The commissioner shall make and revise ~~such regulations~~ rules, including definitions of terms, as he shall deem appropriate to carry out the purposes of sections 177.21 to 177.35, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage and overtime rates established by sections 177.24 and 177.25.

Subd. 2. The commissioner shall appoint an advisory committee composed of an equal number of not more than three representatives each of employers and employees and of not more than three disinterested persons representing the public, which he shall consult concerning the making and revising of administrative ~~regulations~~ rules.

Subd. 3. The commissioner shall establish ~~regulations~~ rules which define and govern sections 177.21 to 177.35 with respect to, salesmen who conduct no more than 20 percent of their sales on the premises of the employer; allowances as part of the wage rates for board, lodging and other facilities or services furnished by the employer and used by the employees. ~~Regulations~~ Rules issued by the department pursuant to this section shall include, but are not limited to, bonuses; part-time rates; special pay for special or extra work; procedures in contested cases; other facilities or services furnished by employers and used by employees; and other special items usual in a particular employer-employee relationship. ~~Regulations~~ Rules required by this subdivision shall be established by November 1, 1973.

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

Subd. 4. An employee who receives \$35 or more per month in gratuities is a tipped employee. An employer is entitled to a credit in an amount up to 20 percent of the minimum wage which a tipped employee receives. The credit against the wages due may not be taken unless at the time the credit is taken the employer has received a signed statement for that pay period from the tipped employee stating that he did receive and retain during that pay period all gratuities received by him in an amount equal to or greater than the credit applied against the wages due by his employer. The statements shall be maintained by the employer as a part of his business records.

Subd. 5. In order to prevent curtailment of opportunities for employment, avoid undue hardship, and safeguard the minimum wage rates under sections 177.24 and 177.25, the department shall also issue ~~regulations~~ rules providing for the employment of handicapped workers at wages lower than the wage rates applicable under sections 177.24 and 177.25, under permits and for ~~such~~ periods of time as specified therein; and providing for the employment of learners and apprentices at wages lower than the wage rates applicable under sections 177.24 and 177.25, under permits and subject to ~~such~~ limitations on number, proportion, length of learning period, occupations, and other conditions as the department may prescribe. The ~~regulations~~ rules issued by the department shall provide that where a handicapped person is now performing or is being considered for employment where he will perform work which is equal to work performed by a non-handicapped person, ~~such~~ the handicapped person shall be paid the same wage as a non-handicapped person with similar experience and skill.

Subd. 6. ~~Regulations~~ Rules shall be adopted by the department only after a public hearing held upon due publication of notice, at which any interested person may be heard and of which a record shall be made. ~~Regulations~~ Rules shall be published by the department and shall take effect upon publication and filing with the secretary of state and the department of administration. ~~Such regulations~~ The rules shall have the force and effect of law upon filing as provided herein.

Sec. 51. Minnesota Statutes 1980, Section 177.29, is amended to read:

177.29 JUDICIAL REVIEW.

Subdivision 1. Any person who may be aggrieved by any administrative ~~regulation~~ rule issued pursuant to section 177.28 may obtain a review thereof in the district court for Ramsey county, by filing in ~~such~~ the court a written petition for declaratory judgment praying that the ~~regulation~~ rule be modified or set aside. A copy of ~~such~~ the petition shall be served upon the department. The department's findings of fact, if any, shall be conclusive upon the court if supported by substantial evidence. The court shall determine whether the ~~regulation~~ rule is in accordance with law.

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

If the court determines that ~~such regulation~~ the rule is not in accordance with law, it shall remand the case to the department with directions to modify or revoke ~~such regulation~~ the rule. If application is made to the court by any aggrieved party for leave to adduce additional evidence, ~~such~~ the party shall show to the satisfaction of the court that ~~such~~ the additional evidence is material, and that there were reasonable grounds for the failure to adduce ~~such~~ the evidence before the department. If the court finds that ~~such~~ the evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce ~~such~~ the evidence in prior proceedings, the court may remand the case to the department with directions that ~~such~~ the additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of ~~such~~ the additional evidence.

Subd. 2. Hearings in the district court on all appeals taken under subdivision 1 shall be privileged and take precedence over all matters, except matters of the same character. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review on appeal to the supreme court.

Subd. 3. The commencement of proceedings under subdivision 1 shall not, unless specifically ordered by the court, operate as a stay of an administrative ~~regulation rule~~ rule issued pursuant to section 177.28. The court shall not grant any stay of an administrative ~~regulation rule~~ rule unless the person complaining of ~~such regulation~~ the rule shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the ~~regulation rule~~ rule, in the event ~~such regulation~~ the rule is affirmed, of the amount by which the compensation ~~such~~ the employees are entitled to receive under the ~~regulation rule~~ rule exceeds the compensation they actually receive while ~~such~~ the stay is in effect.

Sec. 52. Minnesota Statutes 1980, Section 177.30, is amended to read:

177.30 KEEPING RECORDS.

Every employer subject to any provision of sections 177.21 to 177.35 or of any ~~regulation rule~~ rule issued pursuant thereto shall make and keep, for a period of not less than three years in or about the premises wherein any employee is employed, a record of the name, address and occupation of each of his employees, the rate of pay, and the amount paid each pay period to each ~~such~~ the employee, the hours worked each day and each workweek by ~~such~~ the employee, and ~~such~~ the other information as the department shall prescribe by ~~regulation rule~~ rule as necessary or appropriate for the enforcement of the provisions of sections 177.21 to 177.35 or of the ~~regulations rules~~ rules issued pursuant thereto.

Sec. 53. Minnesota Statutes 1980, Section 177.31, is amended to read:

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177.31 POSTING OF LAW AND REGULATIONS RULES.

Every employer subject to any provision of sections 177.21 to 177.35 shall keep a summary thereof, approved by the department, and copies of any applicable ~~regulations rules~~ issued pursuant thereto, or a summary of ~~such regulations the rules~~, posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. The department shall furnish copies of ~~such the summaries and regulations rules~~ to employers without charge.

Sec. 54. Minnesota Statutes 1980, Section 177.32, is amended to read:

177.32 PENALTIES.

Subdivision 1. Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 177.21 to 177.35 or refuses to admit the commissioner or his authorized representative to any place of employment as required by section 177.27, subdivision 1; or fails to make, keep, and preserve records as required by section 177.30; or falsifies any ~~such~~ record; or refuses to make any ~~such~~ record accessible, or to furnish a sworn statement of ~~such the~~ record or any other information as required by section 177.27; or fails to post a summary of sections 177.21 to 177.35 or a copy of any applicable ~~regulation rule~~ as required by section 177.31; or pays or agrees to pay wages at a rate less than the rate applicable under or pursuant to sections 177.21 to 177.35; or otherwise violates any provision of sections 177.21 to 177.35 or of any ~~regulation rule~~ issued pursuant thereto; is guilty of a misdemeanor.

Subd. 2. Any employer who discharges or in any other manner discriminates against any employee because such employee has complained to his employer, to the department, or to an authorized representative of the department that he has not been paid wages in accordance with sections 177.21 to 177.35 or ~~regulations rules~~ issued pursuant thereto or because ~~such the~~ employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to sections 177.21 to 177.35, or because ~~such the~~ employee has testified or is about to testify in any ~~such~~ proceeding shall, upon conviction therefor, be fined not less than \$500 nor more than \$1000.

Sec. 55. Minnesota Statutes 1980, Section 177.33, is amended to read:

177.33 EMPLOYEES' REMEDIES.

Any employer who pays any employee less than the wages and overtime compensation to which ~~such the~~ employee is entitled under sections 177.21 to 177.35 and ~~regulations rules~~ issued pursuant thereto shall be liable to ~~such the~~ employee for the full amount of ~~such the~~ wages and overtime compensation, less any amount actually paid to ~~such the~~ employee by the employer, for an additional equal amount as liquidated damages, and for costs and ~~such~~ reasonable attorney's

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fees as may be allowed by the court. Any agreement between ~~such~~ the employee and the employer to work for less than the applicable wage rate shall be no defense to ~~such~~ the action. ~~Such~~ The action may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves.

Sec. 56. Minnesota Statutes 1980, Section 177.34, is amended to read:

177.34 RELATION TO OTHER LAWS.

Any standards relating to minimum wages, maximum hours, overtime compensation, or other working conditions in effect under any other law of this state on January 1, 1974 which are more favorable to employees than those applicable hereunder shall not be deemed to be amended, rescinded, or otherwise affected by sections 177.21 to 177.35 but shall continue in full force and effect until they are specifically superseded by standards more favorable to ~~such~~ those employees by operation of or in accordance with sections 177.21 to 177.35 or ~~regulations~~ rules issued pursuant thereto.

Sec. 57. Minnesota Statutes 1980, Section 177.35, is amended to read:

177.35 RIGHT OF COLLECTIVE BARGAINING.

Nothing in sections 177.21 to 177.35 shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work more favorable to the employees than those required by sections 177.21 to 177.35 and ~~regulations~~ rules issued pursuant thereto.

Sec. 58. Minnesota Statutes 1981 Supplement, Section 204B.31, is amended to read:

204B.31 COMPENSATION FOR ELECTION SERVICES.

The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with rules adopted pursuant to section 471.665, subdivision 1;

(b) To individuals, other than county, city, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed for state employees in accordance with rules adopted pursuant to section 471.665, subdivision 1;

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(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed for state employees pursuant to section 471.665, subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city, to election judges serving in unorganized territory, an amount fixed by the county board, and to election judges serving in towns, an amount fixed by the town board. Election judges in towns and unorganized territory shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Sec. 59. Minnesota Statutes 1980, Section 214.14, Subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules pursuant to section 214.13. The commissioner shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. Each of the health related licensing boards, the state examining committee for physical therapists, ~~the advisory council for hospital administrator's registration,~~ the consumer services section of the department of commerce, the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards or section. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed pursuant to existing law, and five public members. The committee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 60. Minnesota Statutes 1981 Supplement, Section 222.63, Subdivision 4, is amended to read:

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

Subd. 4. **DISPOSITION PERMITTED.** The commissioner may, in his discretion, lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65. The commissioner may after consultation convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivisions 2, 2a, 2b and 2c subdivision 2.

