

	FY 1984	FY 1985
<u>public employees retirement fund</u>	\$1,904,736	\$1,963,075
<u>public employees police and fire fund</u>	76,016	80,767
<u>teachers retirement fund</u>	1,545,520	1,633,904
<u>state patrol retirement fund</u>	59,008	62,067
<u>state employees retirement fund</u>	1,352,128	1,393,541
<u>Minneapolis employees retirement fund</u>	308,688	323,068

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective July 1, 1983.

Approved June 1, 1983

CHAPTER 247 — H.F.No. 330

An act relating to courts; providing for the appeal of various matters to the court of appeals; providing for the manner of election of court of appeals judges; amending Minnesota Statutes 1982, sections 2.724, subdivision 2; 3.737, subdivision 4; 3.751, subdivision 4; 5.08, subdivision 2; 10A.01, subdivisions 5 and 19; 14.45; 14.62, subdivision 2; 14.63; 14.64; 14.65; 14.66; 14.67; 14.68; 15A.18; 16.863; 25.43, subdivision 5; 32A.09, subdivision 5; 43A.02, subdivision 25; 43A.24, subdivision 2; 43A.27, subdivision 4; 44.09, subdivision 3; 45.07; 45.17, subdivision 5; 47.54, subdivision 5; 49.18; 56.23; 60A.05; 60A.15, subdivisions 11 and 12; 62A.02, subdivision 6; 62C.14, subdivision 12; 62G.16, subdivision 11; 65B.04, subdivision 1; 70A.22, subdivision 3; 72A.24, subdivision 1; 72A.27; 79.073; 84.59; 88.78; 97.481, subdivision 2; 97.50, subdivision 6; 105.462; 106.631, subdivisions 5 and 6; 110A.36; 111.42; 112.82; 114.13, subdivision 4; 115.49, subdivision 5; 116.07, subdivision 7; 116.11; 116A.19, subdivision 4; 116C.65; 120.17, subdivision 3b; 122.23, subdivision 16c; 123.32, subdivision 25; 124.15, subdivision 7; 127.25, subdivision 3; 127.33; 141.29, subdivision 2; 145.698, subdivision 2; 149.05, subdivision 3; 155A.11, subdivision 2; 156A.071, subdivision 9; 161.34, subdivision 4; 168.65, subdivision 2; 168.68; 169.073; 169.123, subdivision 7; 174A.05; 176.471, subdivisions 6, 8, and 9; 177.29, subdivision 1; 178.09, subdivision 2; 179.64, subdivision 5; 179.741, subdivision 3; 181A.10, subdivision 2; 185.15; 192A.255, subdivision 1; 197.481, subdivision 6; 204B.06, subdivisions 4 and 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.11, subdivision 1; 209.09; 210A.01, subdivision 3; 216.25; 216.27; 216B.16, subdivision 3; 216B.52, subdivision 1; 231.33; 237.075, subdivision 3; 237.20; 237.25; 237.27; 237.39; 244.11; 246.55; 252A.21, subdivision 1; 253B.19, subdivision 5; 253B.23, subdivision 7; 256.045, subdivisions 9 and 10; 259.32; 260.291, subdivision 2; 268.06, subdivision 20; 268.10, subdivision 8; 268.12, subdivision 13; 270.22; 270.23; 270.26; 270.68, subdivision 2; 273.16; 279.21; 282.01, subdivision 3; 290.48, subdivision 6; 290.92, subdivision 6; 294.09, subdivision 3; 297.08, subdivisions 3 and 4; 297.37, subdivision 5; 297A.15, subdivision 4; 298.09, subdivision 3; 299D.03, subdivision 11; 299F.25; 299F.26, subdivision 3; 327B.05, subdivision 2; 340.404, subdivision 7; 340.54, subdivision 2; 351.03; 352.01, subdivision 2B; 352D.02, subdivision 1; 357.07; 357.08; 360.019, subdivision 2;

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360.072, subdivision 1; 363.06, subdivision 4; 363.072, subdivisions 1 and 2; 373.11; 375.67, subdivision 1; 387.41; 412.092, subdivision 1; 414.07, subdivision 2; 414.08; 419.12; 420.13; 430.03; 430.031, subdivision 4; 458A.06, subdivision 4; 462.14, subdivision 12; 462.715; 465.43; 473.413, subdivision 4; 473.675, subdivision 4; 480.054; 480.055, subdivision 1; 480.061, subdivision 8; 480.062; 480.07; 480.19; 480A.01, subdivision 2; 480A.02, by adding a subdivision; 480A.04; 480A.06, subdivision 1; 480A.08, subdivision 3; 481.02, subdivisions 3 and 6; 481.15, subdivision 2; 482.07, subdivision 8; 485.16; 487.39; 488A.01, subdivision 14; 488A.17, subdivision 12; 488A.18, subdivision 14; 488A.34, subdivision 11; 501.35; 508.29; 508A.29; 525.71; 525.714; 525.73; 548.29, subdivision 2; 558.215; 562.04; 571.64; 574.18; 582.11; 586.09; 586.11; 586.12; 589.02; 589.29; 589.30; 590.01, subdivision 1; 590.04, subdivision 3; 590.06; 595.024, subdivision 3; 595.025, subdivision 3; 606.04; 609.39; 611.07, subdivisions 2 and 3; 611.071, subdivisions 1 and 2; 611.14; 611.18; 611.25; 645.44, by adding a subdivision; and 648.39, subdivision 1; amending Laws 1982, chapter 501, section 27; proposing new law coded in Minnesota Statutes, chapter 606; repealing Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24, subdivision 3; 177.29, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25.

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

Section 1. Minnesota Statutes 1982, section 2.724, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, ~~and~~. It may by rule assign temporarily any retired justice of the supreme court or one judge of the court of appeals or district court judge at a time to act as a justice of the supreme court or any number of justices or retired justices of the supreme court to act as judges of the court of appeals. Upon the assignment of a court of appeals judge or a district court judge to act as a justice of the supreme court, a ~~district court judge~~ previously acting as a justice may ~~continue to so act to~~ complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court ~~or~~, a court of appeals judge, or a district court judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court or judge of the court of appeals under this section, he shall receive, in addition to his retirement pay, a ~~further sum, to be paid out of the general fund of the state, as shall afford him an amount to make his total compensation equal to the same salary as an associate a justice or judge of the supreme court on which he is acting.~~

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

Sec. 2. Minnesota Statutes 1982, section 3.737, subdivision 4, is amended to read:

Subd. 4. **COMMISSIONER'S DETERMINATION; APPEALS.** If the commissioner finds that the livestock owner has shown that the loss of his livestock was caused more probably than not by an animal classified as an endangered species, the commissioner shall pay compensation as provided in this section and in the rules of the department.

If the commissioner denies any compensation claimed by a livestock owner under this section, the commissioner shall issue a written decision based upon the available evidence which shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be transmitted to the livestock owner by first class mail.

A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in the county court in the county where the loss occurred. The decision of the county court may be appealed to the district court and supreme court in the same manner as any in other civil action is appealed cases. Review in the county court may be obtained by the filing of a petition for review with the clerk of the county court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the clerk of the county court shall mail a copy thereof of it to the commissioner and set a time for hearing which shall be held within 90 days of the filing of the petition.

Sec. 3. Minnesota Statutes 1982, section 3.751, subdivision 4, is amended to read:

Subd. 4. **APPEAL.** An appeal from any final order or judgment in such the action may be taken to the supreme court in the same manner as appeals in ordinary other civil actions cases.

Sec. 4. Minnesota Statutes 1982, section 5.08, subdivision 2, is amended to read:

Subd. 2. **DISTRIBUTION.** 15,000 copies of the legislative manual shall be printed and distributed as follows:

(1) ~~up~~ Up to 25 copies shall be available to each member of the legislature on request;

(2) 50 copies to the state historical society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

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(5) Two copies each to the library of Congress, the Minnesota veterans home, the state universities, the state high schools, the public academies, seminaries, and colleges of the state, and the free public libraries of the state;

(6) One copy each to ~~the other~~ state institutions ~~not hereinbefore mentioned~~, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the supreme court, the judges of the court of appeals and the district court, the senators and representatives in Congress from this state, and the county auditors;

(7) One copy to each public school, to be distributed through the superintendent of each school district; and

(8) The remainder may be disposed of as the secretary of state deems best.

Sec. 5. Minnesota Statutes 1982, section 10A.01, subdivision 5, is amended to read:

Subd. 5. **CANDIDATE.** "Candidate" means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court, court of appeals, district court, county court, probate court, or county municipal court judgeships of the state. An individual shall be deemed to seek nomination or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination or election, has received contributions or made expenditures in excess of \$100, or has given his implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about his nomination or election. A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24.

Sec. 6. Minnesota Statutes 1982, section 10A.01, subdivision 19, is amended to read:

Subd. 19. **OFFICE HOLDER.** "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice ~~or~~, and judges of the court of appeals, district court judge, county court, probate court, or county municipal court.

Sec. 7. Minnesota Statutes 1982, section 14.45, is amended to read:

14.45 RULE DECLARED INVALID.

In proceedings under section 14.44, the court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rulemaking procedures. Any party to proceedings under section 14.44, including

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the agency, may appeal an adverse decision of the district court to the supreme court court of appeals as in other civil cases.

Sec. 8. Minnesota Statutes 1982, section 14.62, subdivision 2, is amended to read:

Subd. 2. **FAILURE TO MAKE DECISION.** Unless otherwise provided by law, if an agency fails to render a decision and order in a contested case within 90 days after the submission of the final hearing examiner report and subsequent exceptions and arguments under section 14.61, if any, any party may petition the district court of appeals for an order requiring the agency to render a decision and order on the contested case within such time as the court determines to be appropriate. The order shall be issued unless the agency shows that further delay is reasonable.

Sec. 9. Minnesota Statutes 1982, section 14.63, is amended to read:

14.63 APPLICATION.

Any person aggrieved by a final decision in a contested case is entitled to judicial review of the decision under the provisions of sections 14.63 to 14.68, but nothing in sections 14.63 to 14.68 shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo provided by law ~~now or hereafter enacted.~~ A petition for a writ of certiorari by an aggrieved person for judicial review under sections 14.63 to 14.68 must be filed with the district court of appeals and served on the agency not more than 30 days after the party receives the final decision and order of the agency.

Sec. 10. Minnesota Statutes 1982, section 14.64, is amended to read:

14.64 PETITION; SERVICE.

Proceedings for review under sections 14.63 to 14.68 shall be instituted by serving a petition for a writ of certiorari personally or by certified mail upon the agency and by promptly filing the petition proof of service in the office of the clerk of ~~district court for the county where the agency has its principal office or the county of residence of the petitioners~~ the appellate courts and the matter shall proceed in the manner provided by the rules of civil appellate procedure.

In case if a request for ~~rehearing or reconsideration shall have been~~ is made within ten days after the decision and order of the agency, the 30-day period provided in section 14.63 shall not begin to run until service of the order finally disposing of the application for ~~rehearing or reconsideration, but.~~ Nothing herein shall be construed as requiring that an application for ~~rehearing or reconsideration~~ be filed with and disposed of by the agency as a prerequisite to the institution of a review proceeding under sections 14.63 to 14.68.

The petition shall state the nature of the petitioner's interest, the facts showing the petitioner is aggrieved and is affected by the decision, and the ground

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or grounds upon which the petitioner contends that the decision should be reversed or modified. The petition may be amended by leave of court although the time for serving the petition has expired. The petition shall be entitled in the name of the person serving the petition as petitioner and the name of the agency whose decision is sought to be reviewed as respondent. Copies of the petition writ shall be served, personally or by certified mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared to the proceeding before the agency in the proceeding in which the order sought to be reviewed was made; and. For the purpose of such service, the agency upon request shall certify to the petitioner the names and addresses of all such parties as disclosed by its records, which. The agency's certification shall be conclusive. The agency and all parties to the proceeding before it shall have the right to participate in the proceedings for review. The court in its discretion may permit other interested parties to intervene A copy of the petition shall be provided to the attorney general at the time of service of the parties.

Every person served with the petition for review as provided in sections 14.63 to 14.68 and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance stating his position with reference to the affirmance, vacation, reversal or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general and shall be filed, together with proof of service thereof, with the clerk of the reviewing court within ten days after such service. Service of all subsequent papers or notices in such proceedings need be made only upon the petitioner, the named respondent, the attorney general, and such other persons as have served and filed the notice as herein provided, or have been permitted to intervene in said proceedings as parties thereto by order of the reviewing court.

Sec. 11. Minnesota Statutes 1982, section 14.65, is amended to read:

14.65 STAY OF DECISION; STAY OF OTHER APPEALS.

The filing of the petition writ of certiorari shall not stay the enforcement of the agency decision; but the agency may do so, or the reviewing court of appeals may order a stay upon such terms as it deems proper. When review of or an appeal from a final decision is commenced under sections 14.63 to 14.68 in any district the court of this state appeals, any other later appeal under sections 14.63 to 14.68 from such the final decision involving the same subject matter shall be stayed until final decision of the first appeal.

Sec. 12. Minnesota Statutes 1982, section 14.66, is amended to read:

14.66 TRANSMITTAL OF RECORD.

Within 30 days after service of the petition writ of certiorari, or within such any further time as the court may allow allows, the agency shall transmit to

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the reviewing court the original or a certified copy of the entire record of the proceeding under review; ~~but,~~ By stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

Sec. 13. Minnesota Statutes 1982, section 14.67, is amended to read:

14.67 NEW EVIDENCE, HEARING BY AGENCY.

If, before the date set for hearing, application is made to the court of appeals for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

Sec. 14. Minnesota Statutes 1982, section 14.68, is amended to read:

14.68 PROCEDURE ON REVIEW.

The review shall be ~~conducted by the court without a jury and shall be~~ confined to the record, except that in cases of alleged irregularities in procedure, not shown in the record, ~~testimony thereon may be taken in the court of appeals~~ may transfer the case to the district court for the county in which the agency has its principal office or the county in which the contested case hearing was held. The district court shall, upon request, hear oral argument and receive written briefs. ~~Except as otherwise provided all proceedings shall be conducted according to the rules of civil procedure~~ have jurisdiction to take testimony and to hear and determine the alleged irregularities in procedure. Appeal from the district court determination may be taken to the court of appeals as in other civil cases.

Sec. 15. Minnesota Statutes 1982, section 15A.18, is amended to read:

15A.18 SUPREME COURT APPELLATE COURTS EMPLOYEES.

Within the limits of ~~the their~~ their appropriations for the salaries thereof and subject to the conditions of ~~such the~~ such appropriations, the ~~supreme court appellate courts~~ supreme court appellate courts may employ a ~~supreme court reporter, a marshal, and such additional~~ supreme court reporter, a marshal, and such additional technical, clerical, stenographic, and other personnel as is necessary.

Sec. 16. Minnesota Statutes 1982, section 16.863, is amended to read:

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16.863 APPEALS.

Any person aggrieved by the final decision of any municipality as to the application of the code, including any rules promulgated pursuant to sections 471.465 to 471.469, may, within 30 days of said the decision, appeal to the commissioner. Appellant shall submit a fee of \$20, payable to the commissioner, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the commissioner or his designee, and. The commissioner shall submit his written findings to the involved parties. Any person aggrieved by any ruling of the commissioner may appeal to the district court in the county in which the dispute arose in accordance with chapter 14. For the purpose of this section "any person aggrieved" shall include includes the state council for the handicapped. No fee shall be required when the council for the handicapped is the appellant.

Sec. 17. Minnesota Statutes 1982, section 25.43, subdivision 5, is amended to read:

Subd. 5. **APPEAL.** Any person adversely affected by an act, order, or ruling made pursuant to the provisions of sections 25.31 to 25.44 may bring action in the district court for seek judicial review of such actions in accordance with sections 14.63 to 14.70 chapter 14.

Sec. 18. Minnesota Statutes 1982, section 32A.09, subdivision 5, is amended to read:

Subd. 5. **HEARING; ORDER; APPEAL.** (a) Whenever the commissioner shall have has reason to believe that any person is violating any of the provisions of sections 32A.01 to 32A.09, and acts amendatory thereof, or any promulgated rule, and it shall appear appears to the commissioner that a proceeding in respect thereof action is warranted, he shall serve upon such the person or persons a complaint stating his charges in that respect containing The complaint shall contain a notice of hearing upon a day and at a place therein fixed at least twenty days after the service of said the complaint. The person or persons so complained of shall have has the right to appear at the place and time so fixed and show cause why an order should not be entered by the commissioner requiring such the person or persons to cease and desist from the violation of the law so charged in said the complaint. Any person may make application apply, and upon good cause shown, may be allowed by the commissioner to intervene and appear in said the proceeding by counsel or in person. The testimony in any such the proceeding shall be reduced to writing and filed in the office of the commissioner. If, upon such hearing, the commissioner shall be is of the opinion that there has been a violation of any of the provisions of sections 32A.01 to 32A.09, and acts amendatory thereof, or any promulgated rule, he shall make a report in writing in which he shall state his findings as to the facts and. He shall issue and cause to be served upon such the person or persons an order requiring them the person to cease and desist from such the violation. The commissioner

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may at any time after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him under this section, whenever in he believes the opinion of the commissioner conditions so justify it.

(b) Any person required by an order of the commissioner to cease and desist from any act or practice may obtain a review of such the order in the district courts of this state court by filing in the court, within twenty days from the date of service of such the order a written petition praying that the order of the commissioner be set aside. A copy of such the petition shall be forthwith served upon the commissioner and thereupon. The commissioner shall then certify and file in the court a transcript of the entire record and order of the commissioner. Upon the filing of the petition and transcript, the court shall have has jurisdiction of the proceeding and of the question determined herein and shall have power to. The court may (1) make and enter upon the pleadings, evidence and proceedings set forth in such the transcript a decree, affirming, modifying, or setting aside the order of the commissioner or enforcing the same it to the extent that such the order is affirmed, and to (2) issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the commissioner as to the facts, if supported by the evidence in the proceeding before the commissioner, shall be are conclusive. To the extent that the order of the commissioner is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such the order of the commissioner. If either party shall apply applies to the court for leave to adduce additional evidence, and shall show shows 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 in the proceeding before the commissioner, the court may order such that the additional evidence to be taken before the commissioner and to. The evidence shall be adduced upon the hearing in such the manner and upon such the terms and conditions as the court may deem deems proper. The commissioner may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and. He shall file such the modified or new findings which, if supported by the evidence, shall be conclusive and his recommendation, if any, for the modification or setting aside of his original order with the return of such the additional evidence. The judgment and decree of the court shall be final, except that the same shall be it is subject to review by the supreme court of appeals.

(c) Violations of any cease and desist order of the commissioner shall be punished by the district court under existing the laws of contempt. Each day of failure to obey a cease and desist order of the commissioner may be deemed a separate violation and each violation of a particular act enjoined by the court may be deemed a separate violation.

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Sec. 19. Minnesota Statutes 1982, section 43A.02, subdivision 25, is amended to read:

Subd. 25. **JUDICIAL BRANCH.** "Judicial branch" means all justices judges of the ~~supreme court~~ appellate courts, all employees of the ~~supreme court~~ appellate courts, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, and all judges of all courts of law and other agencies placed in the judicial branch by law.

Sec. 20. Minnesota Statutes 1982, section 43A.24, subdivision 2, is amended to read:

Subd. 2. **OTHER ELIGIBLE PERSONS.** The following persons are eligible for state paid life insurance and hospital, medical and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements.

(a) A member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner, ~~provided that~~. The waiver shall not prohibit the member from enrolling himself or his dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position he previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical and dental benefits to which his position is entitled;

(b) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

(c) A judge of the ~~supreme court~~ appellate courts or an officer or employee of the ~~court~~ these courts; a judge of the district court, a judge of county court, a judge of county municipal court, or a judge of probate court; a district administrator; and an employee of the office of the district administrator of the fifth or the eighth judicial districts;

(d) A salaried employee of the public employees retirement association;

(e) A full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

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(f) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) An employee of the regents of the University of Minnesota; and

(h) Notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982 who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982 who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982 and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which he was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which he retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored medicare program. ~~The commissioner and the regents of the University of Minnesota shall provide employees who are eligible to retire and receive the benefits provided by this clause with notice of this option no later than 30 days after March 23, 1982.~~

Sec. 21. Minnesota Statutes 1982, section 43A.27, subdivision 4, is amended to read:

Subd. 4. **RETIRED JUDGES; FORMER LEGISLATORS.** A retired judge or a former legislator may elect to purchase coverage for themselves or their dependents at their own expense as provided below:

(a) A retired judge of the state supreme court, the court of appeals, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c), provided that the retired judge exercises this option within 30 days of the effective date of retirement; or

(b) A former member of the legislature may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (a).

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Sec. 22. Minnesota Statutes 1982, section 44.09, subdivision 3, is amended to read:

Subd. 3. ~~TO SUPREME COURT APPEAL.~~ The employee or the appointing authority may appeal from the district court to the supreme court in the same manner as provided for in other court civil cases.

Sec. 23. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 CHARTERS ISSUED, CONDITIONS.

If (1) the applicants are of good moral character and financial integrity, if (2) there is a reasonable public demand for this bank in this location, if (3) the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, if (4) the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and if (5) the department of commerce is satisfied that the proposed bank will be properly and safely managed, the application shall be granted. Otherwise it shall be denied. In case of the denial of the application, the department of commerce shall specify the grounds for the denial and the supreme court, upon petition of. Any person aggrieved, may review by certiorari any such obtain judicial review of the order or determination of the department of commerce in accordance with chapter 14.

