

Sec. 8. Minnesota Statutes 1982, section 327B.09, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIRED.** No person shall engage in the business, either exclusively or in addition to any other occupation of manufacturing, selling, offering to sell, soliciting or advertising the sale of manufactured homes, or act as a broker without being licensed as a manufacturer or a dealer as provided in section ~~327B.05~~ 327.04. Any person who manufactures, sells, offers to sell, solicits or advertises the sale of manufactured homes, or acts as a broker in violation of this subdivision shall nevertheless be subject to the duties, prohibitions and penalties imposed by sections 327B.01 to 327B.12. This subdivision does not prohibit an individual from reselling, without a license, a manufactured home which is or has been his or her residence.

Sec. 9. Minnesota Statutes 1982, section 327B.09, subdivision 4, is amended to read:

Subd. 4. **NET LISTING PROHIBITED.** ~~Except as otherwise provided in this subdivision,~~ No dealer shall use or offer to use a net listing agreement.

Subd. 5. **BROKER OR DEALER ARRANGEMENT OF FINANCING.** A dealer who is acting as a broker for the sale of a manufactured home and who can arrange financing for the sale may charge a separate fee for that service, if:

(a) the listing agreement does not require that the seller or buyer use the dealer's services to arrange financing;

(b) in arranging the financing, the dealer will pay a fee or will guarantee all or part of the buyer's performance to a third person; and

(c) the listing agreement clearly and conspicuously discloses the amount of the fee, the fact that the fee is in addition to the dealer's commission and the fact that the seller and buyer are not required to use the dealer's services to arrange financing.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 are effective the day following final enactment.

Approved May 12, 1983

CHAPTER 143 — H.F.No. 725

An act relating to transportation; classifying right-of-way appraisals as confidential data; regulating the conveyancing and leasing of certain rights-of-way; providing that the consideration to be paid upon reconveyance be equal to the estimated current market value of the property reconveyed; authorizing the acquisition of fee title under certain conditions; authorizing the lease of certain easements and providing for the distribution of rents;

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providing for the alteration of public drainage systems affecting trunk highways; authorizing fees for and the services of a licensed real estate broker for disposing of right-of-way; authorizing the commissioner to convey land to a utility under certain circumstances; amending Minnesota Statutes 1982, sections 13.50, subdivision 1; 161.202, subdivision 4; 161.241, subdivisions 3 and 4; 161.28, subdivision 1; 161.43; 161.44, subdivisions 2 and 9, and by adding a subdivision; 161.46, subdivision 4; and proposing new law coded in Minnesota Statutes, chapter 161.

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

Section 1. Minnesota Statutes 1982, section 13.50, subdivision 1, is amended to read:

Subdivision 1. **CONFIDENTIAL DATA.** Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivisions subdivision for the purpose of acquiring land through purchase or condemnation are classified as confidential data on individuals pursuant to section 13.02, subdivision 3.

Sec. 2. Minnesota Statutes 1982, section 161.202, subdivision 4, is amended to read:

Subd. 4. **ACQUISITION OF REPLACEMENT LANDS FOR THE AFFECTED AGENCY.** When the affected agency is unable to acquire the replacement lands, or if the acquisition of such lands by the affected agency would result in undue delay in the completion of the highway project, upon a request of an affected agency which shall include a recommendation as to the replacement land to be acquired within its jurisdiction, the commissioner of transportation by gift, purchase, or condemnation proceedings, may acquire the designated replacement lands if the commissioner deems that ~~such~~ the acquisition would reduce the cost to the state of the highway project and would otherwise be in the public interest. The affected agency shall relinquish to the commissioner its interests in the lands required for the highway project upon its completion of the acquisition of the replacement lands or upon conveyance by the commissioner to the affected agency of the replacement lands designated in the agreement between the affected agency and the commissioner. ~~Upon the recommendation of the commissioner, The governor commissioner shall convey such~~ the lands or interests ~~therein designated in the agreement~~ to the affected agency.

Sec. 3. Minnesota Statutes 1982, section 161.241, subdivision 3, is amended to read:

Subd. 3. ~~Upon recommendation of the commissioner of transportation,~~ The ~~governor commissioner~~ shall convey to the railroad company, by quit claim deed, ~~such~~ lands or interests in lands acquired by the state pursuant to the provisions of subdivisions 1 to 3.

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Sec. 4. Minnesota Statutes 1982, section 161.241, subdivision 4, is amended to read:

Subd. 4. ~~Upon recommendation of the commissioner of transportation,~~ The ~~governor~~ commissioner shall convey to a railroad company, by quitclaim deed, lands owned by the state in fee for trunk highway purposes, but no longer needed for such purposes, when ~~such~~ the lands are needed by a railroad company for the relocation of its tracks which ~~relocation~~ is required by the construction, reconstruction, or improvement of a trunk highway. The consideration shall must be set forth in a voluntary agreement between the railroad company and the commissioner of transportation and shall must be as provided in subdivision 2, hereof.