Sec. 61. Minnesota Statutes 1981 Supplement, Section 273.11, Subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** Except as provided in subdivisions ~~2~~, 6 and 7 or section 273.17, subdivision 1, all property shall be valued at its market value. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the assessment of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, the assessed value of that lot or any single contiguous lot fronting on the same street shall be eligible for reassessment. All property, or the use thereof, which is taxable under sections 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 62. Minnesota Statutes 1980, Section 273.11, Subdivision 5, is amended to read:

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

Subd. 5. Notwithstanding any other provision of law to the contrary, the limitation contained in ~~subdivisions 4 to 5~~ subdivision 1 shall also apply to the authority of the local board of review as provided in section 274.01, the county board of equalization as provided in section 274.13, the state board of equalization and the commissioner of revenue as provided in section 270.11, 270.12 and 270.16, and any increase effected by these boards over the valuation currently being used in computing taxes shall be added to the previous assessed valuation in annual increments as provided in subdivision 2.

Sec. 63. Minnesota Statutes 1980, Section 282.01, Subdivision 1, is amended to read:

Subdivision 1. **CLASSIFICATION; USE; EXCHANGE.** Except as ownership of particular tracts of land should be held by the state or its subdivisions for a recognized public purpose and public access, it is the general policy of this state to encourage return of tax-forfeited lands to private ownership and the tax rolls through sale, and classification of lands according to this chapter is not in contravention of this general policy. All parcels of land becoming the property of the state in trust under the provisions of any law now existing or hereafter enacted declaring the forfeiture of lands to the state for taxes, shall be classified by the county board of the county wherein such parcels lie as conservation or nonconservation. Such classification shall be made with consideration, among other things, to the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, and their peculiar suitability or desirability for particular uses. Such classification, furthermore, shall aid: to encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; to facilitate reduction of governmental expenditures; to conserve and develop the natural resources; and to foster and develop agriculture and other industries in the districts and places best suited thereto. In making such classification the county board may make use of such data and information as may be made available by any office or department of the federal, state, or local governments, or by any other person or agency possessing information pertinent thereto at the time such classification is made. Such lands may be reclassified from time to time as the county board may deem necessary or desirable, except as to conservation lands held by the state free from any trust in favor of any taxing district. Provided that if any such lands are located within the boundaries of any organized town, with taxable valuation in excess of \$20,000, or incorporated municipality, the classification or reclassification and sale shall first be approved by the town board of such town or the governing body of such municipality insofar as the lands located therein are concerned. *The town board of the town or the governing body of the municipality will be deemed to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 90 days of the date the request for approval was*

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transmitted to the town board of the town or governing body of the municipality. If the town board or governing body desires to acquire any parcel lying in the town or municipality by procedures authorized in this subdivision, it shall, within 90 days of the request for classification or reclassification and sale, file a written application with the county board to withhold the parcel from public sale. The county board shall then withhold the parcel from public sale for one year. Any tax-forfeited lands may be sold by the county board to any organized or incorporated governmental subdivision of the state for any public purpose for which such subdivision is authorized to acquire property or may be released from the trust in favor of the taxing districts upon application of any state agency for any authorized use at not less than their value as determined by the county board. The commissioner of revenue shall have power to convey by deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to any governmental subdivision for any authorized public use, provided that an application therefor shall be submitted to the commissioner with a statement of facts as to the use to be made of such tract and the need therefor and the recommendation of the county board. The deed of conveyance shall be upon a form approved by the attorney general and shall be conditioned upon continued use for the purpose stated in the application, provided, however, that if the governing body of such governmental subdivision by resolution determines that some other public use shall be made of such lands, and such change of use is approved by the county board and an application for such change of use is made to the commissioner, and approved by him, such changed use may be made of such lands without the necessity of the governing body conveying the lands back to the state and securing a new conveyance from the state to the governmental subdivision for such new public use.

Whenever any governmental subdivision to which any tax-forfeited land has been conveyed for a specified public use as provided in this section shall fail to put such land to such use, or to some other authorized public use as provided herein, or shall abandon such use, the governing body of the subdivision shall authorize the proper officers to convey the same, or such portion thereof not required for an authorized public use, to the state of Minnesota, and such officers shall execute a deed of such conveyance forthwith, which conveyance shall be subject to the approval of the commissioner and in form approved by the attorney general, provided, however, that a sale, lease, transfer or other conveyance of such lands by a housing and redevelopment authority as authorized by sections 462.411 to ~~462.714~~ 462.705 shall not be an abandonment of such use and such lands shall not be reconveyed to the state nor shall they revert to the state. No vote of the people shall be required for such conveyance. In case any such land shall not be so conveyed to the state, the commissioner of revenue shall by written instrument, in form approved by the attorney general, declare the same to have reverted to the state, and shall serve a notice thereof, with a copy of the declaration, by certified mail upon the clerk or recorder of the governmental subdivision concerned, provided, that no declaration of reversion shall be made

earlier than five years from the date of conveyance for failure to put such land to such use or from the date of abandonment of such use if such lands have been put to such use. The commissioner shall file the original declaration in his office, with verified proof of service as herein required. The governmental subdivision may appeal to the district court of the county in which the land lies by filing with the clerk of court a notice of appeal, specifying the grounds of appeal and the description of the land involved, mailing a copy thereof by certified mail to the commissioner of revenue, and filing a copy thereof for record with the county recorder or registrar of titles, all within 30 days after the mailing of the notice of reversion. The appeal shall be tried by the court in like manner as a civil action. If no appeal is taken as herein provided, the declaration of reversion shall be final. The commissioner of revenue shall file for record with the county recorder or registrar of titles, of the county within which the land lies, a certified copy of the declaration of reversion and proof of service.

Any city of the first class now or hereafter having a population of 450,000, or over, or its board of park commissioners, which has acquired tax-forfeited land for a specified public use pursuant to the terms of this section, may convey said land in exchange for other land of substantially equal worth located in said city of the first class, provided that the land conveyed to said city of the first class now or hereafter having a population of 450,000, or over, or its board of park commissioners, in exchange shall be subject to the public use and reversionary provisions of this section; the tax-forfeited land so conveyed shall thereafter be free and discharged from the public use and reversionary provisions of this section, provided that said exchange shall in no way affect the mineral or mineral rights of the state of Minnesota, if any, in the lands so exchanged.

Sec. 64. Minnesota Statutes 1981 Supplement, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. **GOVERNMENTAL SUBDIVISION.** "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to ~~462.711~~ 462.705; or any port authority organized pursuant to chapter 458; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to sections 447.31 to 447.37.

Sec. 65. Minnesota Statutes 1981 Supplement, Section 355.11, Subdivision 5, is amended to read:

Subd. 5. "Employing unit" means any municipal housing and redevelopment authorities organized pursuant to sections 462.415 to ~~462.711~~ 462.705 and any soil and water conservation district organized pursuant to chapter 40 or any port authority organized pursuant to chapter 458, or any hospital district organized or reorganized pursuant to sections 447.31 to 447.37.

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

Sec. 66. Minnesota Statutes 1980, Section 458.192, Subdivision 15, is amended to read:

Subd. 15. It may exercise and apply any and all of the powers and duties assigned to redevelopment agencies pursuant to chapter 474, in order to further any of the purposes and objectives of sections 458.09 to 458.1991 and 462.411 to ~~462.711~~ 462.705, and may also exercise and apply any and all of the powers and duties set forth in sections 458.09 to 458.1991 and 462.411 to ~~462.711~~ 462.705, in order to further the purposes and policies set forth in chapter 474.

Sec. 67. Minnesota Statutes 1980, Section 462.415, Subdivision 4, is amended to read:

Subd. 4. It is hereby declared that certain slum or deteriorated areas, or portions thereof, require acquisition and clearance, as provided in sections 462.411 to ~~462.711~~ 462.705, since the prevailing condition of decay may make impracticable reclamation of the area by conservation or rehabilitation, but other areas or portions thereof are, through the means provided in sections 462.411 to ~~462.711~~ 462.705 susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; salvable slum or deteriorated areas should be conserved and rehabilitated to the extent feasible through voluntary action and the regulatory process; and all powers conferred by sections 462.411 to ~~462.711~~ 462.705, are for public uses and purposes for which public money may be expended and such other powers exercised; and the necessity in the public interest for the provisions of sections 462.411 to ~~462.711~~ 462.705 is hereby declared as a matter of legislative determination. The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of sections 462.411 to ~~462.711~~ 462.705, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Sec. 68. Minnesota Statutes 1980, Section 462.415, Subdivision 6, is amended to read:

Subd. 6. Within cities of the first class, in any area determined by the respective local governing body to qualify for treatment under sections 462.415 to ~~462.711~~ 462.705, in utilizing such provisions, the legislature finds that the public interest required therein for the clearance, replanning, reconstruction, and neighborhood rehabilitation of substandard and unsanitary areas, and the provision of decent, safe and sanitary housing for persons of low income and their families shall also apply to housing for persons of all incomes.

Sec. 69. Minnesota Statutes 1980, Section 462.421, Subdivision 1, is amended to read:

Subdivision 1. Unless the context clearly indicates otherwise, the following terms, for the purposes of sections 462.415 to ~~462.711~~ 462.705 shall have the meanings, respectively, ascribed to them in this section.

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

Sec. 70. Minnesota Statutes 1980, Section 462.421, Subdivision 2, is amended to read:

Subd. 2. "Authority" means a housing and redevelopment authority created or authorized to be created by sections 462.415 to ~~462.711~~ 462.705.

Sec. 71. Minnesota Statutes 1980, Section 462.421, Subdivision 20, is amended to read:

Subd. 20. "Redevelopment company" means (1) a limited dividend corporation created pursuant to sections 462.591 to ~~462.711~~ 462.705 or (2) a limited partnership formed pursuant to sections 322.01 to 322.31 provided that the certificate required by section 322.02 and any amendments thereto shall not be filed for record by the county recorder of the county where the principal place of business is located unless the same is accompanied by a certificate of the consent of the state housing commission stating that the certificate required by section 322.02 or the amendment thereto is consistent with the purposes of and in compliance with the limitations and restrictions imposed on redevelopment companies by sections 462.591 to ~~462.711~~ 462.705; except that the provision of clause 2 shall apply only in cities of the first class.

Sec. 72. Minnesota Statutes 1980, Section 462.425, Subdivision 7, is amended to read:

Subd. 7. **CERTIFICATE OF APPOINTMENT; FILING.** Commissioners shall hold office until their successors have been appointed and qualified. A certificate of appointment of each commissioner shall be filed with the clerk and a certified copy thereof shall be transmitted to the state housing commission. Whenever the membership of an authority is changed by reason of a new appointment, a certificate of that appointment and a certified copy thereof shall be promptly so filed. A certificate so filed shall be conclusive evidence of appointment or change in membership. Commissioners are likewise referred to in sections 462.411 to ~~462.711~~ 462.705 as "members" of an authority.