Sec. 24. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. **STANDING.** The consumer services section shall be deemed to have has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the ~~trial~~ courts ~~or supreme court~~ of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 25. Minnesota Statutes 1982, section 47.54, subdivision 5, is amended to read:

Subd. 5. **EXPIRATION AND EXTENSION OF ORDER.** If a facility is not activated within 18 months from the date of the order, the approval order shall automatically ~~expire~~ expires. Upon request of the applicant prior to the automatic expiration date of the order, the commissioner may grant reasonable extensions of time to the applicant to activate the facility as the commissioner deems necessary, ~~but~~. The extensions of time shall not exceed a total of an additional 12 months. If the commissioner's order is the subject of an appeal to the district court in accordance with chapter 14, the time period referred to in this section for activation of the facility and any extensions shall begin when all

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appeals or rights of appeal from the commissioner's order have concluded or expired.

Sec. 26. Minnesota Statutes 1982, section 49.18, is amended to read:

49.18 REVIEW OF ORDERS OF COMMISSIONER.

~~This~~ The order shall be is a conclusive determination that the necessity for the levying of the assessment exists; provided, that the corporation, or any stockholder or creditor thereof, may secure a review of the commissioner's order by serving a notice so requesting review upon the commissioner within 20 days after the service of the order upon the aggrieved party. This notice, with proof of service thereof, shall be filed within ten days after service with the clerk of the district court in the county where the corporation has its principal place of business. The district court ~~shall thereupon have then~~ has jurisdiction to consider the necessity of levying the assessment, ~~and~~. It shall hear and determine the matter de novo in or out of term at any place in the district. This hearing shall take precedence of all other matters and may be held upon ten days written notice by either party. The judge shall make such order in the premises as is proper, and may affirm, vacate, or modify the commissioner's order, and. An appeal may be taken therefrom to the supreme court as in other civil cases. During the pendency of the appeal the commissioner of banks shall remain in charge of the business, property, and assets of the corporation involved.

Sec. 27. Minnesota Statutes 1982, section 56.23, is amended to read:

56.23 APPEALS.

Any applicant or licensee may appeal from any decision or order of the commissioner to the ~~district court of the county of~~ appeals in accordance with which his business is to be or is being conducted under this chapter 14 at any time within 20 days after service of the decision or order upon him, by service of a written notice of appeal upon the commissioner. ~~Upon service of the notice of appeal, the commissioner shall forthwith file with the clerk of the court to which appeal is taken a certified copy of the decision or order under appeal, together with the findings of fact upon which it is based. The appellant shall, within five days after serving the notice of appeal, file the same, with proof of service, with the clerk of the court to which appeal is taken; and thereupon the court shall have jurisdiction over the appeal and the same shall be entered upon the records of the court. Within 20 days after filing of the notice of appeal with the clerk of court, the appellant shall serve upon the commissioner a complaint setting forth his cause of action and, within 20 days thereafter, the commissioner shall serve his answer. Thereafter the case shall be tried according to the rules relating to the trial of civil actions so far as the same are applicable.~~

On appeal the certified findings of fact filed by the commissioner shall be prima facie evidence of the matters therein stated and the decision or order shall

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be prima facie lawful and reasonable. The burden of proof upon all issues raised by the appeal shall be on the appellant.

If the court determines that the decision or order appealed from is lawful and reasonable, it shall be affirmed and the decision or order shall be given effect as in this chapter provided. If the court determines that the decision or order is unlawful or unreasonable, it shall be reversed and the commissioner shall forthwith issue or reinstate the license which is the subject of the decision or order, and in all cases where the issuance or revocation of a license is not the subject of the decision or order, the commissioner shall amend his decision or order to conform to the findings and order of the court.

An appeal hereunder shall not stay or supersede the decision or order appealed from unless the court, upon an examination of the decision or order and the return made on the appeal, and after giving the commissioner notice and opportunity to be heard, so directs.

Any party to an appeal in district court under the provisions of this section may appeal to the supreme court as in ordinary civil actions.

If an appeal is not taken from an order of the commissioner according to the provisions of this section, the decision or order of the commissioner shall be final and the person affected thereby shall be deemed to have waived the right to have the decision or order or the findings of fact upon which it was based reviewed by a court.

Sec. 28. Minnesota Statutes 1982, section 60A.05, is amended to read:

60A.05 SUSPENSION OF AUTHORITY.

If the commissioner is of the opinion believes, upon examination or other evidence, that a foreign or domestic insurance company is in an unsound condition or, if a life insurance company, that its actual funds are less than its liabilities, or that it is insolvent; or if a foreign or domestic insurance company has failed to comply with the law, or if it, its officers, or agents, refuse to submit to examination, or to perform any legal obligation in relation thereto, and he believes protection of the interests of policyholders, claimants, or the general public requires summary action, he may revoke or suspend all certificates of authority granted to it or its agents, and He shall cause notification ~~thereof~~ of his action to be published in a newspaper authorized to publish annual statements of insurance companies, and no new business shall thereafter be done by it, or its agents, in this state while the default or disability continues, nor until its authority to do business is restored by the commissioner. The revocation or suspension ~~will be~~ is effective ten days after notice to the company unless the ground for revocation or suspension relates only to the financial condition or soundness of the company or to a deficiency in its assets, in which case revocation and suspension ~~will be~~ is effective upon notice to the company. The notice shall specify the particulars of the supposed violation. The district court

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of any county, upon petition of the company, shall summarily hear and determine the question whether the ground for revocation or suspension exists, ~~and~~. The court shall make any proper order or decree therein, and enforce the same it by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal ~~therefrom~~ may be taken to the supreme court; ~~and, as in other civil cases.~~ In the case of appeal, the commissioner may issue his order revoking the right of the petitioning company to do business in this state until the final determination of the question by the supreme court. Neither this section nor any proceedings ~~thereunder~~ under it shall affect any criminal prosecutions or proceeding for the enforcement of any fine, penalty, or forfeiture.

Sec. 29. Minnesota Statutes 1982, section 60A.15, subdivision 11, is amended to read:

Subd. 11. **APPEALS.** Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 10 hereof, may ~~remove the judgment to the supreme court by appeal, as provided for appeals in other civil cases.~~

Sec. 30. Minnesota Statutes 1982, section 60A.15, subdivision 12, is amended to read:

Subd. 12. **OVERPAYMENTS, CLAIMS FOR REFUND. (1) PROCEDURE, TIME LIMIT, APPROPRIATION.** A company who has paid, voluntarily or otherwise, or from whom there has been collected an amount of tax for any year in excess of the amount legally due for that year, may file with the commissioner of insurance a claim for a refund of ~~such~~ the excess. Except as provided in subdivision 11, no ~~such~~ claim shall be entertained unless filed within two years after ~~such~~ the tax was paid or collected, or within 3-1/2 years from the filing of the return, whichever period is the longer.

Upon the filing of a claim, the commissioner of insurance shall examine ~~the same it~~ and shall make and file written findings ~~thereon~~ denying or allowing the claim in whole or in part ~~and~~. He shall mail a notice thereof to the company at the address stated upon the return. If ~~such~~ the claim is allowed in whole or in part, the commissioner shall issue his certificate for the refundment of the excess paid by the company, with interest at the rate of two percent per annum computed from the date of the payment or collection of the tax until the date the refund is paid to the company; ~~and~~. The commissioner of finance shall ~~cause such pay the refund to be paid out of the proceeds of the taxes imposed by this section, as other state moneys are expended. So As~~ much of the proceeds of such the taxes as may be necessary are hereby appropriated for that purpose.

(2) **DENIAL OF CLAIM, COURT PROCEEDINGS.** If the claim is denied in whole or in part, the company may commence an action against the commissioner to recover any overpayments of taxes claimed to be refundable ~~but~~ for which the commissioner has issued no certificate of refundment. ~~Such~~ The

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action may be brought in the district court of the district in which lies the county of its principal place of business, or in the district court for Ramsey county. ~~Such~~ The action may be commenced ~~after the expiration~~ of six months after the claim is filed if the commissioner has not then taken final action ~~thereon, and on~~ it. The action shall be commenced within 18 months after the notice of the order denying the claim.

(3) **DENIAL OF CLAIM, APPEAL.** Either party to said the action may appeal ~~to the supreme court~~ as in other civil cases.

(4) **CONSENT TO EXTEND TIME.** If the commissioner and the company have, within the periods prescribed in clause (1), consented in writing to any extension of time for the assessment of the tax, the period within which a claim for refund may be filed, or a refund may be made or allowed, if no claim is filed, shall be the period within which the commissioner and the company have consented to an extension for the assessment of the tax and six months thereafter, ~~provided, however, that~~. The period within which a claim for refund may be filed shall not expire prior to two years after the tax was paid.

(5) **OVERPAYMENTS; REFUNDS.** If the amount determined to be an overpayment exceeds the taxes imposed by this section, the amount of ~~such~~ excess shall be considered an overpayment. An amount paid as tax ~~shall constitute~~ constitutes an overpayment even if in fact there was no tax liability with respect to which ~~such~~ the amount was paid.

Notwithstanding any other provision of law to the contrary, in the case of any overpayment, the commissioner of insurance, within the applicable period of limitations, shall refund any balance of more than one dollar to ~~such~~ the company if the company ~~shall so request~~ requests the refund.

Sec. 31. Minnesota Statutes 1982, section 62A.02, subdivision 6, is amended to read:

Subd. 6. **COURT REVIEW APPEAL.** Any order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval or withdrawal of approval of a form previously in use the court shall determine whether the petition for such writ shall operate as a stay of any such order or decision. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.

Sec. 32. Minnesota Statutes 1982, section 62C.14, subdivision 12, is amended to read:

Subd. 12. **APPEAL.** An order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use,

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the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.

Sec. 33. Minnesota Statutes 1982, section 62G.16, subdivision 11, is amended to read:

Subd. 11. **APPEAL.** An order or decision of the commissioner under this section shall be subject to review by writ of certiorari at the instance of any party appeal in interest. In the case of disapproval of a form previously in use, the court shall determine whether the petition for the writ shall stay the order or decision. The court may modify, affirm, or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.

Sec. 34. Minnesota Statutes 1982, section 65B.04, subdivision 1, is amended to read:

Subdivision 1. **ADOPTION; APPROVAL BY COMMISSIONER.** The initial governing committee shall adopt a plan of operation by majority vote of the committee and shall submit it to the commissioner for approval. If the commissioner finds that the plan of operation meets the requirements of Laws 1971, Chapter 813 this chapter, he shall approve it and it will then be in effect. If he finds that the plan fails to meet the requirements of Laws 1971, Chapter 813 this chapter, the commissioner shall disapprove the plan, returning it to the governing committee with his statement on the deficiencies which have caused him to disapprove the plan, and the governing committee shall have ten days within which to correct the deficiencies. If the plan is not returned for approval within ten days or if, on return, the commissioner determines that it still does not meet the requirements of Laws 1971, Chapter 813 this chapter, the commissioner shall amend the plan which was submitted by the governing committee to comply with Laws 1971, Chapter 813 this chapter, and shall, by order, effect the plan of operation. The action of the commissioner may be reviewed on a writ of certiorari from the district court for Ramsey county appealed in accordance with chapter 14.

Sec. 35. Minnesota Statutes 1982, section 70A.22, subdivision 3, is amended to read:

Subd. 3. **CERTIORARI APPEAL.** Any order or decision of the commissioner shall be subject to review by writ of certiorari at the instance of any party appeal in interest. The court shall determine whether the granting of the writ shall operate as a stay of the order or decision of the commissioner. The court may, in disposing of the issue before it, modify, affirm or reverse the order or decision of the commissioner in whole or in part accordance with chapter 14.

Sec. 36. Minnesota Statutes 1982, section 72A.24, subdivision 1, is amended to read:

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Subdivision 1. **COURT PROCEEDINGS; REVIEW.** Any person required by an order of the commissioner under section 72A.23 to cease and desist from engaging in any unfair method of competition or any unfair or deceptive act or practice defined in section 72A.20 may obtain a review of that order by filing appeal in the district court of Ramsey county, within 20 days from the date of the service of such order, a written petition praying that the order of the commissioner be set aside. A copy of the petition shall be forthwith served upon the commissioner, and thereupon the commissioner forthwith shall certify and file in that court a transcript of the entire record in the proceeding, including all the evidence taken and the findings and order of the commissioner. Upon the filing of the petition and transcript, said court shall have jurisdiction of the proceeding and of the questions determined therein, shall determine whether the filing of such petition shall operate as a stay of the order of the commissioner, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in the transcript a decree modifying, affirming, or reversing the order of the commissioner, in whole or in part. The findings and order of the commissioner shall be given the same effect as is given to determinations of administrative bodies on review by certiorari accordance with chapter 14.

Sec. 37. Minnesota Statutes 1982, section 72A.27, is amended to read:

72A.27 APPEAL TO SUPREME COURT.

Any decree or order of a district court made and entered under section 72A.24 or order of such a court made under section 72A.25 shall be is subject to review by appeal to the supreme court, but any such as in other civil cases. The appeal must be taken within the time prescribed by law for taking appeals from orders of the district courts.

Sec. 38. Minnesota Statutes 1982, section 79.073, is amended to read:

79.073 JUDICIAL REVIEW.

Final orders of the commissioner pursuant to sections 79.071 and 79.072 are subject to judicial review by writ of certiorari brought appeal in the district court in Ramsey County by an interested party of record adversely affected ~~thereby.~~ The operation of the commissioner's order is not suspended during judicial review; provided that in the event of a judicial determination against the validity of the commissioner's order, the order under review and any subsequent order shall be modified so as to give effect to the court's ruling. For purposes of further judicial review, the commissioner is an aggrieved party to the extent that his orders are modified or set aside by the district court accordance with chapter 14.

Sec. 39. Minnesota Statutes 1982, section 84.59, is amended to read:

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84.59 APPEALS TO DISTRICT COURT FROM DETERMINATION OF COMMISSIONER OF NATURAL RESOURCES.

Any party in interest may appeal from the determination of the commissioner to the district court of the county in which the project is wholly or partly located appeals in accordance with the provisions of section 105.47, insofar as the provisions thereof are applicable and may appeal to the supreme court as provided in said section chapter 14.

Sec. 40. Minnesota Statutes 1982, section 88.78, is amended to read:

88.78 APPEALS.

No appeal shall be allowed from a judgment in any court of a justice of the peace, or a municipal court, or other similar court, to the district court in any prosecution under sections 88.03 to 88.22, unless the person appealing shall, within the time prescribed by law, enter into a recognizance, with sufficient sureties, or deposit cash bail in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the next general term thereof to be held in and for the same county, and abide the judgment of the court therein.

The justice or judge may examine the proposed sureties under oath and, in such case, He shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution, and. He shall furnish a copy of the same record to the director.

When an arrest ~~shall have been~~ is made for violation of any of the provisions of sections 88.03 to 88.22, or when information of ~~such a~~ violation ~~shall have been~~ is lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused with diligence and energy.

Sec. 41. Minnesota Statutes 1982, section 97.481, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** Before the commissioner acquires lands by purchase or lease pursuant to this section, he shall proceed in accordance with this subdivision.

(a) The commissioner shall notify the board of county commissioners in each county and the town officers in each town where land is to be acquired and shall furnish the board and the town officers a description of the land to be acquired. The county board shall approve or disapprove the proposed acquisition within 90 days after the commissioner has notified the county board and the town officers of the proposed acquisition and furnished the description of the land involved. An extension of time, not to exceed 30 days, may be given by the commissioner to a county board. In a county in which a soil and water conservation district is organized, the supervisors will act as counselors to the

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county board regarding the best utilization and capability of the land proposed for acquisition, including the questions of drainage and flood control.

(b) If the county board approves an acquisition within the 90-day period or extension thereof, the commissioner may proceed with the acquisition.

(c) If the county board disapproves an acquisition, it shall, at the time of its decision, set forth valid reasons for disapproval. The landowner or the commissioner may appeal the county board's disapproval to the district court in the county in which any of the lands are situated. If the district court, or ~~the supreme an appellate court on appeal,~~ finds that the county board's disapproval is arbitrary or capricious or that the reasons stated for disapproval are invalid, or if the county board fails to give any reasons or fails to act to approve or disapprove of the acquisition within the 90-day period or extension thereof, the commissioner or the owner of the land which the commissioner seeks to acquire may submit the proposed acquisition to the land exchange board which shall consider the interests of the county, the state, and the landowner and determine whether the acquisition will be in the public interest.

(d) The land exchange board shall conduct a hearing upon each acquisition submitted to it after giving notice to all interested parties, including, but not limited to, the board of county commissioners in the county where the land to be acquired is located, the commissioner, and the owner of the land. The land exchange board shall hold its hearing and make its decision within 60 days after submission of the proposed acquisition to it.

If a majority of the members of the land exchange board approves the acquisition, the commissioner may proceed with the acquisition, ~~but~~. If a majority of the members of the land exchange board disapproves the acquisition, the commissioner shall not acquire the property.

Sec. 42. Minnesota Statutes 1982, section 97.50, subdivision 6, is amended to read:

Subd. 6. **VIOLATION; PERMITS.** The commissioner, director, game refuge patrolmen, and conservation officers shall seize all motor vehicles, trailers, and airplanes, used in violation of section 100.29, subdivisions 10 or 11, or section 97.45, subdivision 15, and all boats, motors and motor boats used or possessed in violation of section 98.45 with respect to the licenses, operations, or species of fish specified in section 98.46, subdivisions 10, 11, 12 and 13, or in violation of sections 102.26, 102.27, or 102.28, or in violation of any order, ~~or~~ or rule, ~~or~~ or regulation of the commissioner relating ~~thereto~~ to those sections, and hold them, subject to the order of the district court of the county in which the offense was committed. ~~Such~~ The property ~~so~~ held shall be confiscated after conviction of the person from whom ~~the same~~ it was seized, upon compliance with the following procedure:

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The commissioner, director, or his agents, shall file with the court a separate complaint against the property, describing ~~the same it~~ and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person so arrested ~~shall be~~ is acquitted, the court shall dismiss the complaint against the property and order ~~the same it~~ returned to the persons legally entitled ~~thereto to~~ it. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of ~~such the~~ property, and to persons unknown claiming any ~~such~~ right, title, interest or lien, describing the property and stating that ~~the same it~~ was seized and that a complaint against ~~the same it~~, charging the specified violation, has been filed with the court, and requiring ~~such those~~ persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon ~~any such the~~ property, within ten days after the service of ~~such the~~ order as ~~herein provided~~, and notifying them in substance that if they fail to ~~so~~ file their answer within that time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed ~~as and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such that~~ fact, order the property sold by the commissioner or his agents, ~~and~~. The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, ~~shall be~~ paid into the state treasury, to be credited to the game and fish fund. If ~~an~~ answer is filed ~~as and~~ within the time ~~herein provided~~, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time ~~so~~ fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions~~ cases. If the court shall ~~find~~ finds that the property, or any part ~~thereof of it~~, was used in any ~~such~~ violation as specified in the complaint, he shall order the property ~~so~~ unlawfully used, sold as ~~herein provided~~, unless the owner ~~shall show~~ shows to the satisfaction of the court that he had no notice ~~or~~, knowledge, or reason to believe that the property was used or intended to be used in ~~any such the~~ violation. The officer making ~~any such the~~ sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that ~~such the~~ property was being used or was intended to be used for or in connection with ~~any such the~~ violation as specified in the order of the court, ~~and~~. He shall pay the balance of the proceeds into the state treasury, ~~to the credit of~~ be credited to the game and fish fund. Any sale under the provisions of this section shall operate to free the property sold from any ~~and all liens thereon, and~~ on it. Appeal from ~~such the~~ order of the

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district court will lie to ~~the supreme court~~ as in other civil actions cases. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein~~ provided for, the property shall be returned to the owner or person having a legal right to possession ~~thereof of it~~, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge thereof, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure.

Sec. 43. Minnesota Statutes 1982, section 105.462, is amended to read:

105.462 INVESTIGATIONS; ORDERS WITHOUT A PERMIT APPLICATION.

When the commissioner determines that the public interest ~~so~~ requires it, he may investigate on his own motion any activities being conducted in relation to public waters without a permit as required by sections 105.37 to 105.55. With or without a public hearing, the commissioner may make findings and issue orders as otherwise may be issued pursuant to sections 105.37 to 105.55. A copy of his findings and order shall be served upon the person to whom the order is issued. If the commissioner issues his findings and order without a hearing, the person to whom the order is issued may file with the commissioner a demand for a hearing, together with the bond required by section 105.44, subdivision 6, within 30 days after being served with a copy of the commissioner's order. ~~Thereafter~~ The matter shall be heard in the same manner and pursuant to the same laws as an application is heard following a demand made under section 105.44, subdivision 3, insofar as applicable. ~~However,~~ If no demand for hearing is made by the person to whom the order is issued under this section, or if that person demands a hearing but fails to file the required bond, the commissioner's order becomes final at the expiration of 30 days after the person is served with the order and no appeal of the order may be taken ~~to the district court~~.