Sec. 5. Minnesota Statutes 1982, section 161.28, subdivision 1, is amended to read:

Subdivision 1. **PETITION.** Upon the filing of a petition by the commissioner with the ~~appropriate~~ county auditor ~~in the case of a drainage system lying wholly within a county, or with the clerk of the district court having jurisdiction over the ditch in the case of a drainage system affecting two or more counties, therein setting forth that it would be advantageous or desirable in the construction or maintenance of a trunk highway to make a minor alteration or change in a public drainage system directly affecting a trunk highway and that the alteration or change will not affect the functioning or efficiency of the public drainage system, it shall be the duty of the auditor or the clerk with the approval of the judge, to~~ shall fix a time and place for hearing ~~thereon~~ and to give notice of the hearing by publication, as defined in section 106.171. Upon the filing of the petition the commissioner shall also file a plan showing in detail the alteration or change petitioned for. If upon the hearing it appears to the county board or ~~district court~~ joint county ditch authority that the alteration or change in the public drainage system will not affect or impair the efficiency of the drainage system, the board or ~~court~~ authority shall make its order allowing the commissioner to make the alteration or change petitioned for. Upon the making of the order by the county board or the ~~court~~ joint county ditch authority, the commissioner may proceed at the sole cost and expense of the state to make the alterations or changes as may be in ~~said~~ the order allowed, damages, if any, for any additional lands necessary for the change or alteration being first duly paid or secured. Upon completion of the alteration or change the commissioner shall file with the ~~appropriate~~ auditor or clerk a map drawn to scale showing ~~thereon~~ the change or alteration made and shall also file a profile of all lines of the alteration or change in the ditch showing graphically the elevation of the ground and gradient, whether open or tiled, the size of tile, and the bottom width and side slope of open ditch sections, and such other information as may appear necessary for the understanding thereof. If the map and profile be filed with the clerk, duplicates thereof shall also be filed with the auditor of each county affected. Upon the completion of the alteration or change herein provided for,

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the ditch shall thereafter include such alteration or change as a part thereof of it with the same force and effect as though it had been originally so constructed and established.

Sec. 6. Minnesota Statutes 1982, section 161.43, is amended to read:

161.43 RELINQUISHMENT OF HIGHWAY EASEMENTS.

The commissioner of transportation may relinquish and quitclaim to the fee owner or, if the fee owner refuses or cannot be located, to another agency or political subdivision of the state any an easement or portion thereof of an easement owned but no longer needed by the transportation department for trunk highway purposes, upon payment to the transportation department of at least the an amount of money paid for the acquisition thereof. Whenever less than the easement as originally acquired is to be relinquished and quitclaimed, the amount of moneys to be paid to the transportation department shall not be a less proportion of the consideration paid therefor by the transportation department than the portion to be relinquished and quitclaimed bears to the easement as originally acquired. In determining the amount to be paid upon reconveyance to the fee holder, the estimated amount of money paid by the transportation department for any improvement acquired in the original easement and not included in the reconveyance, and the estimated amount of money paid by reason of damages to remaining portions of the tract, if any, not mitigated by the reconveyance, shall first be subtracted from the total consideration paid by the transportation department for the original easement. Before any easement may be relinquished and quitclaimed to another governmental agency or political subdivision of the state, the commissioner of transportation must first publish for three successive weeks in a newspaper of general circulation in the county in which the easement is located notice of his intent to so relinquish and quitclaim the easement to another governmental agency or political subdivision of the state equal to the appraised current market value of the easement. If the fee owner refuses to pay the required amount, or if after diligent search the fee owner cannot be found, the commissioner may convey the easement to an agency or to a political subdivision of the state upon terms and conditions agreed upon, or the commissioner may acquire the fee title to the land underlying the easement in the manner provided in section 161.20, subdivision 2. After acquisition of the fee title, the lands may be sold to the highest responsible bidder upon three weeks published notice of the sale in a newspaper or other periodical of general circulation in the county where the land is located. All bids may be rejected and new bids received upon like publication. If the lands remain unsold after being offered for sale to the highest bidder, the commissioner may retain the services of a licensed real estate broker to find a buyer. The sale price may be negotiated by the broker, but must not be less than 90 percent of the appraised market value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker, and must not exceed ten percent of the sale price. The broker's fee must be paid to the broker from the proceeds of the sale.

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Sec. 7. [161.431] LEASING OF HIGHWAY EASEMENTS.