Sec. 73. Minnesota Statutes 1980, Section 462.426, Subdivision 1, is amended to read:

Subdivision 1. **PRELIMINARY COUNTY FINDINGS AND DECLARATION.** There is hereby created in each county in this state other than the metropolitan counties of Hennepin, Ramsey, Scott, Carver, Anoka, Washington and Dakota and other than those counties in which a county housing authority has been heretofore created by special act, a public body corporate and politic, to be known as the housing and redevelopment authority in and for that county, hereinafter referred to as "county authority"; provided, however, that no such county authority shall transact any business or exercise any powers until the governing body of the county, by proper resolution, finds that there is need for a county authority to function in such county. The governing body shall give consideration as to the need for a county authority to function (1) on the

governing body's own motion (2) or upon the filing of a petition signed by 25 qualified voters of the county asserting that there is need for a county authority to function in such county and requesting that the governing body so declare. The governing body shall adopt a resolution declaring that there is need for a county authority to function in the county if it shall find (a) that substandard, slum, or deteriorated areas exist in such county which cannot be redeveloped without government assistance, or (b) that there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low income at rentals or prices they can afford.

If the governing body of each of two or more municipalities or counties, or combinations of municipalities and counties, by resolution declares that there is a need for one housing and redevelopment authority to be created for all of such municipalities or counties, or combinations thereof, hereinafter referred to as "political subdivisions", to exercise in such political subdivisions powers and other functions prescribed for a multi-county housing and redevelopment authority, a public body corporate and politic to be known as a multi-county housing and redevelopment authority, hereinafter called "multi-county authority", shall thereupon exist for all of such political subdivisions and shall exercise its powers and other functions in such political subdivisions in lieu of the authority for each such political subdivision. The governing body of each of two or more political subdivisions shall by resolution declare that there is a need for one multi-county authority to be created for all of such political subdivisions to exercise in such political subdivision powers and other functions prescribed for a multi-county authority, if such governing body finds (a) that substandard, slum, or deteriorated areas exist in such political subdivision which cannot be redeveloped without government assistance, or there is a shortage of decent, safe and sanitary dwelling accommodations available to persons of low income at rentals or prices they can afford, and (b) that a multi-county authority would be a more effective, efficient or economical administrative unit than the housing and redevelopment authority of such political subdivision to carry out the purposes of sections 462.415 to ~~462.714~~ 462.705, in such political subdivision.

In determining whether dwelling accommodations are unsafe or unsanitary a governing body may take into consideration the same factors as are elsewhere provided in sections 462.415 to ~~462.714~~ 462.705, with respect to such *determinations by governing bodies in connection with the function of housing and redevelopment authorities for municipalities.*

Sec. 74. Minnesota Statutes 1980, Section 462.427, Subdivision 2, is amended to read:

Subd. 2. **MULTI-COUNTY AUTHORITIES.** The area of operation of a multi-county authority shall be increased from time to time to include one or more additional political subdivisions *not already within a multi-county authority* if the governing body of such additional political subdivision or subdivisions

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makes the findings required by section 462.426 and if the political subdivisions then included in the area of operation of such multi-county authority and the commissioners of the multi-county authority adopt a resolution declaring that the multi-county authority would be a more effective, efficient or economical administrative unit to carry out the purposes of sections 462.415 to ~~462.711~~ 462.705 in case the area of operation of the multi-county authority were increased to include such additional political subdivision or subdivisions.

The area of operation of a multi-county authority may be decreased from time to time to exclude one or more political subdivisions from such area if the governing body of each of the political subdivisions in such area and the commissioners of the multi-county authority each adopt a resolution declaring that there is a need for excluding such political subdivision or subdivisions from such area; provided that no such action may be taken if the multi-county authority has outstanding any bonds, notes or other evidences of indebtedness involving a housing project in the political subdivision to be excluded unless first, all holders of such evidence of indebtedness consent in writing to such action; and provided further that if such action decreases the area of operation of the multi-county authority to only one political subdivision, such authority shall thereupon constitute and become a housing and redevelopment authority for the county or municipality, as the case may be, in the same manner as though such authority were initially created by and authorized to transact business and exercise its powers in that county or municipality, and the commissioners of such authority shall be thereupon appointed as provided for the appointment of commissioners of a housing and redevelopment authority created for a county or a municipality, as the case may be.

The governing body of each of the political subdivisions in the area of operation of the multi-county authority and the commissioners of the multi-county authority shall adopt a resolution declaring that there is a need for excluding a political subdivision or subdivisions from such area if:

(a) Each such governing body of the political subdivisions to remain in the area of operation of the multi-county authority and the commissioners of the multi-county authority find that, because of facts arising or determined subsequent to the time when such area first included the political subdivision or subdivisions to be excluded, the multi-county authority would be a more effective, efficient or economical administrative unit to carry out the purposes of sections 462.415 to ~~462.711~~ 462.705 if such political subdivision or subdivisions were excluded from such area; and

(b) The governing body of such political subdivision or subdivisions to be excluded and the commissioners of the multi-county authority each also find that, because of the aforesaid changed facts, the purposes of sections 462.415 to ~~462.711~~ 462.705 could be carried out more efficiently or economically in such political subdivision or subdivisions if the area of operation of the multi-county authority did not include such political subdivision or subdivisions.

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Sec. 75. Minnesota Statutes 1980, Section 462.428, Subdivision 3, is amended to read:

Subd. 3. **CERTIFICATES OF APPOINTMENT; REMOVAL OF COMMISSIONERS; QUORUM; MEETINGS; ELIGIBLE APPOINTEES; CHAIRMAN AND SECRETARY OF AUTHORITY.** A certified copy of the certificate of appointment of each commissioner shall be filed with the state housing commission.

A commissioner of a county or multi-county authority may be removed by the body or officer which appointed him for the same causes and in the same manner as is provided herein with respect to the removal of commissioners of an authority for a municipality.

The powers of a county or multi-county authority shall be vested in the commissioners in office from time to time. A majority of the commissioners of such authority shall constitute a quorum of such authority for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. Meetings of the commissioners of the authority may be held anywhere within the perimeter boundaries of the area of operation of the authority or within any additional area where the authority is authorized to undertake a project. Appointments may be made of any persons as commissioners of such authority who reside within such boundaries or area, and who are otherwise eligible for such appointments under sections 462.415 to ~~462.711~~ 462.705.

The commissioners of a county or multi-county authority shall elect a chairman and a secretary from among the commissioners.

Sec. 76. Minnesota Statutes 1980, Section 462.445, Subdivision 1, is amended to read:

Subdivision 1. **SCHEDULE OF POWERS.** An authority shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 462.415 to ~~462.711~~ 462.705 (but not the power to levy and collect taxes or special assessments except as provided in sections 462.515 to 462.545 with respect to redevelopment projects only) including the following powers in addition to others granted in these sections:

(1) To sue and be sued; to have a seal, which shall be judicially noticed, and to alter the same at pleasure; to have perpetual succession; and to make, and from time to time to amend and repeal, rules and regulations not inconsistent with these sections;

(2) To employ an executive director, technical experts, and such officers, agents, and employees, permanent and temporary, as it may require, and

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determine their qualifications, duties, and compensation; for such legal services as it may require, to call upon the chief law officer of the municipality or to employ its own counsel and legal staff; so far as practicable, to use the services of local public bodies, in its area of operation, such local public bodies, if requested, to make such services available;

(3) To delegate to one or more of its agents or employees such powers or duties as it may deem proper;

(4) Within its area of operation to undertake, prepare, carry out, and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or part thereof;

(5) Subject to the provisions of section 462.511, to give, sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein and to execute such leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take such action, as may be necessary or convenient to carry out the purposes of these sections;

(6) Within its area of operation to acquire real or personal property or any interest therein by gifts, grant, purchase, exchange, lease, transfer, bequest, devise, or otherwise, and by the exercise of the power of eminent domain, in the manner provided by Minnesota Statutes 1945, Chapter 117, and any amendments thereof or supplements thereto, to acquire real property which it may deem necessary for its purposes under these sections, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 462.425 or found to exist by section 462.415, subdivision 5, or is necessary to carry out a redevelopment project as defined in section 462.421, subdivision 13;

(7) Within its area of operation, and without the adoption of an urban renewal plan, to acquire, by all means as set forth in clause (6) of this subdivision, including by the exercise of the power of eminent domain, in the manner provided by chapter 117, and without the adoption of a resolution provided for in subdivision 1, clause (6), real property, and to demolish, remove, rehabilitate or reconstruct the buildings and improvements or construct new buildings and improvements thereon, or to so provide through other means as set forth in Laws 1974, Chapter 228, or to grade, fill and construct foundations or otherwise prepare the site for improvements, and to dispose of said property pursuant to section 462.525, provided that the provisions of section 462.525 requiring conformance to an urban renewal plan shall not apply, and to finance such activities by means of the redevelopment project fund or by means of tax increments or tax increment bonds or by the methods of financing provided for in section 462.545 or by means of contributions from the municipality provided for in section 462.581, clause (9), or by any combination of such means; provided that, real property with buildings or improvements thereon shall only be acquired when the buildings or improvements are substandard; and provided further that the

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exercise of the power of eminent domain under this clause shall be limited to real property which contains buildings and improvements which are vacated and substandard. For the purpose of this subparagraph, substandard buildings or improvements mean buildings or improvements that are dilapidated or obsolescent, faultily designed, lack adequate ventilation, light, or sanitary facilities, or any combination of these or other factors that are detrimental to the safety or health of the community.

(8) Within its area of operation to determine the level of income constituting low or moderate family income. Such income level shall be that level below which there is not available within the area of operation a substantial supply of decent, safe and sanitary housing provided by private enterprise without subsidy at prices or rents within the financial means of persons and families of such incomes. The authority may establish various income levels for various family sizes. In making its determination the authority may consider income levels which may be established by the federal housing administration or a similar or successor federal agency for the purpose of federal loan guarantees or subsidies for persons of low or moderate income. The authority may use such determination as a basis for the maximum amount of income for admissions to housing development projects owned or operated by it;

(9) To provide in federally assisted projects such relocation payments and assistance as may be necessary to comply with the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and any amendments or supplements thereto.