Sec. 44. Minnesota Statutes 1982, section 106.631, subdivision 5, is amended to read:

Subd. 5. **APPEAL TO SUPREME COURT.** Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial ditch proceeding dismissing the petition ~~therefor~~ or establishing or refusing to establish any judicial ditch, may appeal ~~therefrom to the supreme court in the manner provided as in other civil actions cases.~~ Such The appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. ~~The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.~~

Sec. 45. Minnesota Statutes 1982, section 106.631, subdivision 6, is amended to read:

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Subd. 6. **APPEAL; REPAIR, IMPROVEMENT OR IMPROVEMENT OF OUTLET.** In any proceeding before the board or court for the repair pursuant to petition, or for the improvement of any drainage system, or for public laterals thereto, or for the improvement of an outlet under section 106.511 or for the abandonment of any ditch, the same right of appeal to the district or supreme court shall be had as from a similar order made in a proceeding to establish a drainage system as herein provided; and on like grounds and with similar procedure.

Sec. 46. Minnesota Statutes 1982, section 110A.36, is amended to read:

110A.36 APPEALS.

Any party aggrieved by a final order issued pursuant to section 110A.12 which approves or dismisses a petition or which refuses or establishes a project or a district, may appeal therefrom to the supreme court in the manner provided as in other civil actions cases. The appeal shall be made and perfected within 30 days after the filing of the order. The notice of appeal shall be served on the clerk of district court and the members of the district's board of directors.

Sec. 47. Minnesota Statutes 1982, section 111.42, is amended to read:

111.42 MAY APPEAL TO SUPREME COURT.

All persons or public corporations affected by any order of the district court, establishing or refusing to establish a drainage and conservancy district, or affected by any order approving or refusing to approve the plans and directing the construction of the improvement, or affected by the determination of any district court of any assessment of benefits or damages including the board and the petitioners, may appeal to the supreme court on any question involved in such the determination, as in other civil actions cases. The notice of appeal shall be served on the clerk and need not be served on any other person or corporation.

Sec. 48. Minnesota Statutes 1982, section 112.82, is amended to read:

Subdivision 1. **ESTABLISHMENT; APPEAL.** Any party aggrieved by a final order or judgment rendered on appeal to the district court or by the original order of the court made in any proceedings heard and tried before the court as in this chapter provided, may appeal therefrom to the supreme court in the manner provided as in other civil actions cases. Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.

Subd. 2. **REPAIR; APPEAL.** In any proceeding before the managers for the repair, improvement, maintenance, consolidation, or abandonment of any of the works of the district, the same right of appeal to the district or supreme court shall be had as from a similar order made in a proceeding to establish the

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improvement as herein provided and upon like grounds and with similar procedure other civil cases.

Sec. 49. Minnesota Statutes 1982, section 114.13, subdivision 4, is amended to read:

Subd. 4. **APPEALS.** Any party aggrieved by any order or any determination of the commission pursuant to this section may appeal to the district court or to the circuit court, as the case may be, of any county in either state in which the subject matter of the order or the determination is wholly or partially located, or to the district court of the county in either state where the its capitol thereof is located. Notice of appeal must be served upon the commission within 30 days from the last date of publication of the order appealed from. Appeals may likewise be taken from the judgments of the district court or the circuit court as the case may be to the supreme court appellate courts of its their respective states as in other civil cases.

Sec. 50. Minnesota Statutes 1982, section 115.49, subdivision 5, is amended to read:

Subd. 5. **APPEALS.** Any party to the contract aggrieved by a decision or order shall be entitled to judicial review thereof by serving a petition ~~therefor~~ for review upon the municipality making the decision or order, and filing ~~the same~~ it with proof of service in the office of the clerk of ~~such~~ court, ~~all~~ within 30 days after the decision or order has been made and the parties notified ~~thereof~~ of it. The petition shall state the nature of the petitioner's interest, and the ground or grounds upon which the petitioner contends the decision or order should be reversed or modified. The petition may be amended by leave of court, though the time for serving ~~the same~~ it has expired.

Within 20 days after service of ~~such~~ the petition for review, the municipality shall serve upon the petitioner an answer stating its position with reference to the reversal or modification of the order or decision under review. ~~Such~~ The answer, with proof of service ~~thereof~~, shall be filed with the clerk of the district court within ten days after ~~such~~ service. No further pleadings shall be necessary. The review shall be noticed for trial as in the case of a civil action and shall take precedence over other civil cases for trial.

The institution of the proceeding for review shall not stay enforcement of the order or decision, but the court may order a stay upon such terms as it deems proper.

Within 30 days after service of the petition for review upon the municipality, or within such further time as the court may allow, the municipality shall transmit to the court the original or a certified copy of the entire record of the proceedings in which ~~such~~ the order or decision under review was made, ~~but~~. By stipulation of the parties to the review proceeding, the record may be shortened by eliminating any portion ~~thereof~~ of it. The record may be typewritten or

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printed and the exhibits may be typewritten, photostated or otherwise reproduced, or upon motion of any party, or by order of the court, the original exhibits shall accompany the record. The court may require or permit substantial corrections or additions to the record when deemed desirable.

If, before the date set for trial, an application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material, the court may order that ~~such~~ the additional evidence be taken upon ~~such~~ terms as the court ~~may deem~~ deems proper.

The review shall be conducted by the court without a jury ~~and~~. The court may affirm, reverse or modify the order or decision if the substantial rights of the petitioner have been prejudiced as a result of ~~such~~ the order or decision being:

- (a) contrary to constitutional rights or privileges; ~~or~~
- (b) in excess of the statutory authority or jurisdiction of the agency, or affected by other error of law; ~~or~~
- (c) made or promulgated upon unlawful procedure; ~~or~~
- (d) unsupported by substantial evidence in view of the entire record as submitted; or
- (e) arbitrary or capricious.

Any party may appeal from the final judgment of the district court ~~to the supreme court~~ as in the manner provided by law for other appeals in civil actions cases.

No party to the review in any court is entitled to recover ~~therein~~ costs ~~or~~, attorney's fees ~~or~~, witness fees, or any other disbursement.

Sec. 51. Minnesota Statutes 1982, section 116.07, subdivision 7, is amended to read:

Subd. 7. **COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.** Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for ~~such~~ permits as ~~may be~~ required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for ~~such~~ permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

For the purposes of this subdivision, the term "processing" ~~shall include~~ includes:

- (a) the distribution to applicants of forms provided by the pollution control agency;

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(b) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable ~~regulations~~ rules and standards, or, if ~~such the~~ facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(c) rendering to applicants, upon request, ~~such assistance as may be~~ necessary for the proper completion of an application.

For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

(d) issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or ~~regulations~~ rules promulgated ~~hereunder pursuant to it~~, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board ~~shall be~~ is final, subject to appeal ~~to the district court~~ as provided in ~~section 115.05~~ chapter 14.

The pollution control agency, by ~~January 1, 1974, and in the manner provided by chapter 14,~~ shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules shall apply both to permits issued by counties and to permits issued by the pollution control agency directly.

The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

Sec. 52. Minnesota Statutes 1982, section 116.11, is amended to read:

116.11 EMERGENCY POWERS.

~~In the event that~~ If there is imminent and substantial danger to the health and welfare of the people of the state, or of any ~~part thereof of them~~, as a result of the pollution of air, land, or water; ~~upon such finding,~~ the agency may by emergency order direct the immediate discontinuance or abatement of ~~such the~~ pollution without notice and without a hearing or at the request of the agency, the attorney general of the state may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent ~~such the~~ pollution. ~~Such~~ The agency order or temporary restraining order shall remain effective until notice, hearing, and determination are effected pursuant to other provisions of law, or, in the interim, as otherwise ordered. ~~Such agency order shall be appealable to the appropriate district court and the provisions of chapter 14 shall govern the procedure and scope of review on such appeal~~ A final order of the agency in these cases shall be appealable in accordance with chapter 14.

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Sec. 53. Minnesota Statutes 1982, section 116A.19, subdivision 4, is amended to read:

Subd. 4. **APPEAL TO SUPREME COURT.** Any party aggrieved by a final order or judgment rendered on appeal to the district court, or by the order made in any judicial improvement proceeding dismissing the petition therefor or establishing or refusing to establish any judicial improvement or assessing benefits, may appeal therefrom to the supreme court in the manner provided as in other civil actions cases. Such appeal shall be made and perfected within 30 days after the filing of the order or entry of judgment. The notice of appeal shall be served on the clerk of the district court and need not be served on any other person.

Sec. 54. Minnesota Statutes 1982, section 116C.65, is amended to read:

116C.65 JUDICIAL REVIEW.

Any utility, party or person aggrieved by the issuance of a certificate or emergency certificate of site compatibility or transmission line construction permit from the board or a certification of continuing suitability filed by a utility with the board or by a final order in accordance with any rules promulgated by the board, may appeal therefrom to any district the court where such a site or route is to be located of appeals in accordance with chapter 14. The appeal shall be filed within 60 days after the publication in the state register of notice of the issuance of the certificate or permit by the board or certification filed with the board or the filing of any final order by the board. The notice of appeal to the district court shall be filed with the clerk of the district court and a copy thereof mailed to the board and affected utility. Any utility, party or person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. The scope of judicial review shall be as prescribed in sections 14.63 to 14.68.

Sec. 55. Minnesota Statutes 1982, section 120.17, subdivision 3b, is amended to read:

Subd. 3b. **PROCEDURES FOR DECISIONS.** Every district shall utilize at least the following procedures for decisions involving identification, assessment and educational placement of handicapped children:

(a) Parents and guardians shall receive prior written notice of:

(1) any proposed formal educational assessment or proposed denial of a formal educational assessment of their child;

(2) a proposed placement of their child in, transfer from or to, or denial of placement in a special education program; or

(3) the proposed provision, addition, denial or removal of special education services for their child;

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(b) The district shall not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian; ~~provided~~. The refusal of a parent or guardian to ~~provide this~~ consent may be overridden by the decision in a hearing held pursuant to clause (d) at the district's initiative after at least one attempt to obtain this consent through a conciliation conference held pursuant to clause (c);

(c) Parents and guardians shall have an opportunity to meet with appropriate district staff in at least one conciliation conference if they object to any proposal of which they are notified pursuant to clause (a);

(d) Parents, guardians and the district shall have an opportunity to obtain an impartial due process hearing initiated and conducted in the school district where the child resides, if after at least one conciliation conference the parent or guardian continues to object to:

(1) a proposed formal educational assessment or proposed denial of a formal educational assessment of their child;

(2) the proposed placement of their child in, or transfer of their child to a special education program;

(3) the proposed denial of placement of their child in a special education program or the transfer of their child from a special education program;

(4) the proposed provision or addition of special education services for their child; or

(5) the proposed denial or removal of special education services for their child.

At least five calendar days before the hearing, the objecting party shall provide the other party with a brief written statement of the objection and the reasons for the objection.

The hearing shall take place before an impartial hearing officer mutually agreed to by the school board and the parent or guardian. If the school board and the parent or guardian are unable to agree on a hearing officer, the school board shall request the commissioner to appoint a hearing officer. The hearing officer shall not be a school board member or employee of the school district where the child resides or of the child's school district of residence, an employee of any other public agency involved in the education or care of the child, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who otherwise qualifies as a hearing officer is not an employee of the district solely because the person is paid by the district to serve as a hearing officer. If the hearing officer requests an independent educational assessment of a child, the cost of the assessment shall be at district

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expense. The proceedings shall be recorded and preserved, at the expense of the school district, pending ultimate disposition of the action.

(e) The decision of the hearing officer pursuant to clause (d) shall be rendered not more than 45 calendar days from the date of the receipt of the request for the hearing. A hearing officer may grant specific extensions of time beyond the 45-day period at the request of either party. The decision of the hearing officer shall be binding on all parties unless appealed to the commissioner by the parent, guardian, or the school board of the district where the child resides pursuant to clause (f).

The local decision shall:

- (1) be in writing;
- (2) state the controlling facts upon which the decision is made in sufficient detail to apprise the parties and the commissioner of the basis and reason for the decision;
- (3) state whether the special education program or special education services appropriate to the child's needs can be reasonably provided within the resources available to the responsible district or districts;
- (4) state the amount and source of any additional district expenditure necessary to implement the decision; and
- (5) be based on the standards set forth in subdivision 3a and the rules of the state board.

(f) Any local decision issued pursuant to clauses (d) and (e) may be appealed to the commissioner within 15 calendar days of receipt of that written decision, by the parent, guardian, or the school board of the district where the child resides.

If the decision is appealed, a written transcript of the hearing shall be made by the school district and shall be accessible to the parties involved within five calendar days of the filing of the appeal. The commissioner shall issue a final decision based on an impartial review of the local decision and the entire record within 30 calendar days after the filing of the appeal. The commissioner shall seek additional evidence if necessary and may afford the parties an opportunity for written or oral argument; provided any hearing held to seek additional evidence shall be an impartial due process hearing but shall be deemed not to be a contested case hearing for purposes of chapter 14. The commissioner may grant specific extensions of time beyond the 30-day period at the request of any party.

The final decision shall:

- (1) be in writing;

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(2) include findings and conclusions; and

(3) be based upon the standards set forth in subdivision 3a and in the rules of the state board.

(g) The decision of the commissioner shall be final unless appealed by the parent or guardian or school board to the district court of the county in which the school district in whole or in part is located appeals. The scope of judicial review shall be as provided in accordance with chapter 14.

(h) Pending the completion of proceedings pursuant to this subdivision, unless the district and the parent or guardian of the child agree otherwise, the child shall remain in his current educational placement and shall not be denied initial admission to school.

(i) The child's school district of residence, if different from the district where the child actually resides, shall receive notice of and may be a party to any hearings or appeals pursuant to this subdivision.

Sec. 56. Minnesota Statutes 1982, section 122.23, subdivision 16c, is amended to read:

Subd. 16c. **BONDS; ELECTION.** The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds, ~~and~~. It may issue and sell bonds authorized at ~~such an~~ the election, or bonds authorized at an election previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. ~~Such~~ The actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of ~~any such~~ the bonds shall be levied upon all taxable property in the newly created district; ~~except that~~ . No bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers ~~until and~~ unless the county auditor's order is affirmed by final order of the district court in ~~such~~ the special proceeding, and a period of 30 days from the service of ~~such~~ the final order expires without an appeal to ~~the supreme court~~ being commenced or, if an appeal is taken, the order is affirmed ~~by the supreme court and the time for petitioning for further review has expired~~; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in ~~such~~ the territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by

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the newly created district, notwithstanding the pendency of any ~~such~~ the appeal, and ~~such~~ the bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within ~~such~~ the other areas, if any, as ~~may be that~~ are finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in ~~such~~ the area, other than the independent district maintaining the secondary school, shall be received and counted separately; ~~and~~. The bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Sec. 57. Minnesota Statutes 1982, section 123.32, subdivision 25, is amended to read:

Subd. 25. **CONTESTS.** (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

(1) If the contest ~~be~~ is upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;

(2) If the contest ~~be~~ is upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;

(3) If the contest ~~be~~ upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant a notice ~~thereof~~ specifying ~~such~~ the additional points. ~~Such~~ The notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in ~~such~~ the manner and within ~~such~~ the times as the court ~~may by order direct orders~~. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after ~~such~~ the canvass. So far as consistent with this section, the ~~Rules of Civil Procedure~~ rules of civil procedure ~~shall~~ apply.

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(b) ~~When~~ An appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days after the entry of the determination of the district court in the contest. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court be in accordance with the rules of civil appellate procedure.

Sec. 58. Minnesota Statutes 1982, section 124.15, subdivision 7, is amended to read:

Subd. 7. **APPEAL.** A decision of the state board under this section may be reviewed on certiorari by the district court of the county wherein the district, or any part thereof, is located appealed in accordance with chapter 14.

Sec. 59. Minnesota Statutes 1982, section 127.25, subdivision 3, is amended to read:

Subd. 3. **APPEAL.** An appeal lies from the district court ~~to the supreme court~~ in accordance with the rules of civil appellate procedure.

Sec. 60. Minnesota Statutes 1982, section 127.33, is amended to read:

127.33 **JUDICIAL REVIEW.**

The decision of the commissioner of education made pursuant to sections 127.26 to 127.39 shall be subject to direct judicial review in the district court of the county in which the school district or any part thereof is located. The scope of the judicial review shall be as provided by Minnesota Statutes 1971, Section 15.0425 in accordance with chapter 14.

Sec. 61. Minnesota Statutes 1982, section 141.29, subdivision 2, is amended to read:

Subd. 2. **APPEAL.** Any order refusing, revoking, or suspending a school's license or a solicitor's permit is appealable to the district court as provided in accordance with chapter 14. Where a school has been operating and its license has been revoked, suspended, or refused by the commissioner ~~such~~, the order shall is not become effective until the final determination of such the appeal unless immediate effect shall be is ordered by the court.

Sec. 62. Minnesota Statutes 1982, section 145.698, subdivision 2, is amended to read:

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Subd. 2. **STAY; COMMITMENT.** Upon conviction of a defendant for any crime in ~~district court or any municipal court from which an appeal lies directly to the supreme court,~~ or following revocation of probation previously granted whether or not sentence has been imposed, if it appears to the court that the defendant may be a drug dependent person, or by reason of the repeated use of drugs may be in imminent danger of becoming addicted, the court may adjourn the proceedings or suspend imposition or execution of sentence and order the county attorney to file a petition for commitment of the defendant pursuant to the ~~Minnesota hospitalization and Commitment Act for confinement in a hospital, a mental health center, the Willmar state hospital, or other drug treatment facility~~ chapter 253B until such time as the court feels that such the person is no longer in need of institutional care and treatment.

Sec. 63. Minnesota Statutes 1982, section 149.05, subdivision 3, is amended to read:

Subd. 3. **REVIEW.** Any action of the commissioner in refusing to grant or renew a license or in suspending or revoking a license ~~may be~~ is subject to review by a writ of certiorari issued by the ~~district court of any county in accordance with chapter 14.~~

Sec. 64. Minnesota Statutes 1983, section 155A.11, subdivision 2, is amended to read:

Subd. 2. **APPEAL FROM ORDER.** Any order refusing, revoking, or suspending a license is appealable to the ~~district court where the licensee conducts business as provided in~~ accordance with chapter 14. If a person has been operating and the person's license has been revoked, suspended, or refused by the director, the order is not effective until final determination of the appeal unless the court orders it to take effect immediately.

Sec. 65. Minnesota Statutes 1982, section 156A.071, subdivision 9, is amended to read:

Subd. 9. **SUBMISSION OF DATA FROM EXPLORATORY BORINGS.** Data obtained from exploratory borings shall be submitted by the explorer to the commissioner of natural resources as follows:

(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may identify portions of the data which, if released, would impair the competitive position of the explorer submitting the data. Data so identified shall be considered to be not public data. If the commissioner is requested to disclose the data, he shall mail notice of the request to the explorer, and ~~shall~~ determine whether release of the data would impair the competitive position of the explorer submitting the data. If the commissioner determines that release of the data would impair the competitive position of the explorer submitting the data, the

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commissioner shall not release the data to any person other than parties to the proceedings relating to the permit under consideration. Parties to the proceedings shall maintain the confidentiality of data. Further, ~~no not public data~~ which are classified as not public shall not be released by the commissioner until 30 days after mailed notice to the explorer of the commissioner's intention to do so. Under no circumstances shall the commissioner release data to any person, ~~company, or organization~~ engaged in exploration, mining, milling, or related industry pertaining to any mineral. If the commissioner determines to release data, the explorer may demand a contested case hearing on the commissioner's determination or may withdraw the permit application and the data shall not be released. Any person aggrieved by the decision of the commissioner may appeal the decision to ~~the district court pursuant to~~ in accordance with chapter 14;

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others;

(c) Within six months after termination by the explorer of its lease or any other type of exploration agreement on a property all data shall be submitted. ~~For a lease or any other type of exploration agreement terminated prior to May 1, 1980, on which exploratory borings were made on or after January 1, 1977, the data as required herein shall be submitted within six months of May 1, 1980.~~ The data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others. Data submitted to the commissioner of natural resources prior to May 1, 1980 need not be submitted under this section. The commissioner of natural resources shall designate which samples shall be submitted, and shall specify the location to which the sample shall be delivered. In the event that the explorer requires certain samples in their entirety, the commissioner of natural resources may waive the requirement for a one-quarter portion of the samples. Samples submitted become property of the state.

(d) As used in this subdivision, "mineral deposit evaluation" means examining an area to determine the quality and quantity of minerals, excluding exploratory boring but including obtaining a bulk sample, by such means as excavating, trenching, constructing shafts, ramps, tunnels, pits and producing refuse and other associated activities. "Mineral deposit evaluation" shall not include activities intended, by themselves, for commercial exploitation of the ore body. "Mine development" means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.

Sec. 66. Minnesota Statutes 1982, section 161.34, subdivision 4, is amended to read:

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Subd. 4. **APPEAL TO SUPREME COURT.** An appeal from any final order of judgment in ~~such the~~ action shall lie ~~to the supreme court of the state in the same manner as appeals in ordinary other~~ civil actions cases.

Sec. 67. Minnesota Statutes 1982, section 168.65, subdivision 2, is amended to read:

Subd. 2. **APPEAL.** If after a public hearing, upon due notice, the registrar of motor vehicles determines that any owner or operator of intercity buses has violated any term or provisions of sections 168.61 to 168.65 or ~~wilfully~~ wilfully furnished false information or reports, ~~such the~~ registrar shall cancel all number plates and all special identification plates or certificates issued to ~~such the~~ owner or operator of intercity buses ~~and such.~~ The intercity buses, during such calendar year, shall not operate upon the streets and highways of the state unless the owner's or operator's entire fleet of intercity buses is then registered in the state of Minnesota and the motor vehicle taxes paid ~~thereon on them~~ for the full calendar year in which the offense occurs. Any ~~such~~ determination by the registrar of motor vehicles ~~shall be is~~ subject to judicial review by certiorari as provided by law appeal in accordance with chapter 14.