The commissioner may lease to the fee owner for a fair rental rate and upon terms and conditions that the commissioner deems proper, an easement in real estate acquired for trunk highway purposes and not then needed for trunk highway purposes. If the fee owner refuses to lease or if after diligent search the fee owner cannot be found, the commissioner may lease the easement to an agency or to a political subdivision of the state on terms and conditions agreed upon, or the commissioner may lease the easement to the highest responsible bidder upon three weeks published notice of the lease offering in a newspaper or other periodical of general circulation in the county where the easement is located. All bids may be rejected and new bids received upon like publication. All rents received from the lease must be paid into the state treasury. Seventy percent of any rent received is to be credited to the trunk highway fund. The remaining 30 percent is to be paid to the county treasurer of the county where the easement is located for distribution in the same manner as real estate taxes.

Sec. 8. Minnesota Statutes 1982, section 161.44, subdivision 2, is amended to read:

Subd. 2. RECONVEYANCE WHEN REMAINDER OF TRACT OWNED BY VENDOR OR SURVIVING SPOUSE. If the lands were part of a larger tract and the remainder of the tract is still owned by the person or his the person's surviving spouse from whom the lands were acquired, or if the lands constituted an entire tract, the lands shall must first be offered for reconveyance to such the previous owner or his the owner's surviving spouse. If the lands constitute an entire tract, the amount of money to be repaid therefor shall not be less than the amount paid by the state for such tract less the estimated value of any improvements acquired by the state not included in the reconveyance. If less When lands than originally acquired are offered for reconveyance, the amount of money to be repaid therefor shall not be a less proportion of the consideration paid by the state than the proportion of the part so to be reconveyed bears to the entire property as originally acquired. In determining the amount to be repaid the estimated amount of money paid by the state for any improvements acquired in the original acquisition and not included in the reconveyance, and the estimated amount of money paid by reason of damages to remaining portions of the tract, if any, not mitigated by the reconveyance shall first be subtracted from the total consideration paid by the state for the original acquisition for those lands must be the appraised current market value of the lands to be reconveyed. The offer shall must be made by certified mail addressed to such the person at his the person's last known address. Such The person or his the person's surviving spouse shall have 60 days from the date of mailing said the offer to accept and to tender to the commissioner the required sum of money.

Sec. 9. Minnesota Statutes 1982, section 161.44, is amended by adding a subdivision to read:

Subd. 6a. SERVICES OF A LICENSED REAL ESTATE BROKER. If the lands remain unsold after being offered for sale to the highest bidder, the

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commissioner may retain the services of a licensed real estate broker to find a buyer. The sale price may be negotiated by the broker, but must not be less than 90 percent of the appraised market value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker, and must not exceed ten percent of the sale price. The broker's fee must be paid to the broker from the proceeds of the sale.

Sec. 10. Minnesota Statutes 1982, section 161.44, subdivision 9, is amended to read:

Subd. 9. **RECEIPTS PAID INTO TRUNK HIGHWAY FUND.** All Moneys received from the sale of such lands and properties shall less any fees paid under subdivision 6a, must be paid into the trunk highway fund.

Sec. 11. Minnesota Statutes 1982, section 161.46, subdivision 4, is amended to read:

Subd. 4. **ACQUISITION OF RELOCATED FACILITIES FOR UTILITY.** When the project requires a utility to relinquish lands or interests in lands owned by the utility and the utility is unable to acquire lands or interests in lands necessary to enable it to relocate its facilities, or if the acquisition of such the lands or interests in lands by the utility would result in undue delay thereby delaying the interstate highway project, the commissioner, by purchase, gift, or eminent domain proceedings, may acquire the lands or interests in lands necessary for the relocation if the commissioner deems that such the acquisition would reduce the cost to the state of the project. The lands necessary for the relocation to be acquired by the commissioner shall must be designated in an agreement between the utility and the commissioner. The agreement shall must also provide that without cost to either party thereto to the agreement, the utility will relinquish to the state its interests in the lands required for the interstate project in consideration of the conveyance by the state to the utility of the substitute lands designated in the agreement to be acquired by the state. The interest or estate acquired by the commissioner shall must be substantially similar to the interest or estate that the utility owned in the lands to be relinquished by it to the state. Upon recommendation of the commissioner, The governor commissioner may convey such the lands or interests in lands to the utility.

Sec. 12. **EFFECTIVE DATE.**

Sections 6, 7, and 8 are effective the day following final enactment.

Approved May 13, 1983

CHAPTER 144 — S.F.No. 44

An act relating to child support; allowing courts to order support for certain individuals attending secondary school; amending Minnesota Statutes 1982, section 518.54, subdivision 2.

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