Sec. 77. Minnesota Statutes 1980, Section 462.445, Subdivision 4, is amended to read:

Subd. 4. **ADDITIONAL POWERS.** An authority shall further have power:

(1) To make, or agree to make, such payments in lieu of taxes to the city or the county, the state or any political subdivision thereof, as it finds consistent with the purposes of sections 462.415 to ~~462.711~~ 462.705;

(2) To cooperate with or act as agent for the federal government, the state or any state public body, or any agency or instrumentality of the foregoing, in carrying out any of the provisions of sections 462.415 to ~~462.711~~ 462.705 or of any other related federal, state or local legislation; and upon the consent of the governing body of the municipality purchase, lease, manage, or otherwise take over any housing project already owned and operated by the government of the United States or any agency thereof;

(3) To make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabil-

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itation, demolition, or removal of buildings and improvements. The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight;

(4) To borrow money or other property and accept contributions, grants, gifts, services, or other assistance from the federal government, the state government, state public bodies, or from any other public or private sources;

(5) To include in any contract for financial assistance with the federal government any conditions which the federal government may attach to its financial aid of a project, not inconsistent with purposes of sections 462.415 to ~~462.711~~ 462.705, including obligating itself (which obligation shall be specifically enforceable and not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which such contract relates upon the occurrence of a substantial default with respect to the covenants or conditions to which such authority is subject; to provide in such contract that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project until such defaults are cured if the federal government agrees in such contract to re-convey to the authority the project as then constituted when such defaults have been cured;

(6) To issue bonds, notes, or other evidences of indebtedness, as hereinafter provided, for any of its corporate purposes and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenues, including grants or contributions;

(7) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

(8) Within its area of operation to determine where substandard, slum, or deteriorated areas exist or where there is unsafe, unsanitary, or overcrowded housing;

(9) To establish and revise from time to time the maximum amount of income of tenants entitled to admission to housing projects of an authority, subject to the qualifications in sections 462.415 to ~~462.711~~ 462.705 contained;

(10) To undertake and carry out studies and analyses of the housing and redevelopment needs within its area of operation and of the meeting of those needs (including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages, desirable patterns for land use and community growth, and other factors affecting the local housing and redevelopment needs and the meeting thereof) and to make the results of those studies and analyses available to the public and building, housing and supply industries; and to engage in research and disseminate information on housing and redevelopment;

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(11) When a local public body does not have a planning agency or when a comprehensive or general community development plan or plans is or are not already available by the planning agency, to make or cause to be made such plans as a guide in the more detailed planning of housing and redevelopment areas;

(12) To lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project and (subject to the limitations contained in sections 462.415 to ~~462.711~~ 462.705 with respect to the rental of dwellings in housing projects) to establish and revise the rents or charges therefor;

(13) To own, hold, and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein;

(14) To insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards;

(15) To procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority, including the powers to pay premiums on such insurance;

(16) To make such expenditures as may be necessary to carry out the purposes of sections 462.415 to ~~462.711~~ 462.705;

(17) To enter into an agreement or agreements with any state public body to provide informational service and relocation assistance to families, individuals, business concerns and nonprofit organizations displaced or to be displaced by the activities of any state public body or bodies.

(18) To compile and maintain a catalog of all vacant, open and undeveloped land or land which contains substandard buildings and improvements as that term is defined in subdivision 1, clause (7) owned or controlled by the authority or by the governing body or bodies within its area of operation and to compile and maintain a catalog of all authority owned real property that is in excess of the foreseeable needs of said authority, in order to determine and recommend if such real property compiled in either catalog is appropriate for disposal pursuant to the provisions of section 462.525, subdivisions 9 and 10.

(19) To recommend to the municipality concerning the enforcement of the applicable health, housing, building, fire prevention and housing maintenance code requirements as relates to residential dwelling structures which are being rehabilitated by low or moderate income persons pursuant to section 462.525, subdivision 9 for the period of time necessary to complete such rehabilitation, as determined by the authority.

(20) To recommend to the municipality the initiation of municipal powers, against certain real properties, relating to repair, closing, condemnation, or demolition of unsafe, unsanitary, hazardous, and unfit buildings, as provided in section 462.581, clause (5).

Sec. 78. Minnesota Statutes 1980, Section 462.445, Subdivision 5, is amended to read:

Subd. 5. **EXERCISE OF POWERS.** An authority may exercise all or any part or combination of the powers granted by sections 462.415 to ~~462.711~~ 462.705 within its area of operation. Any two or more authorities may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing, including the issuance of bonds, notes, or other obligations and giving security therefor, planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects located within the area of operation of any one or more of said authorities. For such purpose an authority may by resolution prescribe and authorize any other housing authority or authorities, so joining or cooperating with it, to act on its behalf with respect to any or all powers, as its agent or otherwise, in the name of the authority or authorities so joining or cooperating or in its own name.

A county or municipality may join or cooperate with any authority to permit the authority, on behalf of the county or municipality, to plan, undertake, administer, and carry out a leased existing housing assistance payments program, pursuant to Section 8 of the United States Housing Act of 1937 as amended, 42 United States Code Section 1437 f. A municipality may so join or cooperate with an authority unless there is an authority in the municipality which has been authorized by resolution under section 462.425 to transact business or exercise powers. A county may so join or cooperate with an authority unless (a) there is a county authority which has been authorized by resolution under section 462.426 to transact business or exercise powers, or the county is a member of a multicounty authority, and (b) the authority has initiated or has in progress an active program or has applied for federal assistance in a public housing or redevelopment program within 12 months after its establishment.

Sec. 79. Minnesota Statutes 1980, Section 462.451, Subdivision 2, is amended to read:

Subd. 2. **STATE HOUSING COMMISSION; POWERS, DUTIES.** The state housing commission may investigate the affairs of authorities and their dealings, transactions, and relationships. It shall have the power to examine into the properties and records of authorities and to prescribe methods of accounting and the rendering of periodical reports in relation to projects undertaken by authorities, but in prescribing the form of accounts the commission shall take into consideration any requirements of the federal government under any contract with an authority. The commission may from time to time make, amend, and repeal rules and regulations prescribing standards and stating principles governing the planning, construction, maintenance, and operation of projects by authorities. Compliance with sections 462.415 to ~~462.711~~ 462.705 and the rules and regulations adopted by the commission may be enforced by the commission by a proceeding in equity.

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Sec. 80. Minnesota Statutes 1980, Section 462.461, Subdivision 1, is amended to read:

Subdivision 1. All construction work, and work of demolition or clearing, and every purchase of equipment, supplies, or materials, necessary in carrying out the purposes of sections 462.415 to ~~462.711~~ 462.705, that shall involve the expenditure of \$5,000 or more shall be awarded by contract as hereinafter provided. Before receiving bids under the provisions of these sections the authority shall publish, once a week for two consecutive weeks in an official newspaper of general circulation in the community a notice that bids will be received for that construction work, or that purchase of equipment, supplies, or materials, stating the nature of the work and the terms and conditions upon which the contract is to be let, naming therein a time and place where bids will be received, opened and read publicly, which time shall be not less than seven days after the date of the last publication. After the bids have been duly received, opened and read publicly and recorded, the authority shall award the contract to the lowest responsible bidder, the authority reserving the right, however, to reject any or all bids, each such contract to be duly executed in writing, and the person to whom the contract is awarded shall give sufficient bond to the authority for its faithful performance. If no satisfactory bid is received, the authority may readvertise. The authority shall have the right to set up reasonable qualifications to determine the fitness and responsibility of bidders and to require bidders to meet such qualifications before bids are accepted.

Sec. 81. Minnesota Statutes 1980, Section 462.461, Subdivision 2, is amended to read:

Subd. 2. If the authority by an affirmative vote of four-fifths of its members shall declare that an emergency exists requiring the immediate purchase of any equipment or material or supplies at a cost in excess of \$5,000, but not exceeding \$10,000 in amount, or making of emergency repairs, it shall not be necessary to advertise for bids, but the material, equipment, or supplies may be purchased in the open market at the lowest price obtainable, or the emergency repairs may be contracted for or performed without securing formal competitive bids. An emergency, as considered in sections 462.415 to ~~462.711~~ 462.705, shall be understood to be unforeseen circumstances or conditions which result in the placing in jeopardy of human life or property.

Sec. 82. Minnesota Statutes 1980, Section 462.485, is amended to read:

462.485 VETERANS PREFERENCE.

As between applicants equally in need and eligible for occupancy of a dwelling and at the rent involved, preference shall be given to families of servicemen (including families of servicemen who died in service) and to families of veterans. In admitting families of low income to dwelling accommodations in any housing project an authority shall, as far as is reasonably practicable, give

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due consideration to families making application for dwelling accommodations to which families aid for dependent children is payable, and to resident families making such application to whom public relief or supplemental security income for the aged, blind and disabled shall be payable, when such families are otherwise eligible under the terms of sections 462.411 to ~~462.711~~ 462.705.

Sec. 83. Minnesota Statutes 1980, Section 462.511, is amended to read:

462.511 EXISTING BUILDINGS; ACQUISITION, REPAIR.

In order to conserve the existing housing supply, an authority is authorized to purchase or lease or otherwise acquire existing buildings for low-rent housing whenever this is feasible, in lieu of new construction. All the provisions of sections 462.415 to ~~462.711~~ 462.705 relating to other low-rent housing projects shall be applicable to such projects. Before proceeding with such project, an authority shall make an analysis demonstrating:

(1) The buildings to be acquired or leased shall be in such condition that it is feasible to remodel, repair, or reconstruct them and that the buildings, when rehabilitated will provide decent, safe, and sanitary housing;

(2) The rehabilitation of the buildings comprising the project will prevent or arrest the spread of blight so as to protect the neighborhood in which the buildings are located;

(3) The rehabilitated buildings will provide low-rent housing and will otherwise accomplish the purposes of sections 462.415 to ~~462.711~~ 462.705.

Nothing in this section contained shall be a limitation upon the powers of an authority with respect to a redevelopment project.

Sec. 84. Minnesota Statutes 1980, Section 462.541, Subdivision 2, is amended to read:

Subd. 2. **USE VALUE.** The aggregate use value placed for purposes of lease or sale upon all land within a particular project area leased or sold by an authority pursuant to sections 462.415 to ~~462.711~~ 462.705 shall exclude the cost of old buildings destroyed and the demolition and clearance thereof.