Sec. 68. Minnesota Statutes 1982, section 168.68, is amended to read:

168.68 SUSPENSION OR REVOCATION OF LICENSE.

(a) A license may be suspended or revoked by the administrator on the following grounds:

- (1) Material misstatement in application for license;
- (2) Intentional failure to comply with any provision of sections 168.66 to 168.77 relating to retail installment contract;
- (3) Defrauding any retail buyer to the buyer's damage;
- (4) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under sections 168.66 to 168.77.

(b) If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such part as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if ~~such the~~ licensee after actual knowledge of his act retained the benefits, proceeds, profits or advantages accruing from ~~said the~~ acts or otherwise ratified ~~such the~~ acts.

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

(c) No license shall be suspended or revoked except after hearing ~~thereon~~. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of ~~such~~ the hearing by certified mail addressed to the principal place of business in this state of ~~such~~ the licensee. The ~~said~~ notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking ~~such~~ the license shall recite the grounds upon which ~~the same~~ it is based. The order shall be entered upon the records of the administrator and shall not be effective until after 30 days' written notice thereof given after such entry forwarded by certified mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee.

(d) Within 30 days after ~~such~~ the service of notice of any order of suspension or revocation of a license, the licensee aggrieved may appeal from ~~such~~ the order to the district court for the county in which the principal place of business of ~~such~~ the licensee in this state is located, by service of a written notice of appeal upon the administrator, and filing ~~the same~~ it with proof of ~~such~~ service with the clerk of the court to which the appeal is taken, within five days. The district court ~~shall thereupon have~~ has jurisdiction over the appeal; ~~and the same~~. It shall be entered upon the records of the court and tried according to the rules relating to ~~the trial of civil actions~~ procedure in so far as ~~the same~~ they are applicable. Upon service of ~~such~~ a notice of appeal upon him, the administrator shall ~~forthwith~~ file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from and of the order to show cause upon which ~~the same~~ it was based; ~~and~~. Unless otherwise ordered by the court, the documents so filed shall frame the issues to be determined upon the appeal. The court shall determine, de novo, all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Pending final judgment on ~~such~~ the appeal, the order appealed from shall be stayed. Upon motion of the licensee or the administrator, the appeal shall be tried ahead of all other actions pending before the court except criminal cases. Appeals ~~to the supreme court~~ may be taken as in other civil proceedings cases.

Sec. 69. Minnesota Statutes 1982, section 169.073, is amended to read:

169.073 RED LIGHTS FORBIDDEN.

No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain ~~the same~~ it in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of transportation ~~such~~, a person or corporation maintaining or owning or displaying ~~said~~ a prohibited light shall promptly remove ~~the~~

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same it, or change the color thereof of it to some other color than red. Where such a prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the department of public service shall have authority to may cause the removal of the same it and the department shall have authority to may issue notices and orders for such its removal. The department shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party as provided in section 216.25 accordance with chapter 14.

No person or corporation shall maintain or display any such light after written notice thereof from the commissioner of transportation or the department of public service that such the light constitutes a traffic hazard and that it has ordered the removal thereof.

Sec. 70. Minnesota Statutes 1982, section 169.123, subdivision 7, is amended to read:

Subd. 7. **REVIEW BY DISTRICT COURT APPEAL.** Any party aggrieved by the decision of the reviewing court may appeal the decision to the district court as provided in sections 484.63 and section 487.39.

Sec. 71. Minnesota Statutes 1982, section 174A.05, is amended to read:
174A.05 **APPEALS.**

An appeal from an order of the board shall be as provided in sections 216.24 and 216.25 accordance with chapter 14.

Sec. 72. Minnesota Statutes 1982, section 176.471, subdivision 6, is amended to read:

Subd. 6. **TRANSMITTAL OF FEE AND RETURN.** When the writ of certiorari has been served upon the administrator of the workers' compensation court of appeals, the bond has been filed, and the filing fee has been paid, the administrator shall immediately transmit to the clerk of the supreme court appellate courts that filing fee and the return to the writ of certiorari and bond.

Sec. 73. Minnesota Statutes 1982, section 176.471, subdivision 8, is amended to read:

Subd. 8. **RETURN OF PROCEEDINGS TRANSMITTED TO COURT.** Within 30 days after the writ of certiorari, bond, and filing fee have been filed with the administrator of the workers' compensation court of appeals, the administrator shall transmit to the clerk of the supreme court appellate courts a true and complete return of the proceedings of the workers' compensation court of appeals under review, or such the part of those proceedings as is necessary to allow the supreme court to review properly the questions presented.

The workers' compensation court of appeals shall certify the return of the proceedings under its seal. The petitioner or relator shall pay to the administra-

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tor of the workers' compensation court of appeals the reasonable expense of preparing the return.

Sec. 74. Minnesota Statutes 1982, section 176.471, subdivision 9, is amended to read:

Subd. 9. **APPLICATION OF RULES GOVERNING APPEALS IN CIVIL ACTIONS.** When the return of the proceedings before the workers' compensation court of appeals has been filed with the clerk of the ~~supreme court~~ appellate courts, the supreme court shall hear and dispose of the matter in accordance with the laws and court rules governing appeals as in other civil actions cases.

Sec. 75. Minnesota Statutes 1982, section 177.29, subdivision 1, is amended to read:

Subdivision 1. **APPEAL.** Any person who may be aggrieved by any administrative rule issued pursuant to section 177.28 may obtain a review thereof in the district court for Ramsey county, by filing in the court a written petition for declaratory judgment praying that the rule be modified or set aside. A copy of 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 rule is in accordance with law.

If the court determines that the rule is not in accordance with law, it shall remand the case to the department with directions to modify or revoke the rule. If application is made to the court by any aggrieved party for leave to adduce additional evidence, the party shall show to the satisfaction of the court that the additional evidence is material, and that there were reasonable grounds for the failure to adduce the evidence before the department. If the court finds that the evidence is material and that reasonable grounds exist for the failure of the aggrieved party to adduce the evidence in prior proceedings, the court may remand the case to the department with directions that the additional evidence be taken by the department. The department may modify its findings and conclusions, in whole or in part, by reason of the additional evidence appeal in accordance with chapter 14.

Sec. 76. Minnesota Statutes 1982, section 178.09, subdivision 2, is amended to read:

Subd. 2. **DETERMINATION; APPEAL.** The determination of the director shall be filed with the commissioner and written notice shall be served on all parties affected ~~thereby~~ by it. Any person aggrieved by any determination or action of the director may appeal to the commissioner. If no appeal is filed with the commissioner within ten days of the date of service, the director's determination shall become the order of the commissioner. If an appeal is filed, the commissioner shall appoint and convene a hearing board to be composed of three members of the council, one member being a representative of an employer

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organization, one representative being a member of an employee organization, and one member representing the general public. ~~Such~~ The board shall hold a hearing on the appeal after due notice to the interested parties and shall submit to the commissioner findings of fact and a recommended decision accompanied by a memorandum of the reasons ~~therefor~~ for it. Within 30 days after submission, the commissioner may adopt as his own the recommended decision of the board, or disregard the recommended decision of the board and prepare his own decision based on the findings of fact and accompanied by his memorandum of reasons for that decision. Written notice of the commissioner's determination and order shall be served on all parties affected ~~thereby~~ by it. Any person aggrieved or affected by any determination or order of the commissioner may appeal ~~therefrom~~ from it to the district court having jurisdiction at any time within 30 days after the date of ~~such~~ the order by service of a written notice of appeal on the commissioner. Upon service of the notice of appeal, the commissioner shall file with the clerk of the district court to which the appeal is taken a certified copy of the order appealed from, together with findings of fact on which it is based. The person serving a notice of appeal shall, within five days after ~~the~~ its service ~~thereof~~, file it, with proof of service, with the clerk of the court to which the appeal is taken; ~~and thereupon~~. The district court shall then have jurisdiction over the appeal and it shall be entered in the records of the district court and tried de novo according to the applicable rules. Any person aggrieved or affected by any determination, order, or decision of the district court may appeal ~~to the supreme court~~ as in other civil cases.

Sec. 77. Minnesota Statutes 1982, section 179.64, subdivision 5, is amended to read:

Subd. 5. **REVIEW; APPEAL.** Any public employee ~~shall be~~ is entitled to request the opportunity to establish that he did not violate the provisions of this section. The request shall be filed in writing with the officer or body having the power to remove the employee, within ten days after notice of termination is served upon him. The employing officer or body shall within ten days commence a proceeding at which the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by the public employee. If there are contractual grievance procedures, laws or rules establishing proceedings to remove the public employee, the hearing shall be conducted in accordance with whichever procedure the employee elects ~~provided that~~. The election shall be binding and shall terminate any right to the alternative procedures. The same proceeding may include more than one employee's employment status if the employees' defenses are identical, analogous or reasonably similar. The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may ~~secure a review of his removal by serving a notice of appeal upon the employer removing him within 20 days after the results of the hearing have been announced.~~ This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the

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county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order as it deems proper. An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken from the district court order to the supreme court in accordance with chapter 14.

Sec. 78. Minnesota Statutes 1982, section 179.741, subdivision 3, is amended to read:

Subd. 3. **UNIVERSITY OF MINNESOTA.** Subject to the provisions of section 179.742, subdivision 5 ~~all appropriate units of University of Minnesota employees certified as of April 25, 1980 are abolished,~~ the following shall be the appropriate units of University of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 12. No additional units of University of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience, except as provided in unit 4.

(4) Health care nonprofessional and service unit. This unit shall consist of the positions of all nonprofessional employees of the University of Minnesota hospitals, dental school and health service whose work is unique to those settings, excluding labor and maintenance employees as defined in unit 3.

(5) Nursing professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including nontechnical data recording and retrieval and general office work, except as provided in unit 4.

(7) Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge

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or skills acquired through two year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.

(8) Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located on the Twin Cities campuses.

(9) Outstate instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the director, provided that ~~such an~~ the election shall not be held ~~unless and~~ until the Duluth campus has voted in favor of representation. The election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit and this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of April 25, 1980 or, after January 1, 1981, during the period between September 1 and November 1.

(10) Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.

(11) Noninstructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.63, subdivision 10, which are not defined as included within the instructional unit.

(12) Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.

The employer shall petition the director within 90 days of April 25, 1980 indicating his position with respect to the allocation of all positions to the units provided in this subdivision. The employer shall serve a copy of the petition on the exclusive representatives of the affected employees. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organization petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed ~~only to the supreme court which shall hear the matter on an expedited basis~~ to the court of appeals. Should both units 8 and 9 each elect

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exclusive bargaining representatives, those representatives may by mutual agreement jointly negotiate a contract with the regents, or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit.

Sec. 79. Minnesota Statutes 1982, section 181A.10, subdivision 2, is amended to read:

Subd. 2. **HEARINGS; REVIEW.** 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 ~~judgement~~ judgment and decree shall be final except that the same shall be subject to review on appeal to the supreme court as in other civil cases.

Sec. 80. Minnesota Statutes 1982, section 185.15, is amended to read:

185.15 COURT TO CERTIFY PROCEEDINGS TO SUPREME COURT ON APPEAL.

When any court of the state shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify, as in ordinary cases, the record of the case to the supreme court for its review for appeal. ~~Upon the filing of such record in the supreme court, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside, with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.~~

Sec. 81. Minnesota Statutes 1982, section 192A.255, subdivision 1, is amended to read:

Subdivision 1. **REFUSAL TO APPEAR.** Any person not subject to this code who:

(1) has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer designated to take a deposition to be read in evidence before such a court;

(2) has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the ~~supreme~~ district court of the state; and

(3) willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person ~~may have~~ has been legally subpoenaed to produce;

is guilty of an offense against the state and a military court may punish him in the same manner as the civil courts of the state.

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Sec. 82. Minnesota Statutes 1982, section 197.481, subdivision 6, is amended to read:

Subd. 6. **APPEALS.** Appeals of orders issued under this section shall be to the ~~Ramsey county district court in accord~~ accordance with sections ~~14.63 to 14.68~~ and to the supreme court as provided in section 14.70; the scope of judicial review shall be as prescribed by section 14.69. The commissioner may appeal to the supreme court as provided by the rules of civil appellate procedure from an order of the district court issued pursuant to this subdivision chapter 14.

Sec. 83. Minnesota Statutes 1982, section 204B.06, subdivision 4, is amended to read:

Subd. 4. **PARTICULAR OFFICES.** Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) for United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) for United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) for governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) for supreme court justice, court of appeals judge, or district court judge, that the candidate is learned in the law;

(e) for county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) for senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Sec. 84. Minnesota Statutes 1982, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **JUDICIAL CANDIDATES; DESIGNATION OF TERM.** An individual who files as a candidate for the office of associate justice of the supreme court, judge of the court of appeals, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate.

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The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each court of appeals, district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Sec. 85. Minnesota Statutes 1982, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. **AMOUNT.** Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the court of appeals, judge of the district court, or judge of the county municipal court of Hennepin county, \$150;

(b) for the office of senator in congress, \$200;

(c) for office of senator or representative in the legislature, \$50; and

(d) for a county office, \$50.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

Sec. 86. Minnesota Statutes 1982, section 204B.34, subdivision 3, is amended to read:

Subd. 3. **JUDICIAL ELECTIONS.** When one or more justices of the supreme court or judges of the court of appeals or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 87. Minnesota Statutes 1982, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **JUDICIAL CANDIDATES.** The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

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(a) In the case of the supreme court:

“For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term” or “to which (name of justice)..... was appointed”;

(b) In the case of the court of appeals:

“For the office of judge of the court of appeals to which (name of judge) was elected for the regular term” or “to which (name of judge) was appointed”;

(~~b~~) (c) In the case of the district court:

“For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular term” or “to which (name of judge)..... was appointed”; or

(~~e~~) (d) In the case of the county court:

“For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term” or “to which (name of judge)..... was appointed.”

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

“Successor to (name)....., elected (or appointed).”

Sec. 88. Minnesota Statutes 1982, section 204D.02, subdivision 1, is amended to read:

Subdivision 1. **OFFICERS.** All elective state and county officers, justices of the supreme court, judges of the court of appeals, district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Sec. 89. Minnesota Statutes 1982, section 204D.08, subdivision 6, is amended to read:

Subd. 6. **STATE AND COUNTY NONPARTISAN PRIMARY BALLOT.** The state and county nonpartisan primary ballot shall be headed “State and County Nonpartisan Primary Ballot.” It shall be printed on canary paper. The names of candidates for nomination to the supreme court, court of appeals, district, county and county municipal courts and all county offices shall be placed on this ballot.

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No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 90. Minnesota Statutes 1982, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. **WHITE BALLOT; RULES; REIMBURSEMENT.** The names of the candidates for all partisan offices voted on at the state general election and candidates for the office of justice and chief justice of the supreme court and the office of judge of the court of appeals shall be placed on a single ballot printed on white paper which shall be known as the "white ballot." This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties' costs.

Sec. 91. Minnesota Statutes 1982, section 209.09, is amended to read:

209.09 **APPEAL TO SUPREME COURT APPEALS.**

When an appeal is taken ~~to the supreme court~~ from the determination of the district court in any contest instituted under this chapter, the party appealing shall file in the district court a bond in ~~such~~ a sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his appeal. The notice of appeal shall be served and filed no later than ten days in case of a general election and no later than five days in case of a primary after the entry of the determination of the district court in the contest. The return of ~~such~~ the appeal shall be made, certified, and filed in the ~~supreme court of appeals~~ or, in the case of a contest relating to the office of state representative or senator, in the supreme court as soon as practicable and in any event within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon such notice from either party, as the court may determine ~~which~~. The notice may be served during term time or in vacation; and it may be heard and determined summarily by the court. The appeal from a determination of an election contest relating to the office of state senator or representative shall take precedence over all other business on the supreme court docket, and shall be disposed of with all convenient dispatch. A copy of the decision shall be forwarded to the chief clerk of the house of representatives or the secretary of the senate, as appropriate.

Sec. 92. Minnesota Statutes 1982, section 210A.01, subdivision 3, is amended to read:

Subd. 3. **CANDIDATE.** "Candidate" means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and

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who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, "candidate" does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered for constitutional office, member of the legislature, justice of the supreme court, court of appeals, or district court, county court, probate court, or county municipal court judge.

Sec. 93. Minnesota Statutes 1982, section 216.25, is amended to read:

216.25 APPEALS; ORDERS NOT APPEALED; PROCEEDINGS; REVIEW BY SUPREME COURT.

The person serving such notice of appeal shall, within such 30 day period, file the same with proof of service, with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal and the same shall be entered upon the records of the district court and shall be tried therein according to the rules relating to the trial of civil actions so far as the same are applicable. The complainant before the commission, if there was one (otherwise the state of Minnesota), shall be designated as complainant in the district court. No further pleadings than those filed before the commission shall be necessary. Such findings of fact shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the commission, not shown on the record, testimony thereon may be taken by the court. If the court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable, it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the commission so orders or unless the court upon examination of the order and the return made on the appeal, and after giving the respondent notice and opportunity to be heard, shall so direct. If such appeal is not taken such order shall become final, and it shall thereupon be the duty of the regulated persons affected to adopt and perform the acts therein prescribed. When no appeal is taken from an order, as herein provided, the parties affected by such order shall be deemed to have waived the rights to have the merits of such controversy reviewed by a court, and there shall be no trial of the merits or reexamination of the facts of any controversy in which such order was made, by any district court to which application may be made for a writ to enforce the same. Any party to a proceeding in the district court or contested case before the commission may appeal to the supreme court of Minnesota from the decision and order or judgment of such district court within the time and in the manner and under the procedure provided in rules of civil appellate procedure; provided

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that if the commission be the appellant, no bond upon such appeal shall be required in accordance with chapter 14.

Sec. 94. Minnesota Statutes 1982, section 216.27, is amended to read:

216.27 FILING PAPERS; EFFECT.

When in any such case an appeal is taken or such question certified, the commission shall ~~forthwith~~ file with the clerk of the proper district court all papers, pleadings, evidence, and orders in the proceeding and thereupon such court appellate courts the documents described by the rules of civil appellate procedure. The court of appeals shall have full jurisdiction to hear and determine the question of the jurisdiction of the commission in reference to the matter appealed from or certified. ~~Such~~ The proceeding may shall be brought on for hearing by either party on ten days' notice, either at a term or in vacation, and shall be heard upon the evidence taken before the commission and such further evidence as may be offered by either party governed by the rules of civil appellate procedure. If the order of the commission is reversed, upon filing a copy of the order of reversal with the commission, it shall ~~forthwith~~ proceed to determine the reasonableness of such the rates, fares, charges, and classification on the merits.

Sec. 95. Minnesota Statutes 1982, section 216B.16, subdivision 3, is amended to read:

Subd. 3. **INTERIM RATES.** Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule ex parte without a public hearing. Notwithstanding the provisions of sections ~~216.24, 216.25, 216B.27 and 216B.52,~~ no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the utility equal to that authorized by the commission in the utility's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the utility's most recent rate proceeding; and (3) no change in the existing rate design. In the case of a utility which has not been subject to a prior commission determination, the commission shall base the interim rate schedule on its most recent determination concerning a similar utility.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the utility to refund the excess amount collected under the interim

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rate schedule, including interest ~~thereon~~ on it which shall be at the rate of interest determined by the commission. The utility shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ by which the utility will recover the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the public utility fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled ~~thereto~~ to it. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the utility, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 96. Minnesota Statutes 1982, section 216B.52, subdivision 1, is amended to read:

Subdivision 1. **APPEALS.** Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected ~~thereby~~ by it, shall be entitled to may appeal from ~~such~~ the decision and order of the commission. ~~The proceedings shall be instituted by serving a notice of appeal personally or by certified mail upon the commission or one of its members or upon its secretary, and by filing the notice in the office of the clerk of the district court of the county of Ramsey or of the county in which the appellant resides or maintains his principal place of business, all within 30 days after the service of the order and decision of the commission or in cases where a rehearing is requested within 30 days after service of the order finally disposing of the application for the rehearing, or within 30 days after the final disposition by operation of law of the application for rehearing. The notice shall state the nature of the appellant's interest, the facts showing that the appellant is aggrieved and directly affected by the decision, and the grounds upon which the appellant contends that the decision should be reversed or modified. Copies of the notice shall be served, personally or by certified mail, not later than 30 days after the institution of the appeal, upon all parties who appeared before the commission in the proceeding in which the order sought to be reviewed was made. The commission and all parties to the proceeding before it, shall have the right to~~

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participate in the appeal. The court, in its discretion, may permit other interested parties to intervene in accordance with chapter 14.

Sec. 97. Minnesota Statutes 1982, section 231.33, is amended to read:

231.33 APPEAL TO THE SUPREME COURT.

Any party to an appeal or other proceeding in district court under the provisions of this chapter may appeal from the final judgment or from any final order ~~therein in the same cases and manner as in other civil actions cases.~~ The appeal may be filed in the supreme court before or during any term thereof and shall be immediately entered on the calendar and heard upon such notice as the court may prescribe.