Sec. 85. Minnesota Statutes 1980, Section 462.545, Subdivision 1, is amended to read:

Subdivision 1. **FINANCING PLANS AUTHORIZED.** The cost of a project, including administrative expense of the authority allocable to the project and debt charges, shall be known as the public redevelopment cost. The proceeds from the sale or lease of property in a project shall be known as the capital proceeds. Since it is the purpose of this act that authorities will sell or lease or retain the land in the redevelopment area, in whole or in part, for a variety of purposes, including private housing for upper or middle-income groups, or low income groups, public housing for low-income groups, commercial and

other purposes, at its fair use value, except as provided in section 462.525, subdivisions 9 and 10, which may be less than the public redevelopment cost, the capital proceeds from land sold may pay back only a portion of the public redevelopment cost. For the purpose of carrying out the provisions of sections 462.515 to 462.545, including the defrayment of the differences between the public redevelopment cost and the capital proceeds, which includes the difference between any annual debt service and the annual administrative expenses of the authority allocable to the project and any annual capital proceeds, an authority may, in its discretion, finance such projects in any one, by any combination of, the following methods, which are also dealt with in sections ~~462.415 to 462.711~~ 462.705.

Sec. 86. Minnesota Statutes 1980, Section 462.545, Subdivision 2, is amended to read:

Subd. 2. **FEDERAL GRANTS.** The authority may accept grants or other financial assistance from the federal government as provided in sections 462.415 to ~~462.711~~ 462.705. Before resorting to other financial methods authorized by this section the authority shall make full utilization of all such federal funds for which the project qualifies.

Sec. 87. Minnesota Statutes 1980, Section 462.545, Subdivision 3, is amended to read:

Subd. 3. **BOND ISSUE.** An authority may issue its bonds or other obligations as provided in sections 462.415 to ~~462.711~~ 462.705.

Sec. 88. Minnesota Statutes 1980, Section 462.545, Subdivision 6, is amended to read:

Subd. 6. **OPERATION AREA AS TAXING DISTRICT, SPECIAL TAX.** All of the territory included within the area of operation of any authority shall constitute a taxing district for the purpose of levying and collecting special benefit taxes as provided in this subdivision. All of the taxable property, both real and personal, within that taxing district shall be deemed to be benefited by projects to the extent of the special taxes levied under the provisions hereof. Subject to the consent by resolution, of the governing body of the municipality in and for which it was created, an authority is authorized to levy in each year a special tax upon all property, both real and personal, within that taxing district. The authority shall cause the tax so levied each year to be certified to the auditor of the county in which the taxing district is located on or before October 10 in each year. Such tax so levied and certified shall be extended, spread, and included with and as a part of the general taxes for state, county, and municipal purposes, by the county auditor, to be collected and enforced therewith, together with the penalty, interest, and costs, and as such tax (including any penalties, interest, and costs) is collected by the county treasurer it shall be accumulated and kept in a separate fund to be known as the "Housing and Redevelopment

Project Fund" and shall be turned over to the authority at the same time and in the same manner that the tax collections for the municipality are turned over to the municipality, and shall be expended and applied for the purposes of sections 462.411 to ~~462.711~~ 462.705, and for no other purpose whatsoever. It shall be paid out upon vouchers signed by the chairman of the authority or his duly authorized representative. The amount of such special tax levy shall be an amount approved by the governing body of the municipality, but shall not exceed ten cents on each \$100 of taxable valuation in the area of operation, except in cities of the first class having a population of less than 200,000, the special tax levy shall not exceed five cents on each \$100 of taxable valuation in the area of operation. The authority is authorized to levy in the manner specified in this subdivision an additional levy, not to exceed one cent on each \$100 of taxable valuation in the area of operation, said levy to be used to defray costs of providing informational service and relocation assistance as set forth in section 462.445, subdivision 4. The authority shall each year formulate and file a budget in accordance with the budget procedure of the municipality in the same manner as required of executive departments of the municipality or, if no budgets are required to be filed, on or before August first, and the amount of the tax levy for the following year shall be based on that budget and shall be approved by the governing body.

Sec. 89. Minnesota Statutes 1980, Section 462.555, is amended to read:

462.555 MANNER OF BOND ISSUANCE; SALE.

Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding seven percent per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption (with or without premium) as the resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or private sale at not less than par. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to sections 462.415 to ~~462.711~~ 462.705 shall be fully negotiable. In any suit, action, or proceedings involving the validity or enforceability of any bonds of an authority or the security therefor, any bond reciting in substance that it has been issued by the authority to aid in financing a project, as herein defined, shall be conclusively deemed to have been issued for that purpose, and the project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of sections 462.415 to ~~462.711~~ 462.705. Notwithstanding any other provision of this section, an authority is authorized to execute a note secured by a first mortgage at a rate of interest in excess of seven percent per annum with the Minnesota housing finance agency, pursuant to chapter 462A, to finance a housing project which is subsidized in whole or in part with money provided by the federal government.

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In cities of the first class, the governing body of the city must approve all notes executed with the Minnesota housing finance agency pursuant to this section, when the interest rate on the note exceeds seven percent.

Sec. 90. Minnesota Statutes 1980, Section 462.561, is amended to read:

462.561 ENFORCEMENT BY OBLIGEE OF PROVISIONS AND COVENANTS IN CONTRACTS.

An obligee of an authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee; (1) by mandamus, suit, action, or proceeding at law or in equity to compel said authority and the commissioners, officers, agents, or employees thereof to perform each and every term, provision, and covenant contained in any contract of said authority with or for the benefit of such obligee and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by sections 462.415 to ~~462.711~~ 462.705; and (2) by suit, action, or proceeding in equity to enjoin any acts or things which may be unlawful or the violation of any of the rights of such obligee of said authority.

Sec. 91. Minnesota Statutes 1980, Section 462.571, is amended to read:

462.571 EXEMPTION FROM PROCESS.

All real property of an authority shall be exempt from levy and sale under execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against an authority be a charge or lien against its real property, but judgments may be enforced as provided in section 462.455. The provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of an authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees, or revenues, or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of sections 462.415 to ~~462.711~~ 462.705.

Sec. 92. Minnesota Statutes 1980, Section 462.581, is amended to read:

462.581 MUNICIPALITY, POWERS AS TO PROJECTS.

For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of projects of authorities located within the area in which an authority is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

(1) Dedicate, sell, convey, or lease any of its interests in any property, or grant easements, licenses, or any other rights or privileges therein to an authority. Except in cities of the first class having a population of less than 200,000, the public body may pay the bonds of or make loans or contributions for redevelop-

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ment projects, and the receipt or expenditure of any moneys expended hereunder by such state public body shall not be included within the definition of any limitation imposed on per capita taxing or spending in the charter of such state public body; provided that no state public body may use any revenues or money of that state public body to pay the bonds of or make any loans or contributions to any public housing project; except that,

(i) This proviso shall not be applicable to any public low-rent housing project for which financial assistance is provided by the federal government or any agency or instrumentality thereof which requires a municipality or other local public body to use its revenues or money for a direct loan or grant to such project as a condition for federal financial assistance where such local financial assistance for such project is authorized by resolution of the governing body of the municipality.

(2) Cause parks, playgrounds, recreational, community, education, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with such projects;

(3) Approve (through its governing body or through an agency designated by it for the purpose) redevelopment plans, plan or replan, zone or rezone its parks; in the case of a city or town, make changes in its map; the governing body of any municipality may waive any building code requirements in connection with the development of projects;

(4) Cause services to be furnished to the authority of the character which it is otherwise empowered to furnish;

(5) Enter into agreements with respect to the exercise by it of its powers relating to the repair, closing, or demolition of unsafe, unsanitary or unfit buildings;

(6) Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction, or operation of such projects;

(7) Incur the entire expense of any public improvements made by it in exercising the powers granted in sections 462.415 to ~~462.711~~ 462.705;

(8) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with an authority respecting action to be taken by the state public body pursuant to any of the powers granted by sections 462.415 to ~~462.711~~ 462.705; and

(9) Furnish funds available to it from any source, including the proceeds of bonds, to an authority to pay all or any part of the cost to the authority of the activities authorized by section 462.445, subdivision 1, clause (7).

Sec. 93. Minnesota Statutes 1980, Section 462.591, Subdivision 1, is amended to read:

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

Subdivision 1. **CREATION; CONTENTS OF CERTIFICATE; FILING.** A redevelopment company may be created by three or more persons signing, acknowledging, and filing in the office of the secretary of state a certificate which shall contain:

- (1) The name of the proposed redevelopment company;
- (2) The purposes for which it is to be formed, which shall be as follows: to acquire one or more areas under a plan or plans and to construct, own, maintain, operate, sell, and convey projects, pursuant to the terms and provisions of sections 462.415 to ~~462.711~~ 462.705;
- (3) The amount of the capital stock and, if any be preferred stock, the preference thereof;
- (4) The number of shares of which the capital shall consist, all of which shall have a par value;
- (5) The location of its principal business office;
- (6) Its duration, which shall not be less than 20 years;
- (7) The number of directors, which shall not be less than three and who need not be stockholders;
- (8) The names and post-office addresses of the directors for the first year;
- (9) *The names and post-office addresses of the subscribers to the certificate and a statement of the number of shares of stock which each agrees to take in the redevelopment company;*
- (10) A provision that, so long as sections 462.415 to ~~462.711~~ 462.705 shall remain applicable to any project of the redevelopment company, the real property of the redevelopment company shall not be sold, transferred, or assigned except as permitted by the terms and provisions of sections 462.415 to ~~462.711~~ 462.705;
- (11) A declaration that all of the subscribers to the certificates are of full age, that at least two-thirds of them are citizens of the United States and that at least one of them is a resident of the state of Minnesota; that at least one of the persons named as a director is a citizen of the United States and a resident of the state of Minnesota;
- (12) A declaration that the redevelopment company has been organized to serve a public purpose and that it shall be and remain subject to the supervision and control of the state housing commission, authorities and governing bodies, as provided in sections 462.415 to ~~462.711~~ 462.705, so long as sections 462.415 to ~~462.711~~ 462.705 remain applicable to any project of the redevelopment company; that all real and personal property acquired by it and all structures erected by it shall be deemed to be acquired or created for the promotion of the purposes of sections 462.415 to ~~462.711~~ 462.705;

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(13) A declaration that, after providing for all expenses, taxes, or payments in lieu of taxes, and assessments, there shall be paid annually out of the earnings of the development company from any project for interest paid to the company or to any of its stockholders, amortization, and dividends a sum equal to but not exceeding eight percent of the total actual final cost of that project as defined by section 462.635, clause 2; that the obligation in respect of such payments shall be cumulative, and any deficiency in interest, amortization, and dividends in respect of that project in any year shall be paid from the first available earnings in subsequent years; and that any cash surplus derived from earnings from that project remaining in the treasury of the redevelopment company in excess of the amount necessary to provide such cumulative annual sums shall, upon a conveyance of the project or upon a dissolution of the company, in accordance with the provisions of section 462.695, be paid into the general fund of the city or town in which that project is located;

(14) A declaration that, upon compliance with the provisions of section 462.695, the property may be conveyed in fee as provided in that section;

(15) A declaration that mortgage indebtedness, income debenture certificates, and stock of the redevelopment company may be retired if, as, and when there shall be funds available for amortization purposes in the treasury of the redevelopment company.

Sec. 94. Minnesota Statutes 1981 Supplement, Section 462.601, is amended to read:

462.601 MINNESOTA BUSINESS CORPORATION ACT APPLIES IN PART.

The provisions of sections 301.01 to 301.61 and chapter 302A shall apply to redevelopment companies, except where those provisions are in conflict with the provisions of sections 462.415 to ~~462.711~~ 462.705. In the event that any action with respect to which the holders of income debentures shall have the right to vote is proposed to be taken, then notice of any meeting at which such action is proposed to be taken shall be given to those holders in the same manner (and) to the same extent as if they were stockholders entitled to notice of and to vote at such meeting, and any certificate filed pursuant to law in the department of state with respect to any such action, whether taken with or without meeting, and any affidavit required by law to be annexed to that certificate, shall contain the same statements or recitals, and the certificate shall be subscribed and acknowledged, and the affidavit shall be made in the same manner as if those holders were stockholders holding shares of an additional class of stock entitled to vote on that action, or with respect to the proceedings provided for in the certificate.

Sec. 95. Minnesota Statutes 1981 Supplement, Section 462.605, is amended to read:

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462.605 POWERS OF REDEVELOPMENT COMPANY.

Each redevelopment company shall have and may exercise such of the powers conferred by sections 301.01 to 301.61 and chapter 302A or, in cities of the first class, the Minnesota uniform limited partnership act as shall be necessary in conducting the business of a redevelopment company and consistent with the provisions of sections 462.415 to ~~462.711~~ 462.705.

Sec. 96. Minnesota Statutes 1980, Section 462.621, Subdivision 1, is amended to read:

Subdivision 1. **LIMITATION ON ISSUANCE.** Except as provided in this section, the stock and income debenture certificates issued by a redevelopment company shall in no event be less than the total of 20 percent of the actual cost of any project or projects undertaken pursuant to sections 462.415 to ~~462.711~~ 462.705. The state housing commission may permit stock or income debenture certificates to be issued for working capital to be used in connection with any project to an amount not exceeding five percent of the estimated cost, or five percent of the total actual final cost, if that should exceed the estimated cost, of the project.

Sec. 97. Minnesota Statutes 1980, Section 462.621, Subdivision 3, is amended to read:

Subd. 3. **MARKET RATE HOUSING PROJECT.** *The stock and income debenture certificates, limited dividend partnerships, investments and other forms of equity issued or provided by a redevelopment shall in no event be less than ten percent of the actual cost of any project developed in a city of the first class in any area designated pursuant to section 462.415, subdivision 6 and otherwise undertaken pursuant to sections 462.415 to ~~462.711~~ 462.705. Such equity requirement by the development company may be in lieu of the 20 percent requirement contained in subdivision 1.*

Sec. 98. Minnesota Statutes 1980, Section 462.631, Subdivision 1, is amended to read:

Subdivision 1. Any redevelopment company, subject to the approval of the state housing commission, may borrow funds and secure the repayment thereof by bond and mortgage or by an issue of bonds under a trust indenture. Each mortgage or issue of bonds of a redevelopment company shall relate only to a single specified project and to no other, and those bonds shall be secured by mortgage upon all of the real property of which the project consists. First lien bonds of a redevelopment company, when secured by a mortgage not exceeding 80 percent of the estimated cost prior to the completion of the project, or 80 percent of the appraised value or actual cost, but in no event in excess of 80 percent of the actual cost, after that completion, as certified by the state housing commission, are hereby declared securities in which all public officers and bodies of the state and of its municipal subdivisions, including the state board of

investment if the bonds meet the requirements of section 11A.24, subdivision 2, all insurance companies and associations, all savings banks and savings institutions, including savings, building and loan associations, executors, administrators, guardians, trustees, and all other fiduciaries in the state may properly and legally invest the funds within their control. The bonds so issued and secured and the mortgage or trust indenture relating thereto may create a first or senior lien and a second or junior lien upon the real property embraced in any project; provided, however, that the total mortgage liens shall not exceed 80 percent of the estimated cost prior to the completion of the project, or 80 percent of the appraised value or actual cost, but in no event in excess of 80 percent of the actual cost after that completion, as certified by the state housing commission; and provided further that, where there are first and second mortgage liens upon the property embraced in a project, only the first or senior lien thereon shall be deemed a security in which the officers, bodies, corporations, associations, and fiduciaries may invest the funds within their control. The bonds and mortgages may contain other clauses and provisions as shall be approved by the state housing commission, including the right to assignment of rents and entry into possession in case of default; but the operation of the housing project in the event of such entry by mortgagee or receiver shall be subject to regulations promulgated by the state housing commission. Provisions for the amortization of the bonded indebtedness of companies formed under sections 462.415 to ~~462.711~~ 462.705 shall be subject to the approval of the state housing commission. So long as funds made available by the federal government or any instrumentality thereof or any mortgage or mortgage bonds insured by the federal housing administrator or any other instrumentality of the federal government are used in financing, in whole or in part, any project under sections 462.415 to ~~462.711~~ 462.705, the capital structure of a redevelopment company undertaking such project and the proportionate amount of the cost of the lands and improvements to be represented by mortgages or bonds shall be entirely in the discretion of the housing commission; and all restrictions as to the amounts to be represented by mortgages, mortgage bonds, income debenture, or stock shall be inapplicable to the projects or to redevelopment companies undertaking the projects, except that the bonds, mortgages, debentures, and stock covering any project shall not exceed the total actual final cost of the project as defined in section 462.635, clause 2.

Interest rates on mortgage indebtedness shall not exceed five percent per annum.

Sec. 99. Minnesota Statutes 1980, Section 462.635, is amended to read:

462.635 LIMITATION ON POWERS OF REDEVELOPMENT COMPANY.

In addition to limitations prescribed by sections 462.415 to ~~462.711~~ 462.705, a redevelopment company shall not have power to:

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(1) Acquire any real property or interest therein for a project or projects until the approval of that acquisition by the governing body as provided in section 462.645, subdivision 3; provided, however, this clause shall not apply to the obtaining of options to purchase;

(2) Issue its stock, debentures, and bonds covering any project undertaken by it in an amount greater in the aggregate than the total actual final cost of that project. The actual cost of that project shall include initiation, planning, survey, general overhead and other administrative expense necessary for the project, the cost of the lands and improvements constituting the project and charges for financing and supervision approved by the state housing commission, condemnation charges, if any, and interest, and other carrying charges during the period of acquisition and of construction. The total actual final cost shall be deemed to be an amount equal to the actual cost plus an allowance for working capital. Such an allowance for working capital shall not exceed an amount equal to five percent of the estimated cost, or of the total actual final cost of the project if that shall be greater than the estimated cost;

(3) Enter into contracts for the payment of salaries to officers or employees, except subject to the approval of the state housing commission, or for the construction or for the substantial repair, improvement, or operation of a project, except subject to the approval of the authority within the area of operation of which the project is located.

Sec. 100. Minnesota Statutes 1980, Section 462.645, Subdivision 1, is amended to read:

Subdivision 1. **STATEMENT OF AREA AND GENERAL DESCRIPTION OF BUILDINGS AND SURROUNDINGS.** Every plan, or plan of a project, proposed by a redevelopment company shall contain a general description of the area to be redeveloped and a statement of the plan of redevelopment, with such detail of information with reference thereto as may be necessary to a general understanding thereof, including:

(1) Height and bulk of structures, density of population and percentage of land coverage by structures as to their conformity with the purposes of this act and with the master plan, if any; and the relationship of the density of population contemplated by the plan, or plan of the project, to the distribution of the population of the municipality in other areas or parts thereof; and

(2) Provision, if any, for business or commercial facilities appurtenant to the plan or project, relationship to existing and planned public facilities, adequacy and planned rearrangement of street facilities and provisions for light, air, cultural and recreational facilities as to their conformity with the purposes of sections 462.415 to ~~462.711~~ 462.705 and their adequacy for accommodation of the density of population contemplated by the plan, or plan of the project.

Sec. 101. Minnesota Statutes 1980, Section 462.645, Subdivision 5, is amended to read:

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Subd. 5. **RENT REGULATIONS.** The contract shall regulate the rents to be charged for any property in the project during the period of any tax exemption and may contain such other provisions, not inconsistent with sections 462.415 to ~~462.711~~ 462.705, as may be deemed necessary or desirable for the financing, construction, operation, and supervision of the project.

Sec. 102. Minnesota Statutes 1980, Section 462.645, Subdivision 7, is amended to read:

Subd. 7. **COMPLETION OF CONTRACT.** Upon approval by the governing body the authority is authorized to enter into the necessary contract, and the redevelopment company may proceed with the project in accordance with that contract and the provisions of sections 462.591 to ~~462.711~~ 462.705.

Sec. 103. Minnesota Statutes 1980, Section 462.665, is amended to read:
462.665 RULES AND REGULATIONS.

The state housing commission shall have power to make rules and regulations to carry out its powers and duties pursuant to sections 462.591 to ~~462.711~~ 462.705 and to effectuate the purposes thereof.

Sec. 104. Minnesota Statutes 1980, Section 462.671, is amended to read:
462.671 SCHEDULE OF FEES.

The state housing commission may adopt a reasonable schedule of fees to be paid upon the filing of a plan, plan for a project or projects, amendments thereto, and other instruments in connection therewith, submitted under sections 462.591 to ~~462.711~~ 462.705 or under sections 462.515 to 462.545.

Sec. 105. Minnesota Statutes 1980, Section 462.701, is amended to read:
462.701 INSURANCE COMPANIES.

Subdivision 1. **INSURANCE COMPANIES MAY ORGANIZE A RE-DEVELOPMENT COMPANY.** One or more insurance companies shall have the power to organize, or cause to be organized, a redevelopment company formed pursuant to the provisions of sections 462.415 to ~~462.711~~ 462.705 and to purchase for cash, or to receive and hold in exchange for property, and to own and control, the stock or the income debenture certificates, or both, of any redevelopment company, and shall also have power to invest, singly, or jointly, in a bond and first mortgage or in an issue of bonds secured by mortgage or trust indenture constituting a first lien upon any project as provided in sections 462.415 to ~~462.711~~ 462.705. An insurance company, however, which owns stock or income debenture certificates of a redevelopment company and also owns bonds or a bond and mortgage or an interest in a bond and mortgage of the same redevelopment company shall not, without the consent of the state housing commission, sell all or any part of such bonds or such bond and mortgage or of its interest in such bond and mortgage unless it shall simultaneously sell the stock and such income debenture certificates of that company owned by it.