Sec. 98. Minnesota Statutes 1982, section 237.075, subdivision 3, is amended to read:

Subd. 3. **INTERIM RATES.** Notwithstanding any order of suspension of a proposed increase in rates, the commission shall order an interim rate schedule into effect not later than 60 days after the initial filing date. The commission shall order the interim rate schedule ex parte without a public hearing. Notwithstanding the provisions of sections ~~216.24, 216.25, and 237.25,~~ no interim rate schedule ordered by the commission pursuant to this subdivision shall be subject to an application for a rehearing or an appeal to a court until the commission has rendered its final determination. Unless the commission finds that exigent circumstances exist, the interim rate schedule shall be calculated using the proposed test year cost of capital, rate base, and expenses, except that it shall include: (1) a rate of return on common equity for the company equal to that authorized by the commission in the company's most recent rate proceeding; (2) rate base or expense items the same in nature and kind as those allowed by a currently effective order of the commission in the company's most recent rate proceeding; and (3) no change in the existing rate design, except for products and services offered by nonregulated competitors. In the case of a company which has not been subject to a prior commission determination or has not had a general rate adjustment in the preceding three years, the commission shall base the interim rate schedule on its most recent determination concerning a similar company.

If, at the time of its final determination, the commission finds that the interim rates are in excess of the rates in the final determination, the commission shall order the company to refund the excess amount collected under the interim rate schedule, including interest ~~thereon~~ on it which shall be at the rate of interest determined by the commission. The company shall commence distribution of the refund to its customers within 120 days of the final order, not subject to rehearing or appeal. If, at the time of its final determination, the commission finds that the interim rates are less than the rates in the final determination, the commission shall prescribe a method ~~whereby~~ by which the company will recover

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the difference in revenues from the date of the final determination to the date the new rate schedules are put into effect.

If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and may recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. The commission shall not order an interim rate schedule into effect as provided by this subdivision until at least four months after it has made a final determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2, unless it finds that a four month delay would unreasonably burden the company, its customers, or its shareholders and that an earlier imposition of interim rates is therefore necessary.

Sec. 99. Minnesota Statutes 1982, section 237.20, is amended to read:

237.20 NOTICE TO COMMISSION AND PROCEDURE.

When a municipality decides in the manner above provided to acquire an existing plant by condemnation, it shall give notice to the commission ~~whose duty it shall be thereupon to~~ which shall determine the just compensation which the owner of the plant is entitled to receive ~~therefor~~ from the municipality. Before deciding upon ~~such~~ the compensation, the commission shall, at a public meeting which may be adjourned from time to time, hear all interested parties on the question involved. The commission shall by order fix the compensation and furnish a copy of its order to the municipality and to the telephone company concerned. An appeal may be taken to the district court of the county ~~wherein such in which~~ the plant is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party, ~~which~~. The appeal shall be tried the same as other appeals hereunder. If no ~~such~~ appeal is taken, the order of the commission shall become final at the end of 30 days; ~~and when appeal is taken the decision of the district court or of the supreme court, if taken there from the district court, shall be final.~~

Sec. 100. Minnesota Statutes 1982, section 237.25, is amended to read:

237.25 APPEALS FROM DECISIONS OF COMMISSION.

Any party to a proceeding before the commission or the attorney general may make and perfect an appeal from ~~such the~~ order as provided in sections ~~216.24 and 216.25~~ accordance with chapter 14.

Upon such appeal being so perfected it may be brought on for trial at any time by either party upon ten days' notice to the other and shall then be tried by

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the court without the intervention of a jury, and determined upon the pleadings, evidence, and exhibits introduced before the commission and so certified by it. At such trial the findings of fact made by the commission shall be prima facie evidence of the matters therein stated, and the order shall be deemed prima facie reasonable, and if the court finds that the order appealed from is unjust, unreasonable, and not supported by the evidence, it shall make such order to take the place of the order appealed from as is justified by the record before it. If the court finds from an examination of the record that the commission erroneously rejected evidence which should have been admitted, it shall remand the proceedings to the commission with instructions to receive ~~such~~ the evidence so rejected and any rebutting evidence and make new findings and return ~~the same~~ them to the court for further ~~proceedings~~ review. In such case the commission, after notice to the parties in interest, shall proceed to rehear the matter in controversy, and receive ~~such~~ the wrongfully rejected evidence and any rebutting evidence offered and make new findings, as upon the original hearing, and transmit ~~the same~~ it and ~~such~~ the new record, properly certified, to the court ~~wherein~~ the appeal is ~~pending~~ of appeals, whereupon the matter shall be again considered in the court in the same manner as in an original appeal. ~~Either party may appeal to the supreme court from the judgment of the district court, as in other civil actions, except that the appeal must be taken within 30 days from the date of notice of the entry of such judgment.~~

Where an appeal is taken to the supreme court the appellant shall cause a return to be made to the court within 30 days from the date of appeal, otherwise the appeal shall be deemed abandoned and may be dismissed upon motion of the respondent. When the return on the appeal is received by the clerk of the supreme court, the cause shall be placed on the calendar of the term then pending, or if none is then pending then of the one next ensuing and it shall be assigned and brought on for hearing as other causes on such calendar.

Sec. 101. Minnesota Statutes 1982, section 237.27, is amended to read:

237.27 ATTORNEY GENERAL TO COMPEL OBEDIENCE.

When any telephone company fails to comply with any law of the state or any order of the commission after it has become final, or any order or judgment of the district court, the court of appeals, or the supreme court in any cases taken to any of the courts, ~~or either of them~~, on appeal, after ~~such~~ the judgment or order has become final, it shall be the duty of the attorney general to ~~shall~~ apply to the district court in the name of the state in any county in which the plant of the telephone company, or any part thereof of it, is situated, for a mandatory injunction or other appropriate writ to compel obedience to the law, order, or judgment ~~and~~. The district court shall punish any disobedience of its orders in ~~such~~ the enforcement proceedings as for contempt of court.

Sec. 102. Minnesota Statutes 1982, section 237.39, is amended to read:

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237.39 PRIVATE TELEPHONE LINES SOLD TO TOWN.

When, under the provisions of sections 237.33 to 237.40, a township telephone system ~~shall be~~ is established in any township ~~wherein~~ in which any of the inhabitants of ~~such~~ the town are already provided with telephone service furnished by any other telephone company or person, ~~such~~ the town shall, when so requested by the telephone company or person, acquire from the telephone company all telephone equipment used by the telephone company or person in furnishing telephone service to the inhabitants of ~~such~~ the town exclusively. For the purpose of determining the purchase price of ~~such~~ the equipment, application shall be made to the department ~~whose duty it~~ which shall ~~be thereupon~~ to determine the just compensation which the owner of ~~such~~ the telephone equipment is entitled to receive ~~therefor~~ for it from the town. Before deciding upon ~~such~~ the compensation, the department shall, at a public meeting, which may be adjourned from time to time, hear all interested persons of the question involved. The department shall by order fix the compensation and furnish a copy of its order to the town, and to the telephone company or person concerned. An appeal may be taken to the district court of the county ~~wherein~~ such in which the town is situated from that part of the order fixing the compensation to be paid, within 30 days, by either party, ~~which~~. The appeal shall be tried in the same manner as other appeals hereunder;. If no ~~such~~ appeal is taken, the order of the department shall become final at the end of 30 days, and ~~when appeal is taken~~ the decision of the district court or of the supreme court, if taken there from the district court, shall be final.

When, under the provisions of sections 237.33 to 237.40 a township telephone system has been established in any town, and it has been determined by the board of supervisors of the town to be for the best interest of public service and all persons concerned, to sell and transfer the township telephone system to any telephone company or person giving service organized for that purpose and qualified to purchase the system and operate ~~the same~~ it, the board of supervisors shall have authority to may sell, transfer, and convey the township telephone system upon such reasonable price and terms as it may determine; provided, that there shall be presented to the board of supervisors by a petition signed by at least 25 percent of the freeholders of the town asking for the sale thereof; and;. If ~~such~~ the sale and agreed sale price ~~be~~ are approved at an annual or special town meeting, it being stated in the notice of ~~such~~ the annual and special meeting that the proposition will be considered ~~thereat~~ at it, by 66 percent of the legal voters attending ~~such~~ the meeting.

If any township telephone lines are sold under the provisions of sections 237.33 to 237.40, and the town has ~~theretofore~~ previously issued bonds for the their construction thereof, and any part of the bonds are then outstanding and unpaid, the entire consideration received from the sale, or such part as may be

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necessary, shall be held and applied only for the payment and retirement of ~~such~~ the bonds.

Sec. 103. Minnesota Statutes 1982, section 244.11, is amended to read:

244.11 APPELLATE REVIEW OF SENTENCE.

An appeal to the ~~supreme court~~ of appeals may be taken by the defendant or the state from any sentence imposed or stayed by the district court according to the rules of criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

When an appeal taken under this section is filed, the clerk of the district court shall certify ~~to the supreme court~~ the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

On an appeal pursuant to this section, the ~~supreme court~~ may review the sentence imposed or stayed to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact issued by the district court. This review shall be in addition to all other powers of review presently existing. The ~~supreme court~~ may dismiss or affirm the appeal, vacate or set aside the sentence imposed or stayed and direct entry of an appropriate sentence or order further proceedings to be had as the ~~supreme court~~ may direct.

This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal.

Sec. 104. Minnesota Statutes 1982, section 246.55, is amended to read:

246.55 APPEAL FROM ORDER OF COMMISSIONER.

Any patient or relative aggrieved by an order of the commissioner under sections 246.50 to 246.55 may appeal from ~~such the~~ order to the district court of the county in which he resides by serving notice of ~~such the~~ appeal on the commissioner and filing the notice, with proof of service ~~thereof~~, in the office of the clerk of the district court of ~~such the~~ county within 30 days from the date the order was mailed, or ~~such a~~ later date not exceeding one year from the date of mailing as permitted by order of ~~such the~~ court. ~~Such The~~ appeal may be brought on for hearing by the appellant or the commissioner upon ten days' written notice. It shall be tried to the court which shall hear ~~such~~ evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under sections 246.50 to 246.55 is brought in question on ~~such~~ appeal, ~~such the~~ order or determination shall be determined de novo. Appeal ~~to the supreme court~~ from the order of the district court may be taken ~~in the same manner as appeals are taken from~~ appealable orders in other civil actions cases.

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Sec. 105. Minnesota Statutes 1982, section 252A.21, subdivision 1, is amended to read:

Subdivision 1. **APPEAL.** The commissioner may appeal from an order of the court entered under sections 252A.01 to 252A.21 to the district court of appeals in the manner prescribed by sections 525.71 to 525.731, for appeals by the state. Any persons, other than the commissioner, aggrieved by an order of the court entered under sections 252A.01 to 252A.21, may appeal to the district court of appeals in the manner prescribed by sections 525.71 to 525.731.

Sec. 106. Minnesota Statutes 1982, section 253B.19, subdivision 5, is amended to read:

Subd. 5. **APPEAL TO SUPREME COURT.** An interested party ~~panel~~ may appeal from the decision of the appeal panel to the ~~supreme court in the same manner of appeals as other appeals in other civil actions cases.~~ supreme court in the same manner of appeals as other appeals in other civil actions cases. The filing of an appeal shall immediately suspend the operation of any order granting transfer, discharge or provisional discharge, pending the determination of the appeal.

Sec. 107. Minnesota Statutes 1982, section 253B.23, subdivision 7, is amended to read:

Subd. 7. **APPEAL.** The commissioner or any other aggrieved party may appeal to the district court of appeals from any order entered under this chapter ~~as in the manner prescribed in section 487.39 other civil cases.~~

Upon perfection of the appeal, the return shall be filed forthwith. The district court of appeals shall hear the appeal within 45 days after service of the notice of appeal. This appeal shall not suspend the operation of the order appealed from until the appeal is determined, unless otherwise ordered by the district court of appeals. ~~Notwithstanding any contrary provision in section 487.39, an appeal may be taken from the determination of a district court judge to the supreme court without leave of the supreme court.~~

Sec. 108. Minnesota Statutes 1982, section 256.045, subdivision 9, is amended to read:

Subd. 9. **APPEAL TO THE SUPREME COURT.** Any party who is aggrieved by the order of the district court may appeal the order ~~to the supreme court in the same manner as appeals from other orders in other civil actions cases.~~ to the supreme court in the same manner as appeals from other orders in other civil actions cases. No costs or disbursements shall be taxed against any party ~~on an appeal to the district court or the supreme court~~ nor shall any filing fee or bond be required of any party.

Sec. 109. Minnesota Statutes 1982, section 256.045, subdivision 10, is amended to read:

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Subd. 10. **PAYMENTS PENDING APPEAL.** If the commissioner of welfare, local welfare referee, or district court orders monthly assistance or aid or services paid or provided in any proceeding under this section, it shall be paid or provided pending appeal to the commissioner of welfare, district court, court of appeals, or supreme court.

Sec. 110. Minnesota Statutes 1982, section 259.32, is amended to read:

259.32 APPEALS.

Any order, judgment, or decree of a court pursuant to the provisions of sections 259.21 to 259.32 may be appealed to the ~~supreme court~~ by any person against whom ~~any such the~~ order, judgment, or decree is made or who is affected ~~thereby by it~~ as ~~are~~ appeals from said court in other matters civil cases.

Sec. 111. Minnesota Statutes 1982, section 260.291, subdivision 2, is amended to read:

Subd. 2. **COURT HEARING APPEAL.** (a) The appeal from a ~~district court juvenile court~~ is taken ~~directly to the supreme court of~~ of appeals in the same manner in which appeals are taken as in other civil actions cases.

(b) The appeal from a ~~probate juvenile court~~ is taken to the district court which shall try the case de novo. An appeal in the district court de novo action may be taken to the supreme court in the same manner as an appeal is taken from a district court juvenile court.

Sec. 112. Minnesota Statutes 1982, section 268.06, subdivision 20, is amended to read:

Subd. 20. **PROTEST, REVIEW, REDETERMINATION, APPEAL.** A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by ~~such the~~ employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him, ~~which.~~ The date shall appear on ~~such the~~ notice. Upon receipt of ~~such the~~ protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on ~~such the~~ notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case, ~~and he.~~ The official shall either affirm or make a redetermination rectifying ~~said the~~ charges or rate as the case may be, and a notice of ~~such the~~ affirmation or redetermination shall immediately be mailed to ~~said the~~ employer. If the employer is not satisfied with ~~such the~~ affirmation or redetermination, he may appeal ~~therefrom~~ by filing a notice ~~thereof~~ with the department within ten days after the date of mailing appearing upon ~~said the~~ redetermination. Upon the receipt of ~~such the~~

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appeal, the commissioner shall refer the matter to a referee for a hearing and after opportunity for a fair hearing, the referee shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The referee may order the consolidation of two or more appeals whenever, in his judgment, ~~such~~ consolidation will not be prejudicial to any interested party. At any ~~such~~ hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the referee shall be made in the same manner as appeals from the decision of an appeal tribunal. Decisions of the commissioner made upon appeal from a decision of the referee shall be reviewed by the ~~supreme~~ court of appeals upon certiorari in accordance with the procedure outlined ~~therefor~~ with respect to benefit decisions.

Sec. 113. Minnesota Statutes 1982, section 268.10, subdivision 8, is amended to read:

Subd. 8. **CERTIORARI.** Any ~~such~~ decision of the commissioner may be reviewed on certiorari by the ~~supreme~~ court of appeals provided ~~such~~ a petition for the writ is ~~issued~~ filed and served upon the adverse party or parties within 30 days after the date of mailing notice of any decision to him at his last known address.

Any party in interest, except a claimant for benefits, upon the service of ~~such~~ the writ shall furnish a cost bond to be approved by the commissioner and pay to the department of economic security the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule.

Sec. 114. Minnesota Statutes 1982, section 268.12, subdivision 13, is amended to read:

Subd. 13. **DETERMINATIONS.** (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of ~~such~~ the determination. ~~Such~~ The determination shall be final unless the employing unit ~~shall~~, within 30 days after the mailing of notice of the determination to the employing unit's last known address ~~file~~, files a written appeal ~~therefrom~~ from it.

(2) The commissioner shall designate one or more ~~representatives, herein referred to as referees,~~ to conduct hearings on appeals. The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The referee shall

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fix a time and place within this state for ~~such~~ the hearing and shall give interested parties written notice thereof of it, by mail, not less than ten days prior to the time of ~~such~~ the hearing. In the discharge of the duties imposed by this subdivision, the referee shall ~~have power to~~ may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of ~~such~~ the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of ~~such~~ the employee's duties, shall be competent evidence of the facts therein contained in it and shall be prima facie correct, unless refuted by other credible evidence.

(3) Upon the conclusion of ~~such~~ the hearing, the referee shall serve upon the interested parties by mail findings of fact and decision ~~in respect thereto~~. The decision of the referee, together with his findings of fact and reasons in support thereof of them, shall be ~~is~~ final unless an interested party shall, within 30 days after the mailing of a copy thereof of it to the interested parties' last known addresses, file files an appeal with the commissioner, or unless the commissioner, within 30 days after mailing of ~~such~~ the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the referee shall be ~~had~~ in the manner provided by ~~regulation~~ rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the referee on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the referee and examine the testimony taken and make ~~such~~ any findings of fact as the evidence taken before the referee may, in the judgment of the commissioner, require, and make ~~such~~ any decision as the facts so found by him ~~may~~ require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses, and notice of such decision shall contain a statement setting forth the cost of certification of the record in the matter. The decision of the commissioner shall become ~~is~~ final unless judicial review thereof of it is sought as provided by this subdivision. Any interested party to a proceeding before a referee ~~or~~ the commissioner may obtain a transcript of the testimony taken before the referee upon payment to the commissioner of the cost of ~~such~~ the transcript to be ~~computed~~ at the rate of ten cents per 100 words.

(4) The district court of the county wherein the hearing before the referee was held shall appeals may, by writ of certiorari to the commissioner, ~~have power to~~ review all questions of law and fact presented by the record in accordance with chapter 14. The court shall not accept any new or additional evidence and shall not try the matter de novo. Such action shall be commenced within 30 days of the mailing of notice of the findings and decision of the commissioner to the interested parties affected thereby mailed to their last known addresses. The

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commissioner shall not be required to certify the record to the district court unless the party commencing ~~such~~ the proceedings for review, as ~~provided above,~~ shall ~~pay~~ pays to the commissioner the cost of certification of the record computed at the rate of ten cents per 100 words less ~~such~~ any amount as may have been previously paid by ~~such~~ the party for a transcript. It shall be the duty of The commissioner shall, upon receipt of ~~such~~ the payment, to prepare and certify to the court a true and correct typewritten copy of all matters contained in ~~such~~ the record. The costs so collected by the commissioner shall be deposited by him in the employment services administration fund provided for in section 268.15.

The party commencing proceedings for review shall file his brief with the court and serve it upon the commissioner within 60 days of commencing proceedings. The commissioner shall file his brief with the court and serve it upon the party within 45 days of the service of the party's brief upon the commissioner. The party may file a reply brief with the court and serve it upon the commissioner within 15 days of the service of the commissioner's brief upon him. The proceedings shall be given precedence over all other civil cases before the court.

The court may confirm or set aside the decision and determination of the commissioner. If the decision and determination is set aside and the facts found in the proceedings before the referee are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the commissioner for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper.

Any decision of the district court may be reviewed on certiorari by the supreme court provided the writ is issued and served upon the adverse party or parties within 30 days after the mailing of the notice of the decision.

(5) A final decision of the commissioner or referee, in the absence of appeal ~~therefrom,~~ shall be ~~is~~ conclusive for all the purposes of sections 268.03 to 268.24 except as herein otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or referee determines the amount of contributions due under sections 268.03 to 268.24, then, if ~~such~~ the amount, together with interest and penalties, is not paid within 30 days after ~~such~~ the decision, the provisions of section 268.161 shall apply; ~~and,~~ The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report ~~therein~~ provided.

Sec. 115. Minnesota Statutes 1982, section 270.22, is amended to read:

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270.22 FINDINGS OF FACT.

The commissioner of revenue shall determine the controversy upon the evidence produced at such the hearing and shall make and file written findings of fact and his order determining the controversy. In the equalization and determination of valuations, the findings and values as given by the assessor of the local assessment district shall be considered as prima facie correct. Copies of such the order and findings shall be mailed to all parties appearing at such the hearing, and to the auditor of the county in which the property is located. Any municipality which has appeared in such the proceedings, and which is aggrieved by the order of the commissioner of revenue reducing the assessed valuation of any such the property, or failing to increase such the assessed valuation, may have the order of the commissioner of revenue reviewed by appeal to the supreme court of appeals, on either of the following grounds: (a) that the determination of the commissioner of revenue was not in accordance with the laws relating to the assessment of property, or that the commissioner of revenue committed any other error of law; or (b) that the findings of fact and determination of value were unwarranted by or were contrary to the weight of the evidence.

Any owner of property who has appeared in such the proceedings and who is aggrieved by the order of the commissioner of revenue raising the assessed valuation of any such the property, or failing to reduce such the assessed valuation, may have the order of the commissioner of revenue reviewed on appeal to the supreme court of appeals in like manner and upon the same grounds as hereinabove provided for review on the appeal of any municipality, as hereinafter provided.

Sec. 116. Minnesota Statutes 1982, section 270.23, is amended to read:

270.23 NOTICE OF APPEAL.

To secure such review, the municipality shall, within 30 days after mailing of notice of such the determination by the commissioner of revenue, serve upon the commissioner of revenue a notice of appeal to the supreme court of appeals from the order of the commissioner of revenue and file the original thereof, with proof of service, with the clerk of the supreme court appellate courts, paying the filing fee provided by law for appeals in civil actions. The filing of such the notice of appeal shall vest the supreme court with jurisdiction thereof and such the appeal shall be heard and disposed of as in the case of appeals from other civil actions from the district court cases. Records and briefs shall be served and filed as provided by law or rule of court in such appeals.

The supreme court shall reverse or affirm the order of the commissioner of revenue or remand the cause to the commissioner of revenue for a new hearing or further proceedings or for other disposition thereof, with such further directions as the court may deem deems proper.

Sec. 117. Minnesota Statutes 1982, section 270.26, is amended to read:

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270.26 PROCEEDINGS TO DETERMINE ASSESSED VALUATION.

The proceedings provided hereby in this section are for the purpose of determining the assessed valuation upon the basis of which taxes are spread against property, or ~~the its~~ owner thereof, in the first instance. The order of the commissioner of revenue, or the final order for judgment of the ~~supreme~~ court ~~thereon of appeals on it~~, shall not be a bar to any defense against ~~such the~~ taxes interposed at the time of the proceedings for judgment ~~thereon, and on them~~. All defenses which may be set up against the proceedings for judgment upon ~~such the~~ taxes under existing laws may be asserted notwithstanding the determination of the commissioner of revenue or the ~~supreme~~ court hereunder. ~~In If~~ the event ~~that~~ taxes are levied or extended pending review of the order of the commissioner of revenue by the ~~supreme~~ court, as ~~hereinbefore~~ provided, a judgment entered upon ~~such the~~ taxes in the tax delinquency proceedings shall not be a bar to the spreading of further taxes against ~~such the~~ property for ~~such that~~ year, in the event the assessed valuation of ~~such the~~ property is raised as herein provided. In the proceedings for the collection of any taxes which include an additional levy because of the raising of the assessed valuation of any property ~~hereunder~~, the owner may answer separately to the proceedings to obtain judgment for ~~such the~~ excess levy.

Sec. 118. Minnesota Statutes 1982, section 270.68, subdivision 2, is amended to read:

Subd. 2. **APPEALS.** Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 1 may ~~remove appeal~~ the judgment ~~to the supreme court by appeal~~, as provided for appeals in other civil cases.

Sec. 119. Minnesota Statutes 1982, section 273.16, is amended to read:

273.16 DETERMINATION OF CLASSIFICATION.

The classification of iron-bearing formations under the provisions of sections 273.14 to 273.16 shall be determined in the manner ~~hereinafter set forth~~ provided. Any person engaged in the business of mining, whose tonnage recovery of iron ore concentrates for a taxable year in producing concentrates from the iron-bearing material entering the beneficiating plant has been less than 50 percent, may file a petition with the commissioner of revenue requesting classification of ~~such the~~ deposit under the provisions of sections 273.14 to 273.16. The taxpayer shall furnish ~~such any~~ available data and information concerning the operation of ~~such the~~ deposit as the commissioner of revenue ~~may require, and who requires~~. The commissioner shall, upon receipt thereof of it, submit ~~such the~~ petition and data to the University of Minnesota mines experiment station. The mines experiment station shall consider the deposit referred to in the petition as a unified commercial operation; ~~and~~. Based on all engineering data and information furnished, it shall file a written report ~~thereon~~ with the

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commissioner of revenue, who, after hearing ~~duly had~~, shall approve or disapprove ~~such the~~ report. If a classification is made covering ~~such the~~ deposit and property, the commissioner of revenue shall give appropriate notice ~~thereof of it~~ to the taxing districts affected ~~thereby by it~~. If the commissioner of revenue ~~disapprove such disapproves of the~~ classification, his findings and order ~~thereon on it~~ may be reviewed by a writ of certiorari issued out of the supreme court of ~~appeals~~ on petition of the party aggrieved presented to the court within 30 days after the date of the order. ~~Such The~~ classifications shall also be subject to further review by the mines experiment station, from time to time, upon request of the commissioner of revenue or upon further petition by the taxpayer. Valuations determined hereunder shall be subject to the provisions of sections 270.19 to 270.26.

Sec. 120. Minnesota Statutes 1982, section 279.21, is amended to read:

279.21 APPEAL TO SUPREME COURT.

The orders and judgment of the district court ~~shall be are~~ subject to review ~~by the supreme court~~ as in other civil actions cases. As soon as the appeal is decided, the clerk of the ~~supreme court appellate courts~~ shall enter the proper order and ~~forthwith~~ transmit a certified copy ~~thereof of it~~ to the clerk of the district court. ~~Such The~~ appeal shall not prevent the entry of judgment in the district court, or the sale of any parcel of land pursuant to ~~such the~~ judgment, unless at the time of taking the appeal ~~there be a bond is~~ filed with the clerk of the district court a bond, with sureties, in an amount to be approved by the judge ~~thereof~~, conditioned for the payment of the amount for which ~~such the~~ judgment shall be rendered, and the penalties and costs allowed by law, if the decision of the district court ~~shall be is~~ affirmed.

Sec. 121. Minnesota Statutes 1982, section 282.01, subdivision 3, is amended to read:

Subd. 3. **SALE OF NONCONSERVATION LANDS.** All parcels of land classified as nonconservation, except those which may be reserved, shall be sold as ~~hereinafter~~ provided, if it ~~shall be is~~ determined, by the county board of the county ~~wherein such in which~~ the parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county ~~wherein such in which~~ the parcels lie, and ~~such~~. ~~The~~ parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13. In ~~such an~~ appraisal the value of the land and any standing timber ~~thereon on it~~ shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber ~~thereon on it~~ and the sale of the land have been approved by the commissioner of natural resources. The commissioner of ~~natural resources~~ shall base his review of a proposed sale on the policy and considerations specified in

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subdivision 1. The decision of the commissioner of natural resources shall be in writing and shall state the reasons therefor for it. The county may appeal the decision of the commissioner of natural resources to the district court in the manner provided by sections 14.63 to 14.68 or judicial review of contested case decisions accordance with chapter 14.

In any county wherein in which a state forest or any part thereof of it is located, the county auditor shall submit to the commissioner of natural resources at least 30 days before the first publication of the list of lands to be offered for sale a list of all lands included therein on the list which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that he finds standing timber on any parcel of such land, such the parcel shall not be sold unless the requirements of this section respecting the separate appraisal of such the timber and the approval thereof of the appraisal by the commissioner shall have been complied with. The commissioner may waive the requirement of the aforesaid 30-day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the nonpayment of taxes, and such the improvement is assessed in whole or in part against the property benefited thereby by it, the clerk of such the municipality shall certify to the county auditor, immediately upon the determination of the assessments for such the improvement, the total amount that would have been assessed against such the parcel of land if it had been subject to assessment; or if any such the public improvement is made, as aforesaid, or is petitioned for, ordered in or assessed, whether such the improvement is completed in whole or in part, at any time between the appraisal and the sale of any such the parcel of land, the cost of such the improvement shall be included as a separate item and added to the appraised value of any such the parcel of land at the time it is sold; and. No sale of any such a parcel of land shall have any effect whatever to discharge or free such the parcel of land from lien for the special benefit conferred upon it by reason of such the public improvement until the cost thereof of it, including penalties, if any, shall be is paid. The county board shall determine the amount, if any, by which the value of such the parcel was enhanced by such the improvement and shall include such the amount as a separate item in fixing the appraised value for the purpose of sale. In classifying, appraising, and selling such the lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of such the tracts into smaller units or for the grouping of several such tracts into one tract when such the subdivision or grouping is deemed advantageous for the purpose of sale, but. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners, in its discretion, may, by resolution, authorize the sale of such the smaller tract or larger tract without reclassification.

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Sec. 122. Minnesota Statutes 1982, section 290.48, subdivision 6, is amended to read:

Subd. 6. **APPEALS.** Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under subdivision 5 may ~~remove appeal~~ the judgment to the ~~supreme court by appeal of appeals~~, as provided for ~~appeals in other~~ civil cases.

Sec. 123. Minnesota Statutes 1982, section 290.92, subdivision 6, is amended to read:

Subd. 6. **RETURNS, DEPOSITS.** (1) (a) **RETURNS.** Every employer who is required to deduct and withhold tax under subdivision 2a or 3 shall file a return with the commissioner for each quarterly period, on or before the last day of the month following the close of each quarterly period, unless otherwise prescribed by the commissioner. Any tax required to be deducted and withheld during the quarterly period shall be paid with the return unless an earlier time for payment is provided herein. However, any ~~such~~ return may be filed on or before the tenth day of the second calendar month following ~~such the~~ period if ~~such the~~ return shows timely deposits in full payment of ~~such the~~ taxes due for ~~such that~~ period. For the purpose of the preceding sentence, a deposit which is not required to be made within ~~such the~~ return period, may be made on or before the last day of the first calendar month following the close of ~~such the~~ period. Every employer, in preparing ~~said~~ a quarterly return, shall take credit for monthly deposits previously made in accordance with this subdivision.

The return shall be in the form and contain the information prescribed by the commissioner. The commissioner may grant a reasonable extension of time for filing the return and paying the tax, but no extension shall be granted for more than six months.

(b) **ADVANCE DEPOSITS REQUIRED IN CERTAIN CASES.** (i) Unless clause (ii) is applicable, if during any calendar month, other than the last month of the calendar quarter, the aggregate amount of the tax withheld during that quarter under subdivision 2a or 3 exceeds \$200, ~~or beginning January 1, 1982,~~ \$500, the employer shall deposit the aggregate amount with the commissioner within 15 days after the close of the calendar month. (ii) If at the close of any eighth-monthly period the aggregate amount of undeposited taxes is \$3,000 or more, the employer shall deposit the undeposited taxes with the commissioner within three banking days after the close of the eighth-monthly period. For purposes of this subparagraph, the term "eighth-monthly period" means the first three days of a calendar month, the fourth day through the seventh day of a calendar month, the eighth day through the 11th day of a calendar month, the 12th day through the 15th day of a calendar month, the 16th day through the 19th day of a calendar month, the 20th day through the 22nd day of a calendar month, the 23rd day through the 25th day of a calendar month, or the portion of a calendar month following the 25th day of ~~such the~~ month.

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(c) **OTHER METHODS.** The commissioner shall have the power ~~may~~ by rule to prescribe other return periods or deposit requirements. In prescribing the reporting period, the commissioner may classify employers according to the amount of their tax liability and may adopt an appropriate reporting period for each class which he deems to be consistent with efficient tax collection. In no event shall the duration of the reporting period be more than one year, provided that for employers with annual withholding tax liabilities of less than \$1,200 the reporting period shall be no more frequent than quarterly.

(2) If less than the correct amount of ~~such~~ tax is paid to the commissioner, proper adjustments, with respect to both the tax and the amount to be deducted, shall be made, without interest, in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ prescribes. If ~~such the~~ underpayment cannot be so adjusted, the amount of the underpayment shall be assessed and collected in ~~such the~~ manner and at ~~such the~~ times as the commissioner ~~may prescribe~~ prescribes.

(3) If any employer fails to make and file any return required by paragraph (1) at the time prescribed ~~therefor~~, or makes and files a false or fraudulent return, the commissioner shall make for him a return from his own knowledge and from ~~such~~ information as he ~~can obtain~~ obtains through testimony, or otherwise, and assess a tax on the basis ~~thereof~~ of it. The amount of tax shown ~~thereon~~ on it shall be paid to the commissioner at ~~such the~~ times as the commissioner ~~may prescribe~~ prescribes. Any ~~such~~ return or assessment so made by the commissioner shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect ~~thereto~~ to it.

(4) If the commissioner, in any case, has reason to believe that the collection of the tax provided for in paragraph (1) of this subdivision, and any added penalties and interest, if any, will be jeopardized by delay, he may immediately assess ~~such the~~ tax, whether or not the time otherwise prescribed by law for making and filing the return and paying ~~such the~~ tax has expired.

(5) Any assessment under this subdivision shall be made by recording the liability of the employer in the office of the commissioner in accordance with ~~regulations~~ rules prescribed by the commissioner. Upon request of the employer, the commissioner shall furnish the employer a copy of the record of assessment.

(6) Any assessment of tax under this subdivision shall be made within three and one-half years after the due date of the return required by paragraph (1), or the date the return was filed, whichever is later; ~~except that~~. In the case of a false or fraudulent return or failure to file a return, the tax may be assessed at any time.

(7) (a) Except as provided in (b) of this paragraph, every employer who fails to pay to or deposit with the commissioner any sum or sums required by this section to be deducted, withheld and paid, shall be personally and individually

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liable to the state of Minnesota for such the sum or sums (and any added penalties and interest); ~~and~~. Any sum or sums deducted and withheld in accordance with the provisions of subdivision 2a or subdivision 3 shall be held to be a special fund in trust for the state of Minnesota.

(b) If the employer, in violation of ~~the provision~~ of this section, fails to deduct and withhold the tax under this section, and thereafter the taxes against which such the tax may be credited are paid, the tax ~~so~~ required to be deducted and withheld shall not be collected from the employer; but this ~~shall in no case~~ does not relieve the employer from liability for any penalties and interest otherwise applicable ~~in respect of such for~~ failure to deduct and withhold.

(8) Upon the failure of any employer to pay to or deposit with the commissioner, within the time provided by paragraphs (1), (2),₂ or (3) of this subdivision, any tax required to be withheld in accordance with the provisions of subdivision 2a or subdivision 3, or if the commissioner has assessed a tax pursuant to paragraph (4), such the tax shall become immediately due and payable, and the commissioner may deliver to the attorney general a certified statement of the tax, penalties and interest due from such the employer. The statement shall also give the address of the employer owing such the tax, the period for which the tax is due, the date of the delinquency, and such any other information as ~~may be~~ required by the attorney general. ~~It shall be the duty of~~ The attorney general ~~to shall~~ institute legal action in the name of the state to recover the amount of such the tax, penalties, interest and costs. The commissioner's certified statement to the attorney general shall for all purposes and in all courts be prima facie evidence of the facts ~~therein~~ stated in it and that the amount shown ~~therein in it~~ is due from the employer named in the statement. ~~In event~~ If an action is instituted as ~~herein provided~~, the court shall, upon application of the attorney general, appoint a receiver of the property and business of the delinquent employer for the purpose of impounding ~~the same~~ it as security for any judgment which has been or may be recovered. Any such action shall be brought within four years and three months after the due date of the return or deposit required by paragraph (1), or the date the return was filed, or deposit made whichever is later; ~~except that~~. In the case of failure to make and file such the return or if such the return is false or fraudulent, or such the deposit is not made such, the action may be brought at any time.

(8a) The period of time during which a tax must be assessed or collection proceedings commenced under this subdivision shall be suspended during the period from the date of filing of a petition in bankruptcy until 30 days after the commissioner of revenue receives notice that the bankruptcy proceedings have been closed or dismissed or the automatic stay has been terminated or has expired.

The suspension of the statute of limitations under this subdivision shall apply to the person against whom the petition in bankruptcy is filed and all other persons who may also be wholly or partially liable for the tax under this chapter.

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(9) Either party to an action for the recovery of any tax, interest or penalties under this subdivision may ~~remove appeal the judgment to the supreme court by appeal,~~ as provided for appeals in other civil cases.

(10) No suit shall lie to enjoin the assessment or collection of any tax imposed by this section, or the interest and penalties added ~~thereto to it.~~

Sec. 124. Minnesota Statutes, section 294.09, subdivision 3, is amended to read:

Subd. 3. **DENIAL OF CLAIM, APPEAL.** Either party to ~~said~~ the civil action may appeal to the supreme court of appeals as in other civil cases.

Sec. 125. Minnesota Statutes 1982, section 297.08, subdivision 3, is amended to read:

Subd. 3. **INVENTORY; JUDICIAL DETERMINATION; APPEAL; DISPOSITION OF SEIZED PROPERTY.** Within two days after the seizure of any alleged contraband, the person making the seizure shall deliver an inventory of the property seized to the person from whom the seizure was made, if known, and file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the commissioner a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture, ~~and thereupon.~~ The commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal ~~to the supreme court,~~ either (1) deliver the forfeited property to the commissioner of public welfare for use by patients in state institutions ~~or;~~ (2) cause ~~the same it~~ to be destroyed; or (3) cause ~~the forfeited property it~~ to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. Whenever the commissioner is satisfied that any person from whom property is seized under sections 297.01 to 297.13 was acting in good faith and without intent to evade the tax imposed by sections 297.01 to 297.13, he shall release the property seized, without further legal proceedings.

Sec. 126. Minnesota Statutes 1982, section 297.08, subdivision 4, is amended to read:

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Subd. 4. **DISPOSAL.** The property described in subdivision 1, clause 5 shall be confiscated after conviction of the person from whom it was seized, upon compliance with the following procedure: the commissioner or his agents, shall file with the court a separate complaint against the property, describing it and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the property at the time of seizure, if any. If the person arrested is acquitted, the court shall dismiss the complaint against the property and order it returned to the persons legally entitled to it. Upon conviction of the person arrested, the court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any of the property, and to persons unknown claiming any right, title, interest or lien in it, describing the property and (1) stating that it was seized and that a complaint against it, charging the specified violation, has been filed with the court, ~~and~~ (2) requiring the persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon the property, within thirty days after the service of the order as ~~herein~~ provided, and (3) notifying them in substance that if they fail to file their answer within the time, the property will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon any person known or believed to have any right, title, interest or lien as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed as ~~and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth the fact, order the property sold by the commissioner or his agents, ~~and~~. The proceeds of the sale, after deducting the expense of keeping the property and fees and costs of sale, paid into the state treasury, to be credited to the general fund. If answer is filed as ~~and~~ within the time provided, the court shall fix a time for hearing, which shall be not less than ten nor more than 30 days after the time for filing answer expires. At the time fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil actions. If the court ~~shall find~~ finds that the property, or any part ~~thereof of it~~, was used in the violation specified in the complaint, he shall order the property unlawfully used, sold as ~~herein~~ provided by law, unless the owner ~~shall show~~ shows to the satisfaction of the court that he had no notice or knowledge or reason to believe that the property was used or intended to be used in the violation. The officer making a sale, after deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the property was being used or was intended to be used for or in connection with the violation specified in the order of the court, ~~and~~ shall pay the balance of the proceeds into the state treasury to be credited to the general fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens ~~thereon~~ on it. Appeal from the order of the district

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court will lie to the ~~supreme court~~ as in other civil actions cases. At any time after seizure of the articles specified in this subdivision, and before the hearing ~~herein~~ provided for, the property shall be returned to the owner or person having a legal right to its possession thereof, upon execution by him of a good and valid bond to the state of Minnesota, with corporate surety, in the sum of not less than \$100 and not more than double the value of the property seized, to be approved by the court in which the case is triable, or a judge ~~thereof~~ of it, conditioned to abide any order and the judgment of the court, and to pay the full value of the property at the time of seizure. The proceedings outlined in this subdivision may be dismissed by the commissioner when he deems it to be in the best interests of the state to do so.

Sec. 127. Minnesota Statutes 1982, section 297.37, subdivision 5, is amended to read:

Subd. 5. **REVIEW.** Any person aggrieved by an order of the commissioner fixing a tax, penalty, or interest under section 297.35 may, within 60 days from the date of notice of the order, appeal to the tax court in the manner provided by law. Any other order of the commissioner under sections 297.31 to 297.39 shall be subject to review by certiorari to the court of appeals.

Sec. 128. Minnesota Statutes 1982, section 297A.15, subdivision 4, is amended to read:

Subd. 4. **SEIZURE; COURT REVIEW.** The commissioner of revenue or his duly authorized agents are ~~hereby authorized and~~ empowered to seize and confiscate in the name of the state any truck, automobile or means of transportation not owned or operated by a common carrier, used in the illegal importation and transportation of any article or articles of tangible personal property by a retailer or his agent or employee who does not have a sales or use tax permit and has been engaging in transporting personal property into the state without payment of the tax. The commissioner may demand the forfeiture and sale of the truck, automobile or other means of transportation together with the property being transported illegally, unless the owner ~~can establish~~ establishes to the satisfaction of the commissioner or the court that he had no notice or knowledge or reason to believe that the vehicle was used or intended to be used in any such violation. Within two days after the seizure, the person making the seizure shall deliver an inventory of the vehicle and property seized to the person from whom the seizure was made, if known, and to any person known or believed to have any right, title, interest or lien on the vehicle or property, and shall also file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the vehicle and property was seized or any person claiming an interest in the vehicle or property may file with the commissioner a demand for a judicial determination of the question as to whether the vehicle or property was lawfully subject to seizure and forfeiture, ~~and thereupon~~. The commissioner, within 30 days, shall institute an action in the

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district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the supreme court, cause the forfeited vehicle and property to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the vehicle and property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the vehicle and property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. The forfeiture and sale of the automobile, truck or other means of transportation, and of the property being transported illegally ~~therein in it, shall be and operate as is~~ a penalty for the violation of this chapter. After deducting the expense of keeping the vehicle and property, the fee for seizure, and the costs of the sale, the commissioner shall pay from the funds collected all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that the vehicle or property was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury to be credited to the general fund. The state shall not be liable for any liens in excess of the proceeds from the sale after deductions provided ~~herein~~. Any sale under the provisions of this section shall operate to free the vehicle and property sold from any and all liens ~~thereon on it~~, and appeal from ~~such the~~ order of the district court will lie ~~to the supreme court~~ as in other civil actions cases.