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Subd. 2. AUTHORITY TO CONTRACT; ISSUANCE OF BONDS.

Notwithstanding any other provisions of law, an insurance company or companies owning all of the stock of a redevelopment company are hereby expressly authorized to enter into contracts contemplated by sections 462.415 to ~~462.711~~ 462.705, and to agree by contract with a municipality or authority not to sell, assign, or otherwise transfer the stock, income, debentures, or mortgage bonds of the redevelopment company during the period of tax exemption provided for by the contract pursuant to this act without the consent of the local governing body of the municipality. Such insurance company or companies are hereby expressly authorized to make such capital contributions to any such redevelopment company, in cash or by cancellation of securities or otherwise, as may be necessary to enable that redevelopment company to comply with all conditions precedent to its dissolution or conveyance of its property in accordance with section 462.695 and, upon dissolution of such a redevelopment company, to acquire the project and own and operate the same as a permanent investment for such period as it or they may deem desirable, either directly or through acquisition and ownership of the capital stock of any corporation which may acquire title to the project pursuant to section 462.695, subdivision 1.

Subd. 3. RESTRICTIONS OR LIMITATIONS. Except as specifically provided herein, sections 462.415 to ~~462.711~~ 462.705 shall not be deemed to limit or restrict any power or authority granted to insurance companies, or to any other corporation, or to any fiduciary, by any other provision of law.

Sec. 106. Minnesota Statutes 1980, Section 462.705, is amended to read:
462.705 INSURANCE COMPANY DEFINED.

"Insurance company" as used in sections 462.591 to ~~462.711~~ 462.705 means any insurance company or investment trust company authorized to do business in this state.

Sec. 107. Minnesota Statutes 1980, Section 462.712, is amended to read:
462.712 RETROACTIVE EFFECT OF PUBLISHED NOTICE PROVISIONS.

Laws 1959, Chapter 545, Sections 1 to 14, so far as they relate to published notice of public hearings of any and all kinds shall operate not only prospectively, but retroactively, so as to eliminate the necessity of more than one publication of a given hearing, if more than one publication is, was, or is claimed to be required under Minnesota Statutes, Sections 462.415 to ~~462.711~~ 462.705 and Laws 1959, Chapter 545, Sections 1 to 19. All orders, resolutions, motions, plans, and agreements and actions taken by any municipal housing and redevelopment authority organized, or purported to be organized under Minnesota Statutes, Sections 462.415 to ~~462.711~~ 462.705 and Laws 1959, Chapter 545, Sections 1 to 19, and taken or purported to have been taken by any governing body, city planning commission, or political subdivision of the state or public

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state body with respect to plans and projects, are hereby declared valid and effective.

Sec. 108. Minnesota Statutes 1980, Section 462.713, is amended to read:
462.713 BOND PENDING LITIGATION.

When any action or proceeding at law or in equity shall hereafter be commenced, drawing in question the right, power, or authority of a public corporation created and operating under Minnesota Statutes 1957, Sections 462.415 to ~~462.711~~ 462.705 and Laws 1959, Chapter 545, Sections 1 to 19, to do any act or to make or perform any contract or agreement or to undertake or enter upon the discharge of any obligations or commitments under such statutes, the corporation may, if it deems that the pendency of such litigation might directly or indirectly impair its borrowing power, increase the cost of its projects, or be otherwise injurious to the public interest, move the court in which such litigation is pending, to require the party or parties who instituted the suit to give a surety bond as provided in sections 462.714 to 462.716.

Sec. 109. Minnesota Statutes 1980, Section 473.195, Subdivision 1, is amended to read:

Subdivision 1. In addition to, and not in limitation of, all other powers invested in it by law, the council, and the members thereof, shall have, throughout the metropolitan area, the same functions, rights, powers, duties, privileges, immunities and limitations as are provided for housing and redevelopment authorities created for municipalities, and for the commissioners of such authorities. The provisions of sections 462.411 to ~~462.711~~ 462.705 and of all other laws relating to housing and redevelopment authorities shall be applicable to the council when functioning as an authority, except as herein provided or as clearly indicated otherwise from the context of such laws. Section 462.425 shall have no application to the council nor to any municipality or county within which the council undertakes a project. Any municipality or county, and the governing bodies of any municipality or county, within and for which the council undertakes a project shall have all the powers, authority and obligations granted to municipalities and counties by the provisions of sections 462.411 to ~~462.711~~ 462.705 and all other laws relating to housing and redevelopment authorities. The council may plan and propose projects within the boundaries of any municipality, and may otherwise exercise the powers of an authority at any time; provided, however, that the council shall not implement any housing project, housing development project, redevelopment project or urban renewal project within the boundaries of any municipality or county without the prior approval of the governing body of the municipality or county in which any such project is to be located; and provided further that the council shall not propose any project to the governing body of a municipality or county having an active authority created pursuant to section 462.425, or pursuant to special legislation, without first submitting the proposed project to the municipal or county authority for its

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review and recommendations; and provided further that as to any project proposed by the council and approved by the municipality or county, the council shall not undertake the project if within 60 days after it has been proposed, the municipality or county agrees to undertake the project. All plans and projects of the council shall be consistent with the comprehensive development guide.

Sec. 110. Minnesota Statutes 1980, Section 504.24, Subdivision 2, is amended to read:

Subd. 2. If a landlord, his agent or person acting under the landlord's direction or control, in possession of a tenant's personal property, fails to allow the tenant to retake possession of the property within 24 hours after written demand by the tenant or his duly authorized representative or within 48 hours, exclusive of weekends and holidays, after written demand by the tenant or his duly authorized representative when the landlord, his agent or person acting under the landlord's direction or control has removed and stored the personal property in accordance with subdivision 1 in a location other than the premises, the tenant shall recover from the landlord punitive damages not to exceed \$300 in addition to actual damages and reasonable attorney's fees. In determining the amount of punitive damages the court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1, or to landlords who are housing authorities, created or authorized to be created by sections 462.415 to ~~462.711~~ 462.705, and their agents and employees, in possession of a tenant's personal property, except that housing authorities must allow the tenant to retake possession of the property in accordance with this subdivision.

Sec. 111. Minnesota Statutes 1981 Supplement, Section 290.077, Subdivision 4, is amended to read:

Subd. 4. **DEDUCTION FOR FEDERAL ESTATE TAX AND MINNESOTA INHERITANCE OR ESTATE TAX. (1) ALLOWANCE OF DEDUCTION; FEDERAL ESTATE TAX. (A) GENERAL RULE.** A person who includes an amount in gross income under this section, shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the estate tax attributable to the net value for estate tax purposes of all the items described in subdivision 1, as the value for estate tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for estate tax purposes of all the items described in subdivision 1.

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(B) **ESTATES AND TRUSTS.** In the case of an estate or trust, the amount allowed as a deduction under subparagraph (A) of this subdivision shall be computed by excluding from the gross income of the estate or trust the portion (if any) of the items described in subdivision 1, which is properly paid, credited, or to be distributed to the beneficiaries during the taxable year. This subparagraph shall apply to the same taxable years, and to the same extent, as is provided in section 290.23, subdivision 5.

(2) **METHOD OF COMPUTING DEDUCTION.** For purposes of paragraph (1) of this subdivision

(A) The term "estate tax" means the tax imposed on the estate of the decedent or any prior decedent under the Internal Revenue Code of 1954, as amended through December 31, 1979 section 2001 or 2101, reduced by the credits against such tax.

(B) The net value for estate tax purposes of all the items described in subdivision 1, shall be the excess of the value for estate tax purposes of all the items described in subdivision 1, over the deductions from the gross estate in respect of claims which represent the deductions and credit described in subdivision 2. Such net value shall be determined with regard to the provisions of section 421(c)(2) of the Internal Revenue Code of 1954, as amended through December 31, 1979, ~~section 421(e)(2)~~, relating to the deduction for estate tax with respect to restricted stock options.

(C) The estate tax attributable to such net value shall be an amount equal to the excess of the estate tax over the estate tax computed without including in the gross estate such net value.

(3) **ALLOWANCE OF DEDUCTION; MINNESOTA INHERITANCE OR ESTATE TAX. (A) GENERAL RULE.** A person who includes an amount in gross income under this section, shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the inheritance or estate tax attributable to the net value for inheritance or estate tax purposes of all the items described in subdivision 1, as the value for inheritance or estate tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for inheritance or estate tax purposes of all the items described in subdivision 1.

(B) **ESTATES AND TRUSTS.** In the case of an estate or trust, the amount allowed as a deduction under subparagraph (A) of this subdivision shall be computed by excluding from the gross income of the estate or trust the portion (if any) of the items described in subdivision 1, which is properly paid, credited, or to be distributed to the beneficiaries during the taxable year. This subparagraph shall apply to the same taxable years, and to the same extent as is provided in section 290.23, subdivision 5.

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

(4) **METHOD OF COMPUTING DEDUCTION.** For purposes of paragraph (3) of this subdivision

(A) (i) The term "inheritance tax" means the tax imposed by Minnesota on the estates of decedents dying before January 1, 1980, reduced by the credits against such tax; (ii) The term "estate tax" means the tax imposed by Minnesota on the estates of decedents dying on or after January 1, 1980, reduced by the credits against the tax; (iii) The terms "inheritance tax" or "estate tax" also include the tax imposed by other states on the estates of decedents reduced by the credits against the tax.

(B) The net value for inheritance or estate tax purposes of all the items described in subdivision 1, shall be the excess of the value for inheritance or estate tax purposes of all the items described in subdivision 1, over the deductions from the gross inheritance or gross estate in respect of claims which represent the deductions and credit described in subdivision 2.

(C) (i) The inheritance tax attributable to such net value shall be an amount equal to the excess of the inheritance tax over the inheritance tax computed without including in the gross inheritance such net value; (ii) The estate tax attributable to such net value shall be an amount equal to the excess of the estate tax over the estate tax computed without including in the gross estate the net value.

(5) **LUMP SUM DISTRIBUTION ADJUSTMENT.** For purposes of section 290.032 (other than the minimum distribution allowance), the total taxable amount of any lump sum distribution shall be reduced by the amount of the deduction allowable under paragraph (1) of this subdivision which is attributable to the total taxable amount (determined without regard to this paragraph).

Sec. 112. Minnesota Statutes 1981 Supplement, Section 290.09, Subdivision 15, is amended to read:

Subd. 15. **STANDARD DEDUCTION.** In lieu of all deductions provided for in this chapter except for the federal income tax deduction an individual may claim or be allowed a standard deduction as follows:

(a) Subject to modification pursuant to clause (b), the standard deduction shall be an amount equal to ten percent of the adjusted gross income of the taxpayer, up to a maximum deduction of \$2,000.

In the case of a husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction.

(b) For each taxable year beginning after December 31, 1980, the maximum amount of the standard deduction shall be adjusted for inflation in the same manner as provided in section 290.06, subdivision 2d, for the expansion of the taxable net income brackets. ~~If the product exceeds a whole dollar amount, it shall be rounded to the nearest dollar.~~

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(c) The commissioner of revenue may establish a standard deduction tax table incorporating the rates set forth in section 290.06, subdivision 2c, and the standard deduction. The tax of any individual taxpayer whose adjusted gross income is less than \$20,000 shall, if an election is made not to itemize nonbusiness deductions, be computed in accordance with tables prepared and issued by the commissioner of revenue. The tables shall be prepared to reflect the allowance of the standard deduction and the personal and dependent credits.

Sec. 113. Minnesota Statutes 1980, Section 290.41, Subdivision 3, is amended to read:

Subd. 3. **BY BROKERS.** The commissioner of revenue may require brokers to furnish him with the names of customers for whom they have transacted business, and with such details as to transactions of any customer as will enable him to determine whether all income tax due on profits or gains of such customers has been paid.

Sec. 114. Minnesota Statutes 1981 Supplement, Section 299F.011, Subdivision 1, is amended to read:

Subdivision 1. The commissioner of public safety through the division of fire marshal may promulgate a uniform fire code and make amendments thereto in accordance with the administrative procedure act in chapter 15. The code and its amendments shall conform insofar as practicable to model fire codes generally accepted and in use throughout the United States, with consideration given to existing statewide specialty codes presently in use in the state of Minnesota. Statewide specialty codes and model codes with necessary modifications may be adopted by reference in accordance with section 15.0412, subdivision 4a 2a.

Sec. 115. Minnesota Statutes 1981 Supplement, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. **INCLUDED EMPLOYEES.** The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.
- (d) Employees of the League of Minnesota Cities.
- (e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.
- (f) Employees of a school district who receive separate salaries for driving their own buses.
- (g) Employees of the Association of Minnesota Counties.

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- (h) Employees of the Metropolitan Inter-County Council Association.
- (i) Employees of the Minnesota Municipal Utilities Association.
- (j) Elected or appointed officers and employees of the city of Minneapolis, or any of the boards, departments or commissions operated as a department of the city of Minneapolis or independently if financed in whole or in part by funds of the city of Minneapolis, if the officer's assumption of the position or the employee's employment initially commences on or after July 1, 1979.
- (k) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.
- (l) Employees of the Minneapolis municipal employees retirement fund, if employment initially commences on or after July 1, 1979.
- (m) Employees of special school district number 1 who are not members of the Minneapolis teachers retirement fund association if employment initially commences on or after July 1, 1979.
- (n) Employees of the Range Association of Municipalities and Schools.
- (o) Employees of the soil and water conservation districts.

Sec. 116. Minnesota Statutes 1981 Supplement, Section 414.0325, Subdivision 5, is amended to read:

Subd. 5. PLANNING IN THE AREA DESIGNATED FOR ORDERLY ANNEXATION. A joint resolution may provide for the establishment of a board to exercise planning and land use control authority within any area designated as an orderly annexation area pursuant to this section, in the manner prescribed by Minnesota Statutes 1976, Section 471.59, Subdivisions 2 to 8, inclusive.

(a) A board established pursuant to a joint resolution shall have all of the powers contained in sections 462.351 to 462.364, and shall have the authority to adopt and enforce the uniform fire code promulgated pursuant to section 299F.011.

(b) The joint resolution may provide that joint planning and land use controls shall apply to any or all parts of the area designated for orderly annexation as well as to any adjacent unincorporated or incorporated area, provided that the area to be included shall be described in the joint resolution.

(c) If the joint resolution does not provide for joint planning and land use control, the following procedures shall govern:

If the county and townships agree to exclude the area from their zoning and subdivision ordinances, the municipality may extend its zoning and subdivision regulations to include the entire orderly annexation area as provided in section 462.357, subdivision 1, and section 462.358, subdivision 1.

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If the county and township do not agree to such extraterritorial zoning and subdivision regulation by the municipality, zoning and subdivision regulation within the orderly annexation area shall be controlled by a three-member committee with one member appointed from each of the municipal, town, and county governing bodies. This committee shall serve as the "governing body" and "board of appeals and adjustments", for purposes of sections 462.357 and 462.358, within the orderly annexation area. The committee shall have all of the powers contained in sections 462.351 to 462.364, and shall have the authority to adopt and enforce the uniform fire code promulgated pursuant to section ~~199F.011~~ 299F.011.

Sec. 117. Minnesota Statutes 1981 Supplement, Section 525.551, Subdivision 5, is amended to read:

Subd. 5. **FINDINGS.** In all cases the court shall find the facts specifically, state separately its conclusions of law thereon, and direct the entry of an appropriate judgment or order.

If upon completion of the hearing and consideration of the record the court finds: (a) that the requirements for the voluntary appointment of a conservator or guardian have been met, or (b) (1) that the proposed ward or conservatee is incapacitated as defined in section 525.54; and (2) in need of the supervision and protection of a guardian or conservator; and (3) that no appropriate alternatives to the guardianship or conservatorship exist which are less restrictive of the person's civil rights and liberties, such as those set forth in section 525.54, subdivision 6 7, it shall enter its order or judgment granting all of the powers set out in section 525.56, subdivision 3, in the case of a guardian of the person, and section 525.56, subdivision 4, in the case of a guardian of the estate, or specifying the powers of the conservator pursuant to section 525.56. Except as provided in section 525.544, the court shall make a finding that the person to be appointed as guardian or conservator is the most suitable and best qualified person among those who have indicated to the court that they are available and willing to discharge the trust before making the appointment.

The court may enumerate in its findings which legal rights the proposed ward or conservatee is incapable of exercising.

Sec. 118. Minnesota Statutes 1981 Supplement, Section 525.6198, is amended to read:

525.6198 PROTECTIVE PROCEEDINGS; APPOINTMENT OF CONSERVATOR OF ESTATE OF MINOR.

Upon petition and after notice and hearing in accordance with the provisions of section 525.618 the court may appoint a conservator or make other protective order for cause as follows:

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

(1) Appointment of a conservator or other protective order may be made in relation to the estate and affairs of a minor if the court determines that a minor owns money or property that requires management or protection which cannot otherwise be provided, has or may have business affairs which may be jeopardized or prevented by his minority, or that funds are needed for his support and education and that protection is necessary or desirable to obtain or provide funds.

(2) The court may grant to the conservator of the estate of a minor any or all of the powers and duties enumerated in section 525.56, subdivision 3 4, and the conservator shall be subject to the requirements of sections 525.58, subdivision 1, 525.581 and 525.582 regarding an inventory and accounting, except that the court may waive the requirement that the annual account be served on the ward. The conservator shall file a bond with the court in such amount as the court may direct.

Sec. 119. Laws 1981, Chapter 31, Section 7, is repealed.

Sec. 120. Laws 1981, Chapter 60, Section 14, is repealed.

Sec. 121. Minnesota Statutes 1981 Supplement, Section 290.971; Subdivision 7, is repealed.

Sec. 122. Laws 1981, Chapter 137, Section 3, is repealed.

Sec. 123. Laws 1981, Chapter 178, Section 33, is repealed.

Sec. 124. Laws 1981, Chapter 205, Section 1, is repealed.

Sec. 125. Laws 1981, Chapter 224, Section 73, is amended to read:

[353.01] Subd. 6. **GOVERNMENTAL SUBDIVISION.** "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; ~~or any soil conservation district organized pursuant to chapter 40, other than a soil and water conservation district specified in section 353.022; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to sections 447.31 to 447.37.~~

Sec. 126. Laws 1981, Chapter 224, Section 92, is repealed.

Sec. 127. Laws 1981, Chapter 356, Sections 189, 190, and 191, are repealed.

Sec. 128. Laws 1981, Chapter 356, Section 210, is repealed.

Sec. 129. Laws 1981, Chapter 356, Section 212, is repealed.

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Sec. 130.

If the revisor of statutes recompiles the administrative procedure act as a separate chapter in Minnesota Statutes, he may change references to "chapter 15" or other references to sections or series of sections in Minnesota Statutes or in administrative rules publications to references to the new chapter if the context indicates that a reference to the administrative procedure act is intended.

Sec. 131. Laws 1980, Chapter 587, Article I, Sections 31 to 39, are repealed.

Sec. 132. Minnesota Statutes 1981 Supplement, Section 514.011, Subdivision 4a, is amended to read:

Subd. 4a. **EXCEPTIONS; SAME OWNERSHIP.** The notice required by this section shall not be required to be given where the ~~property~~ contractor is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate.

Sec. 133. Minnesota Statutes 1980, Section 145.61, Subdivision 2, is amended to read:

Subd. 2. **PROFESSIONAL.** "Professional" means a person licensed to practice a healing art under ~~Minnesota Statutes 1969~~, chapter 147, or chapter 148, to practice dentistry under ~~Minnesota Statutes 1969~~, chapter 150A, to practice as a pharmacist under ~~Minnesota Statutes 1969~~, chapter 151, or to practice podiatry under ~~Minnesota Statutes 1969~~, chapter 153.

Approved March 18, 1982

CHAPTER 425 — H.F.No. 1786

An act relating to agriculture; changing certain procedures relating to fertilizers and soil and plant amendments; requiring adoption of rules concerning analysis of sewage sludge; imposing a penalty; amending Minnesota Statutes 1980, Sections 17.713, by adding a subdivision; 17.721, Subdivision 2; and 17.728, as amended; Minnesota Statutes 1981 Supplement, Sections 17.713, Subdivisions 8, 12, 17a, and 20; 17.714, Subdivision 2; 17.716, Subdivision 6; 17.719, Subdivision 1, and by adding a subdivision; 17.721, Subdivision 1; 17.725, Subdivision 1; 17.726; and 116.07, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 17.

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

Section 1. Minnesota Statutes 1980, Section 17.713, is amended by adding a subdivision to read:

Subd. 4a. COMMISSIONER. "Commissioner" means the commissioner of agriculture or his designee.

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