For the purposes of this section, "common carrier" means any person engaged in transportation for hire of tangible personal property by motor vehicle, limited to (1) a person possessing a certificate or permit authorizing for-hire transportation of property from the interstate commerce commission or the Minnesota public utilities commission; or (2) any person transporting commodities defined as "exempt" in for-hire transportation; or (3) any person who pursuant to a contract with a person described in (1) or (2) above transports tangible personal property.

Sec. 129. Minnesota Statutes 1982, section 298.09, subdivision 3, is amended to read:

Subd. 3. **ORDER; APPEAL.** After ~~such the~~ hearing the commissioner of revenue shall make his order either affirming his determination of the tax due from the person so appearing or modifying ~~such the~~ determination as he ~~shall deem deems~~ just and equitable, ~~and~~. Upon the making and filing of ~~such the~~ order, ~~said the~~ determination shall, except as ~~hereinafter~~ otherwise provided, become final and conclusive. The determination of the amount of tax due from

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any person not appearing at such the hearing shall, except as hereinafter otherwise provided, become final and conclusive on the second secular day following the fourteenth day of May without further order. The determination by the commissioner of revenue of the amount of any tax due hereunder shall, except as hereinafter otherwise provided, be subject to review only on a writ of certiorari issued out of the supreme court of appeals on petition therefor for it presented to said the court by the person subject to the tax on or before July first next following the determination of the tax.

Sec. 130. Minnesota Statutes 1982, section 299D.03, subdivision 11, is amended to read:

Subd. 11. **REVIEW BY CERTIORARI STATE TROOPER; APPEAL.** Any state trooper who is so suspended, demoted, or dismissed may have such appeal the decision or determination of the commissioner ~~reviewed by a writ of certiorari in the district court of the county where such trooper resides.~~ If ~~such decision or determination of the commissioner shall be finally rejected or modified by the court, the trooper shall be reinstated in his position, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court in accordance with chapter 14.~~

Sec. 131. Minnesota Statutes 1982, section 299F.25, is amended to read:
299F.25 **APPEALS.**

Either party to an action or a judgment for the recovery of any taxes, interest, or penalties under section 299F.24 may ~~remove the action or judgment~~ appeal to the supreme court by appeal, of appeals as provided for appeals in other civil cases.

Sec. 132. Minnesota Statutes 1982, section 299F.26, subdivision 3, is amended to read:

Subd. 3. **DENIAL OF CLAIM, APPEAL.** Either party to ~~said the~~ the action may appeal to the supreme court of appeals as in other civil cases.

Sec. 133. Minnesota Statutes 1982, section 327B.05, subdivision 2, is amended to read:

Subd. 2. **DENIAL; APPEAL; RECONSIDERATION.** If the commissioner denies an application for a license, he shall inform the applicant and summarize in writing the reasons for the denial. Within 15 days of receiving the commissioner's notice, the applicant may request in writing that the commissioner reconsider. The request for reconsideration shall explain why the commissioner's previous decision was wrong and shall specifically address each reason given by the commissioner for the denial. Within 20 days of receiving the request for reconsideration, the commissioner shall decide whether to withdraw the denial and grant a license. If the commissioner reaffirms the denial, the applicant may

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appeal in the manner provided in subdivision 7 accordance with chapter 14. An applicant whose application is denied may also cure the defects in the application cited by the commissioner and resubmit the application at no extra charge.

Sec. 134. Minnesota Statutes 1982, section 340.404, subdivision 7, is amended to read:

Subd. 7. **APPEAL TO SUPREME COURT.** Either party may appeal from the final judgment of the district court, or from any final order ~~therein in it, in the same manner~~ as in a other civil action cases, within ten days after service of notice of the filing of such the judgment or final order. No bond on appeal shall be required. The perfecting of an appeal ~~to the supreme court~~ operates to stay all proceedings until the final determination of the appeal. The commissioner shall not refuse to issue a license to any licensee during the time that an appeal from an order of suspension or revocation of license is pending.

Sec. 135. Minnesota Statutes 1982, section 340.54, subdivision 2, is amended to read:

Subd. 2. **SEIZURE OF CONVEYANCES; COMPLAINTS; PROCEDURE IN DISTRICT COURT.** The commissioner of public safety and his designated inspectors and employees shall seize all vehicles and conveyances used in the manufacture, sale, possession, storage or transportation of liquor in violation of sections 340.07 to 340.961, and hold them subject to the order of the district court of the county in which they are seized. The confiscation of any vehicle or conveyance seized ~~hereunder~~ shall be complete upon compliance with the following procedure:

The commissioner of public safety and his designated inspectors and employees shall file with the court a separate complaint against the vehicle or conveyance, describing the same it and charging its use in the specified violation, and specifying substantially the time and place of the unlawful use. A copy of the complaint shall be served upon the defendant or person in charge of the vehicle or conveyance at the time of seizure, if any. The court shall issue an order directed to any person known or believed to have any right or title or interest in, or lien upon, any such the vehicle or conveyance, and to persons unknown claiming any such right, title, interest or lien, describing the vehicle or conveyance and stating that the same (1) it was seized and that a complaint against the same it, charging the specified violation, has been filed with the court, and (2) requiring such the persons to file with the clerk of the court their answer to the complaint, setting forth any claim they may have to any right or title to, interest in, or lien upon any such the vehicle or conveyance, within ten days after the service of such the order as ~~herein provided~~, and (3) notifying them in substance that if they fail to ~~so~~ file their answer within that time, the vehicle or conveyance will be ordered sold by the commissioner or his agents. The court shall cause the order to be served upon the registered owner and upon any person who has duly filed a conditional sales contract, mortgage or other lien instrument

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covering the property unless ~~the same~~ it has been released or satisfied; and upon any other person known or believed to have any right, title, interest in, or lien upon, ~~any such the~~ vehicle or conveyance as in the case of a summons in a civil action, and upon unknown persons by publication, as provided for service of summons in a civil action. If no answer is filed as ~~and~~ within the time prescribed, the court shall, upon affidavit by the clerk of the court, setting forth ~~such that~~ fact, order the vehicle or conveyance sold by the commissioner or his agents, ~~and~~. The proceeds of the sale, after deducting the expense of keeping the vehicle or conveyance and fees and costs of sale, shall be paid into the state treasury. If answer is filed as ~~and~~ within the time ~~herein~~ provided, the court shall fix a time for hearing, which shall be not less than 10 nor more than 30 days after the time for filing answer expires. At the time ~~so~~ fixed for hearing, unless continued for cause, the matter shall be heard and determined by the court, without a jury, as in other civil ~~actions~~ cases. If the court ~~shall find~~ finds that the vehicle or conveyance, or any part ~~thereof~~ of it, was used in ~~any such the~~ violation as specified in the complaint, he shall order the vehicle or conveyance so unlawfully used, sold as ~~herein~~ provided by law, unless the owner ~~shall show~~ shows to the satisfaction of the court that the vehicle was being used without his consent or that at the time of giving ~~such~~ consent he had no notice or knowledge or reason to believe that the vehicle or conveyance was intended to be used in any such violation. The officer making ~~any such the~~ sale, after deducting the expense of keeping the vehicle or conveyance, the fee for seizure, and the costs of the sale, shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge at the time the lien was created that ~~such the~~ vehicle or conveyance was being used or was intended to be used for or in connection with any ~~such~~ violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury. Any sale under the provisions of this section shall operate to free the vehicle or conveyance sold from any and all liens ~~thereon~~ on it, and appeal from ~~such the~~ order of the district court will lie ~~to the supreme court~~ as in other civil ~~actions~~ cases. At any time after seizure ~~thereof~~, and before the hearing ~~herein~~ provided for, the vehicle or conveyance shall be returned to the owner or person having a legal right to possession ~~thereof~~ of it, upon execution by him of a good and valid bond to the state of ~~Minnesota~~, with corporate surety, in the sum of not less than \$100 and not more than double the value of the vehicle or conveyance seized, to be approved by the court in which the case is triable, or a judge ~~thereof~~ of it, conditioned to abide any order and the judgment of the court, and to pay the full value of the vehicle or conveyance at the time of seizure.

Sec. 136. Minnesota Statutes 1982, section 351.03, is amended to read:

351.03 REMOVAL BY GOVERNOR.

The governor may remove from office any clerk of the ~~supreme court~~ appellate courts or a district court, judge of probate, judge of any municipal

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court, justice of the peace, court commissioner, sheriff, constable, coroner, auditor, county recorder, county attorney, ~~county superintendent of schools,~~ county commissioner, county treasurer, or any collector, receiver, or custodian of public moneys, when it appears to him by competent evidence, that ~~either the officer~~ has been guilty of malfeasance or nonfeasance in the performance of his official duties; first giving. Prior to removal, he shall give to such the officer a copy of the charges against him and an opportunity to be heard in his defense.

Sec. 137. Minnesota Statutes 1982, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. **EXCLUDED EMPLOYEES.** The following persons are excluded from the meaning of state employee:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted men in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of ~~such the~~ contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or a legislative committee or commission who are temporarily employed;
- (9) all courts and ~~all court~~ employees thereof, referees, receivers, jurors, and notaries public, except employees of the ~~supreme court appellate courts and~~ referees and adjusters employed by the department of labor and industry;
- (10) patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

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

(11) persons employed for professional services where ~~such~~ the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of ~~such~~ those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless he is also its full time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; ~~also~~ and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) all temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one year period and all seasonal help in the unclassified service employed by the department of revenue;

(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as ~~such~~ teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

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(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer 1 on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) members of appeal tribunals, exclusive of the chairman to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) Temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed ~~thereunder~~ for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full-time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless ~~such~~ the employee gives notice to the director within 60 days following his appointment that he desires coverage;

(35) tradesmen employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a

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deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution.

Sec. 138. Minnesota Statutes 1982, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. **COVERED EMPLOYEES.** The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in

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this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(7) The clerk of the ~~Minnesota supreme court~~ appellate courts appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

(8) The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of welfare, and

(9) Any employee whose principal employment is at the state ceremonial house.

Sec. 139. Minnesota Statutes 1982, section 357.07, is amended to read:

357.07 DEPOSIT FOR FEES.

No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring ~~such~~ the entry ~~shall deposit deposits~~ with ~~such~~ the clerk the sum of \$5 on account of fees in the case and out of which the clerk shall satisfy the fees in ~~such case~~ as they accrue, ~~and~~. Whenever the sum, or any further deposit, is exhausted the clerk may require as a condition for further entries or fees an additional deposit of \$1. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for a transcript of the minutes of any trial, or of any papers on file, ~~to the supreme court~~ shall be at the rate of 75 cents for the first three folios, 15 cents for each additional folio, and 50 cents for the certificate.

Sec. 140. Minnesota Statutes 1982, section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL TO SUPREME COURT.

~~In lieu of all charges now provided by law as fees of the clerk of the supreme court,~~ There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, the sum of \$20.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment ~~therefor shall have~~ has been made, ~~and when made for it~~. He shall pay ~~such~~ the sum into the state treasury as provided for by section 15A.01.

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The charges provided for herein shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or so furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 141. Minnesota Statutes 1982, section 360.019, subdivision 2, is amended to read:

Subd. 2. **HEARINGS BEFORE COMMISSIONER, ~~REVIEW BY CERTIORARI~~; APPEAL**. Any person aggrieved by an order of the commissioner or by the granting or denial of any license, permit, certificate, or registration may request a hearing before the commissioner. The commissioner shall hold a public hearing and may stay the order until after the hearing. Orders of the commissioner reached after a public hearing may be reviewed by certiorari appeal in the district court of Ramsey county or the district court of the county in which the person resides, or (in the case of orders relating to obstructions to air navigation) of the county in which the structure exists or is to be erected accordance with chapter 14.

Sec. 142. Minnesota Statutes 1982, section 360.072, subdivision 1, is amended to read:

Subdivision 1. **PETITION APPEAL**. Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or of any action of the commissioner taken under section 360.063, subdivisions 6 or 6a, or any governing body of a municipality or county, or any joint airport zoning board, which is of the opinion believes that a decision of a board of adjustment or action of the commissioner is illegal may present to the district court of the county in which the airport involved, or the major portion thereof, is located a verified petition setting forth that the decision or action is illegal, appeal in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the board, or the action taken by the commissioner accordance with chapter 14.

Sec. 143. Minnesota Statutes 1982, section 363.06, subdivision 4, is amended to read:

Subd. 4. **INQUIRY INTO CHARGE**. (1) Consistent with clause (7), when a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. The commissioner shall also make an immediate inquiry when it appears that a charge is frivolous or without merit and shall dismiss those charges. On all other charges the commissioner

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shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(2) If the commissioner determines after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of the determination, serve upon the charging party and respondent written notice of the determination. Within ten days after receipt of notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days notify in writing the charging party and respondent of his decision to reaffirm or reverse.

A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to ~~district~~ the court of appeals pursuant to section 363.072 or sections 14.63 to 14.68.

(3) If the commissioner determines after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall serve on the respondent and his attorney if he is represented by counsel, by first class mail, a notice setting forth a short plain written statement of the alleged facts which support the finding of probable cause and an enumeration of the provisions of law allegedly violated. If the commissioner determines that attempts to eliminate the alleged unfair practices through conciliation pursuant to subdivision 5 have been or would be unsuccessful or unproductive, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party and the attorney general.

(4) If, at any time after the filing of a charge, the commissioner has reason to believe that a respondent has engaged in any unfair discriminatory practice, the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring an act tending to render ineffectual an order the commissioner may enter with respect to the complaint. The court shall have power to grant temporary relief or a restraining order as it deems just and proper, but no relief or order extending beyond ten days shall be

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granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. Except as modified by this section, the Minnesota rules of civil procedure shall apply to an application, and the district court shall have authority to grant or deny the relief sought on conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(5) If a lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), leases or rents a dwelling unit to a person who has no knowledge of the practice or of the existence of a charge with respect to the practice, the lessor shall be liable for actual damages sustained by a person by reason of a final order as provided in this section requiring the person to be evicted from the dwelling unit.

(6) In any complaint issued under this section, the commissioner may seek relief for a class of individuals affected by an unfair discriminatory practice occurring on or after a date six months prior to the filing of the charge from which the complaint originates.

(7) The commissioner may adopt policies to determine the order in which charges are processed based on their particular social or legal significance, administrative convenience, difficulty of resolution, or other standard consistent with the provisions of this chapter.

Sec. 144. Minnesota Statutes 1982, section 363.072, subdivision 1, is amended to read:

Subdivision 1. **APPEAL.** The commissioner or any a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review pursuant to sections 14.63 to 14.68 in accordance with chapter 14.

Sec. 145. Minnesota Statutes 1982, section 363.072, subdivision 2, is amended to read:

Subd. 2. **REVIEW PROCEDURE.** The ~~district court~~ judicial review proceedings shall ~~conform to sections 14.63 to 14.68, judicial review of agency decisions, and section 14.69, scope of judicial review~~ be in accordance with chapter 14.

Sec. 146. Minnesota Statutes 1982, section 373.11, is amended to read:

373.11 APPEAL TO SUPREME COURT APPEALS; COUNTER-CLAIM.

An appeal from the judgment of the district court may be taken ~~to the supreme court~~ as in other civil actions cases within 30 days after the actual entry

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of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; ~~and,~~ If an appeal is taken, the determination of the ~~supreme court of~~ appeals shall be certified to the district court and judgment entered in accordance ~~therewith~~ with it, and that judgment certified to and filed in the office of the county auditor. In either case, after ~~such the~~ certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; ~~and,~~ Execution may issue out of the district court for the collection of any costs against a claimant; ~~provided that,~~ In any case where costs are awarded against a claimant and there is any allowance on the claim in his favor, the amount of ~~such the~~ costs shall be deducted from ~~such the~~ allowance; ~~and,~~ In any case of an appeal, the county may, interpose in the district court, interpose, as a counterclaim, any demand which it has against ~~such the~~ claimant, and have execution for the collection of any judgment in its favor.

Sec. 147. Minnesota Statutes 1982, section 375.67, subdivision 1, is amended to read:

Subdivision 1. **NOTICE APPEAL.** The employee or the appointing authority may appeal to the district court from an order of the board of appeals concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order in accordance with chapter 14.

Sec. 148. Minnesota Statutes 1982, section 387.41, is amended to read:

387.41 REMOVAL AFTER HEARING.

If, after investigation and trial by civil service commission, as ~~herein provided,~~ an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ determines that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and,~~ determinations hereunder, and orders of ~~of the~~ the commission for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such the~~ hearing with the secretary of the commission and it shall be the duty of. The secretary to shall notify such the employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided~~ in accordance with chapter 14.

Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony,

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and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county, or upon special term set by a judge of said court. The court may hear such additional evidence as it deems relevant to the matter.

The question to be determined by the court shall be:

“Upon the evidence, was the order of the commission reasonable?”

After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other civil cases.

Whenever the sheriff or county attorney deems the civil service commissioners, or any one of them, to be failing their duties as outlined in sections 387.31 to 387.45, said the sheriff or county attorney, shall request the county board to hold a hearing regarding the matter. The county board shall then determine this question: “Is the sheriff’s civil service commission or any member thereof failing in the duties prescribed by sections 387.31 to 387.45?” Upon an affirmative finding by resolution, the commission or member shall be deemed removed. The county board shall thereafter fill the vacancy by appointment for the balance of the term.

An applicant for examination, appointment or promotion in the sheriff’s department of the county who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person, for or on account of or in connection with his examination, appointment or proposed appointment or promotion shall be guilty of a misdemeanor and shall also be subject to suspension or removal.

Any officer or employee of the sheriff’s department, when operating under civil service in accordance with the provisions of this chapter, who shall participate in any manner ~~participate~~ in activities in support of any candidate or party, directly or indirectly ~~solicit, receive~~ solicits, receives, or pay pays, or be participates in any manner ~~concerned~~ in soliciting, receiving, or paying any assessment, subscription or contribution for any candidate, party or political purpose, ~~shall be is~~ guilty of a misdemeanor and shall be subject to suspension or removal.

Sec. 149. Minnesota Statutes 1982, section 412.092, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITION OF PROPERTY.** Except where otherwise provided by law, any property, assets, or money held in the name of a city whose incorporation has been set aside by the supreme court of Minnesota appeals is the property, assets, or money of the town from which the territory sought to be incorporated as a city belongs.

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Sec. 150. Minnesota Statutes 1982, section 414.07, subdivision 2, is amended to read:

Subd. 2. **FOUNDATIONS FOR APPEAL.** Any person aggrieved by any order of the board may appeal to the district court upon the following grounds:

(a) that the board had no jurisdiction to act;

(b) that the board exceeded its jurisdiction;

(c) that the order of the board is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interests of the territory affected; or

(d) that the order is based upon an erroneous theory of law.

The appeal shall be taken in the district court in the county in which the majority of the area affected is located. The appeal shall not stay the effect of the order. All notices and other documents shall be served on both the executive director and the attorney general's assistant assigned to the board.

If the court shall ~~determine~~ determines that the action of the board involved is unlawful or unreasonable or is not warranted by the evidence in case an issue of fact is involved, the court may vacate or suspend the action of the board involved, in whole or in part, as the case ~~may require, and thereupon requires.~~ requires. The matter shall ~~then~~ be remanded to the board for further action in conformity with the decision of the court.

To render a review of a board order effectual, the aggrieved person shall file with the clerk of the district court of the county ~~wherein in which~~ the majority of the area is located, within 30 days of ~~such the~~ order, an application for review together with the grounds upon which the review is sought.

An appeal lies from the district court ~~to the supreme court as in accordance with the provisions of the rules of other~~ civil appellate procedure cases.

Sec. 151. Minnesota Statutes 1982, section 414.08, is amended to read:

414.08 APPEAL TO SUPREME COURT APPEALS FROM DISTRICT COURT.

An appeal may be taken under the ~~provisions of rule 103.03 of the rules of civil appellate procedure, to the supreme court~~ by the Minnesota municipal board created by Minnesota Statutes 1961, Section 414.01, Subdivision 1, from a final order or judgment made or rendered by the district court ~~upon an appeal under Minnesota Statutes 1961, Section 414.07,~~ when the Minnesota municipal board determines that the final order or judgment adversely affects the public interest.

Sec. 152. Minnesota Statutes 1982, section 419.12, is amended to read:

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419.12 SUSPENSION AND REMOVAL; REINSTATEMENT.

If, after investigation and trial by civil service commission, as ~~herein provided~~, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ determines that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

Findings ~~and~~, determinations ~~hereunder~~, and orders of the commission for suspension, reduction, or removal, shall be in writing and shall be filed within three days after the completion of ~~such~~ the hearing with the secretary of the commission and it shall be the duty of the secretary to ~~shall~~ notify ~~such~~ the employee of the decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal ~~from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided~~ in accordance with chapter 14.

~~Within five days thereafter, the secretary shall certify to the clerk of the district court, the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and shall be placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:~~

~~“Upon the evidence, was the order of the commission reasonable?” After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.~~

Sec. 153. Minnesota Statutes 1982, section 420.13, is amended to read:

420.13 SUSPENSION OR REMOVAL.

If, after investigation and trial by the civil service commission as ~~herein provided~~, an employee is found guilty of inefficiency, breach of duty, or misconduct, he may be removed, reduced, or suspended and his name may be stricken from the service register. If the board ~~shall determine~~ determines that the charges are not sustained, the accused, if he has been suspended pending investigation, shall be immediately reinstated and paid all back pay due for the period of suspension.

Findings ~~and~~, determinations ~~hereunder~~, and orders of the commission for suspension, reduction, or removal shall be in writing and filed within three days after the completion of ~~such~~ the hearing with the secretary of the commission and it shall be the duty of the secretary to ~~shall~~ notify ~~such~~ the employee of the

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decision in writing. Any person suspended, reduced, or removed by the commission after investigation may appeal from the order to the district court by serving written notice thereof upon the secretary within ten days after the filing of the order or the receipt by the employee of written notice of the order as above provided in accordance with chapter 14.

Within five days thereafter, the secretary shall certify to the clerk of the district court the record of the proceedings, including all documents, testimony, and minutes. The case shall then be at issue and placed on the calendar by the clerk to be tried before the court without jury at the next general term thereof to be held in the county where the city is located at the place nearest the city. The question to be determined by the court shall be:

“Upon the evidence was the order of the commission reasonable?” After trial in the district court an appeal may be taken from the decision thereof to the supreme court by the employee or the commission in the same manner as provided for other court cases.

Sec. 154. Minnesota Statutes 1982, section 430.03, is amended to read:

430.03 OBJECTIONS TO CONFIRMATION; APPEAL TO DISTRICT COURT; REAPPRAISAL; APPEAL TO SUPREME COURT COURT OF APPEALS.

Any person whose property is proposed to be taken, interfered with, or assessed for benefits under any of the provisions of this chapter, who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by the proceedings, ~~specifically shall have~~ has the right to appeal from the order of confirmation of the city council, to the district court of the county at any time within 20 days after the order. This appeal shall be made by serving a written notice of the appeal upon the clerk of the city, ~~which.~~ The appeal shall specify the property of the appellant affected by the award and assessment, and refer to the objection filed, as aforesaid, and. The appellant shall also by delivering deliver to the city clerk a bond to the city, executed by the appellant, or by someone on his behalf, with two sureties, who shall justify in the penal sum of \$50 conditioned to pay all costs that may be awarded against the appellant. ~~Thereupon~~ The city clerk shall then make out and transmit to the clerk of the district court a copy of the award of the commissioners, as confirmed by the council, and of the order of the council confirming ~~the same it,~~ it, and of the objection filed by the appellant, all certified by the clerk to be true copies, within ten days after the taking of the appeal. If more than one appeal ~~be is~~ taken from any award, it shall not be necessary that the clerk, in ~~appeals subsequent to the first,~~ appeals, send up anything except a certified copy of the appellant's objections. There shall be no pleading

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on the appeal, but the court shall determine, in the first instance, whether there was in the proceedings any irregularity or omission of duty prejudicial to the appellant and specified in his written objections, that, as to him, the award or assessment of the commissioners ought not to stand, and whether the commissioners had jurisdiction to take action in the premises. If any ~~such~~ person shall ~~claim~~ claims that any pedestrian mall ordinance proposed in connection with ~~such~~ the improvement pursuant to section 430.011, and adopted by the city council, ~~shall be~~ is invalid, he shall perfect an appeal pursuant to the provisions of section 430.031, subject to the right of the court to consolidate for hearing any appeal taken pursuant to ~~such~~ that section with an appeal taken pursuant to this section.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, ~~and~~. It shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as ~~the same~~ affects ~~they~~ affect the property of the appellant proposed to be taken, damaged, or assessed for benefits and described in the written objection. From this determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is complained of by the appellant, the court shall, if the proceedings ~~be~~ are confirmed in other respects, upon ~~such~~ confirmation, appoint three disinterested freeholders, residents of the city, commissioners to reappraise ~~such~~ the damages or benefits. The parties to the appeal shall be heard by the court upon the appointment of these commissioners, ~~and~~. The court shall fix the time and place of the meeting of the commissioners. They shall be sworn to the faithful discharge of their duties as ~~such~~ commissioners, proceed to view the premises, and hear the parties interested, with their allegations and proofs pertinent to the question of the amount of the damages or assessments. These commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of benefits to other property of the same owners, and in all other material respects, as are provided in this chapter ~~made~~ for the government of commissioners appointed by the city council. They shall, after the hearing and view of the premises, ~~make~~ report to the court of their appraisal of damages or assessments of benefits in respect to the appellant. The award or assessment of these commissioners shall be final unless set aside by the court for good cause shown. ~~In case this~~ If the report is set aside, the court may, in its discretion, recommit ~~the same~~ it to the same commissioners or appoint a new board as it ~~shall deem~~ deems best. The court shall allow a reasonable compensation to these commissioners for their services, and make such award of costs on the appeal, including the compensation of commissioners, as it ~~shall deem~~ deems just in the premises.

~~In case~~ If the court shall be is of the opinion that the appeal was frivolous or vexatious, it may adjudge double costs against the appellant.

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

An appeal may be taken from the court's final order to the ~~supreme~~ court of appeals by the city or any party ~~thereto~~.

In case of proceedings conducted by the city council, all reports and other papers shall be filed in the office of the city clerk, ~~and~~. Notices of appeal and other notices to the city shall be served upon the city clerk. In case of proceedings conducted by the board of park commissioners, all papers shall be filed in the office of the secretary or other recording officer of the board, ~~and~~. All notices of appeal and other notices to the city shall be served upon the secretary or other recording officer of the board.

Sec. 155. Minnesota Statutes 1982, section 430.031, subdivision 4, is amended to read:

Subd. 4. EFFECT OF APPEAL; APPEAL TO SUPREME COURT.

An appeal taken pursuant to this section shall suspend the effectiveness of the ordinance until the determination of the action by a final order of the court. The court shall advance the case on its calendar for trial at the earliest feasible date. An appeal from any judgment entered in the district court in ~~any such~~ the action shall be taken to ~~the supreme court~~ within 30 days after notice of entry of judgment, ~~notwithstanding rule 104 of the rules of civil appellate procedure~~. The ~~A party appealing, or the respondent,~~ may apply to the ~~supreme court of appeals~~ for an order fixing the time and manner of the hearing of the appeal, whereupon the ~~supreme court~~ may provide for a speedy hearing in the manner provided by ~~rule 103.03 of the rules of civil appellate procedure.~~

Sec. 156. Minnesota Statutes 1982, section 458A.06, subdivision 4, is amended to read:

Subd. 4. PROCEEDINGS FOR CHANGES BEFORE PUBLIC UTILITIES COMMISSION. If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the public utilities commission and serve copies ~~thereof of it~~ on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving ~~such a~~ the petition, the public utilities commission shall set a hearing ~~thereon on it~~ at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the public utilities commission an answer stating the grounds of ~~such~~ opposition and serve a copy ~~thereof of it~~ on the secretary of the transit commission. If no ~~such~~ answers are ~~so~~ filed and ~~service~~ served within ~~such the~~ 30-day period, the public utilities commission shall, upon finding that the change proposed in the petition is in the public interest, order ~~such the~~ change. If any answer opposing the petition is received by the public utilities commission within ~~such the~~ 30-day period, it shall hold a hearing and make a determination in the matter as

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provided by applicable laws and regulations rules. An appeal from the action of the public utilities commission in any such the matter may be taken as provided by sections 216.24 and 216.25 in accordance with chapter 14.

Sec. 157. Minnesota Statutes 1982, section 462.14, subdivision 12, is amended to read:

Subd. 12. **COURT PROCEEDINGS.** The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the proceedings they affect the property of the appellant proposed to be included in the district or damaged or assessed, and described in the written objection. In case If the amount of damages or benefits assessed is complained of by such the appellant, the court shall, if the proceedings be are confirmed in other respects, appoint three disinterested qualified voters, as appraisers to reappraise the damages, and reassess benefits as to the property of appellant. The parties to such the appeal shall be heard by the court upon the appointment of such the appraisers, and. The court shall fix the time and place of meeting of such the appraisers. They shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits; such. The appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are provided in sections 462.12 to 462.17 made for the government of appraisers appointed by the council. They shall, after the hearing and view of the premises, make a report to the court of their award of damages and assessment of benefits in respect to the property of such the appellant. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. In case such If the report is set aside, the court may, in its discretion, recommit the same it to the same appraisers, or appoint new appraisers as it shall deem deems best. The court shall allow to the appraisers a reasonable compensation for their services, and make such award of costs on such the appeal, including the compensation of such appraisers as it shall deem deems just in the premises, and enforce the same the award by execution. In case If the court shall be is of the opinion that such the appeal was frivolous or vexatious, it may adjudge double costs against such the appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court as in the proceedings other civil cases.

Sec. 158. Minnesota Statutes 1982, section 462.715, is amended to read:

462.715 ADVANCE OF LITIGATION ON CALENDAR.

In any litigation as described in sections 462.713 and 462.714, wherein in which a bond has been required and given or the court has denied a motion to require such a bond, the court shall advance the case on its calendar for trial at the earliest feasible date; and in such litigation. An appeal to the supreme court

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from an appealable order made, or from a judgment entered in a district court may be taken after 30 days from entry of ~~such~~ the judgment or after written notice of ~~such~~ the order from the adverse party.

Sec. 159. Minnesota Statutes 1982, section 465.43, is amended to read:

465.43 HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in the written objection. In case the amount of damages or benefits assessed is complained of by ~~such~~ the appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of the county, appraisers, to reappraise the damages, and reassess benefits as to the property of appellant. The parties to ~~such~~ the appeal shall be heard by the court upon the appointment of ~~such~~ the appraisers, ~~and~~. The court shall fix the time and place of meeting of ~~such~~ the appraisers. They shall be sworn to the faithful discharge of their duties as ~~such~~ appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits, and proceed in all other material respects as are provided in sections 465.26 to 465.48 for the government of appraisers appointed by the city council. They shall, after the hearing and view of the premises, ~~make~~ a report to the court of their award of damages and assessments of benefits in respect to the property of ~~such~~ the appellant. The appellant shall, within five days of notice of filing the award, file his written election to remove the buildings if he so elect. ~~Such~~ The election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. ~~In case such~~ If the report is set aside, the court may, in its discretion, recommit ~~the same~~ it to the same appraisers, or appoint new appraisers, as it shall ~~deem~~ deems best. The court shall allow to the appraisers a reasonable compensation for their services, and make such awards of costs on ~~such~~ the appeal, including the compensation of ~~such~~ appraisers, as it shall ~~deem~~ deems just in the premises, and enforce ~~the same~~ them by execution. ~~In case~~ If the court shall be is of the opinion that ~~such~~ the appeal was frivolous or vexatious, it may adjudge double costs against ~~such~~ the appellant. An appeal may be taken to the ~~supreme court of the state of~~ appeals from any final ~~decision~~ order of the district court in the proceedings.

Sec. 160. Minnesota Statutes 1982, section 473.413, subdivision 4, is amended to read:

Subd. 4. **COMMISSION; PROCEEDINGS FOR CHANGES BEFORE DEPARTMENT OF PUBLIC SERVICE.** If the transit commission, upon investigation or hearing as provided in subdivision 3, finds that any change

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in routes, schedules, or stops will be in the public interest, the commission shall file a petition for the proposed change or changes with the secretary of the department of public service and serve copies thereof of it on the affected operator and the clerk, secretary, or other recording officer of each municipality and other public agency affected. Upon receiving such a petition, the department of public service shall set a hearing thereon on it at the earliest convenient date. If any operator, municipality, or other public agency affected is opposed to the petition, it may, within 30 days after the filing and service of the petition, file with the secretary of the department of public service an answer stating the grounds of such opposition and serve a copy thereof of it on the secretary of the transit commission. If no such answers are so filed and served within such the 30-day period, the department of public service shall, upon finding that the change proposed in the petition is in the public interest, order such the change. If any answer opposing the petition is received by the department of public service within such the 30-day period, it shall hold a hearing and make a determination in the matter as provided by applicable laws and regulations rules. An appeal from the action of the department of public service in any such the matter may be taken as provided by sections 216.24 and 216.25 and acts amendatory thereof or supplementary thereto in accordance with chapter 14.

Sec. 161. Minnesota Statutes 1982, section 473.675, subdivision 4, is amended to read:

Subd. 4. **APPEALS.** In any such litigation wherein where a bond has been required and given under subdivision 3 hereof or the court has denied a motion to require such a bond, the court shall advance the case on its calendar for trial at the earliest feasible date; and in such litigation. An appeal to the supreme court from an appealable order made, or from a judgment entered, in a district court may be taken only within thirty days after entry of such judgment or after written notice of such the order from the adverse party.

Sec. 162. Minnesota Statutes 1982, section 480.054, is amended to read:

480.054 DISTRIBUTION OF PROPOSED RULES; HEARING.

Before any rule for the court of appeals or for the district, county, or county municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to such any suggestions as they may submit to the court. The court of appeals judges, the District Court Judges Association, the Minnesota County Court Judges Association, or the Municipal Court Judges Association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing thereon on it. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

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Sec. 163. Minnesota Statutes 1982, section 480.055, subdivision 1, is amended to read:

Subdivision 1. **OTHER COURTS.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of the court of appeals, pursuant to section 480A.11, the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A, may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 164. Minnesota Statutes 1982, section 480.061, subdivision 8, is amended to read:

Subd. 8. **POWER TO CERTIFY.** The supreme court of ~~this state or the court of appeals,~~ on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Sec. 165. Minnesota Statutes 1982, section 480.062, is amended to read:

480.062 PUBLIC EMPLOYEES CLAIMS REGARDING EMPLOYMENT, COSTS AND DISBURSEMENTS.

~~Notwithstanding any rule promulgated by the supreme court to the contrary,~~ The supreme court appellate courts shall allow costs and disbursements in any appeal ~~to the supreme court~~ to any public employee who prevails in an action for wrongfully denied or withheld employment benefits or rights in the same manner as the court allows costs and disbursements to any prevailing party.

Sec. 166. Minnesota Statutes 1982, section 480.07, is amended to read:

480.07 CLERK; BOND, ASSISTANTS, RECORDS.

~~The clerk of the supreme court shall give bond to the state in the sum of \$1,000, to be approved by the governor, conditioned for the faithful discharge of his official duties. He appellate courts may employ, from time to time, necessary stenographic and other clerical office help for whose compensation legislative appropriation shall have has been made. The justices of the supreme court He may appoint a deputy clerk for the discharge of the duties of the office in the his absence of the clerk or his inability to act, and such other duties as shall be assigned to him by the clerk or the court. The deputy so appointed shall take the usual oath of office and give bond to the state in the sum of \$1,000, to be approved by the court, and conditioned for the faithful discharge of his duties. He shall serve during the pleasure of the court clerk.~~

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The clerk shall keep such dockets, journals, and other records, and perform such duties appropriate to his office as the supreme court may by its rules judges of the appellate courts prescribe. He shall provide, at the cost of the state, all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the court courts.

Sec. 167. Minnesota Statutes 1982, section 480.19, is amended to read:

480.19 APPLICATION TO SUPREME, DISTRICT, INFERIOR AND OTHER COURTS.

Sections 480.13 to 480.20 shall apply to the following courts: The supreme court, the court of appeals, the district courts, ~~and, when and to the extent so ordered by the supreme court county, to the probate, and county municipal, and justice courts.~~

Sec. 168. Minnesota Statutes 1982, section 480A.01, subdivision 2, is amended to read:

Subd. 2. **TEMPORARY NUMBER OF JUDGES.** ~~On July~~ November 1, 1983, the court of appeals shall consist of six judges. ~~On January~~ April 1, 1984, an additional six judges shall be added.

Sec. 169. Minnesota Statutes 1982, section 480A.02, is amended by adding a subdivision to read:

Subd. 7. COMPENSATION; TRAVEL EXPENSES. The salary of a judge of the court of appeals shall be as provided by section 15A.083. Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 170. Minnesota Statutes 1982, section 480A.04, is amended to read:

480A.04 CLERK OF COURT.

The clerk of the ~~supreme court~~ appellate courts shall serve as clerk of the supreme court and the court of appeals. The state court administrator may direct the district administrators and clerks of court to provide facilities and support services for the court of appeals.

Sec. 171. Minnesota Statutes 1982, section 480A.06, subdivision 1, is amended to read:

Subdivision 1. **FINAL DECISIONS.** The court of appeals ~~shall have~~ has jurisdiction of appeals from all final decisions of the trial courts, other than the conciliation courts, of the state of Minnesota, except that it shall not have jurisdiction of appeals in legislative contests or criminal appeals in cases in which the defendant has been convicted of murder in the first degree.

Sec. 172. Minnesota Statutes 1982, section 480A.08, subdivision 3, is amended to read:

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Subd. 3. **DECISIONS.** A decision shall be rendered in every case within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later. The chief justice or the chief judge may waive the 90-day limitation for any proceeding before the court of appeals for good cause shown. In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.

Sec. 173. Minnesota Statutes 1982, section 481.02, subdivision 3, is amended to read:

Subd. 3. **PERMITTED ACTIONS.** The provisions of this section shall not prohibit:

(1) any one from drawing, without charge, any document to which he, a person whose employee he is, a firm of which he is a member, or a corporation whose officer or employee he is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency ~~wherein~~ if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney at law;

(3) any one, acting as broker for the parties or agent of one of the parties to a sale or trade or lease of property or to a loan, from drawing or assisting in drawing, with or without charge, papers incident to the sale, trade, lease, or loan;

(4) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(5) a licensed attorney at law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(6) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(7) any person from conferring or cooperating with a licensed attorney at law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(8) any licensed attorney at law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or ~~wherein~~ in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the

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document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(9) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions or any other conveyances except testamentary dispositions and instruments of trust;

(10) a licensed attorney at law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom he is employed and by whom no compensation is, directly or indirectly, received for the services;

(11) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney at law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney at law receives the entire compensation for the work;

(12) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers ~~thereto to them~~, made by a licensed attorney at law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(13) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal; and

(14) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or municipal court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any county or county municipal court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of sections 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney at law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney at law

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shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 174. Minnesota Statutes 1982, section 481.02, subdivision 6, is amended to read:

Subd. 6. **ATTORNEYS OF OTHER STATES.** Any attorney or counselor at law residing in any other state or territory ~~wherein~~ in which he has been admitted to practice law, who ~~shall attend~~ attends any term of the supreme court, court of appeals, or district court of this state for the purpose of trying or participating in the trial or proceedings of any action or proceedings there pending, may, in the discretion of the court before which he appears in ~~such the~~ the action or proceeding, be permitted to try, or participate in the trial or proceedings in, ~~such the~~ the action or proceeding, without being subject to the provisions of this section, other than those set forth in subdivision 2, providing the state in which he is licensed to practice law likewise grants permission to members of the state bar of Minnesota to act as an attorney for a client in ~~such that~~ that state under the same terms.

Sec. 175. Minnesota Statutes 1982, section 481.15, subdivision 2, is amended to read:

Subd. 2. **PROCEEDINGS.** Proceedings in ~~such the~~ the cases may be taken by the supreme court on its own motion, for matter within its knowledge, or upon accusation. Accusations may be made to the clerk of the ~~supreme court~~ supreme court appellate courts and shall be investigated, prosecuted, heard and determined in accordance with rules ~~which may be made, from time to time,~~ by the supreme court. The supreme court may refer any accusation to any person, and ~~such the~~ the person shall have all the powers of a referee under the rules of civil procedure. Objections to ~~such the~~ the referee may be filed within ten days of the appointment and shall be heard and determined by the supreme court. The referee shall report the evidence and, if directed by the supreme court, shall make findings ~~thereon on it.~~ thereon. Persons designated by the supreme court under the authority of this section shall be paid their necessary expenses and ~~such~~ such compensation as shall be fixed by the supreme court. Officers and witnesses necessarily employed or called by the prosecution shall receive the fees and mileage allowed by law and. The supreme court shall fix a reasonable compensation for the reporter. All expenses, fees and compensation ~~herein~~ authorized shall be paid upon itemized vouchers approved by one of the justices of the supreme court.

Sec. 176. Minnesota Statutes 1982, section 482.07, subdivision 8, is amended to read:

Subd. 8. **COPIES OF LAWS.** ~~During such time as~~ When session laws and resolutions are not available in printed and bound form pursuant to subdivision 1, the revisor of statutes shall upon request furnish one copy of any law or resolution without cost to any member of the legislature, ~~such~~ such legislative

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staff members as may be designated by the legislative coordinating commission, a constitutional officer ~~or~~, justice of the supreme court, or judge of the court of appeals.

Sec. 177. Minnesota Statutes 1982, section 485.16, is amended to read:

485.16 RECORD ALL ACTIONS FILED.

The clerks of the district courts of the several counties shall keep a record of all actions and proceedings, civil and criminal, filed in the court, and shall furnish to the state ~~Supreme Court~~ appellate courts any information concerning ~~said~~ the actions as ~~shall be is~~ prescribed by rule of civil procedure.

Sec. 178. Minnesota Statutes 1982, section 487.39, is amended to read:

487.39 APPEALS.

Subdivision 1. **TO COURT OF APPEALS.** An aggrieved party may appeal to the ~~district court of appeals~~ from a determination of a county court or a county municipal court. The provisions of this section govern all appeals from the county court and the county municipal court; ~~appeal provisions of all other statutes are inapplicable except as stated in section 484.63.~~

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof in accordance with the clerk of court of the county in which the action was heard ~~not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or the party's attorney.~~ Written notice of the court's determination shall be served by the clerk of court upon the aggrieved party or the party's attorney within 45 days after the determination in a civil case rules of civil appellate procedure.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases, the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing ~~thereon~~, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing. A written notice of appeal and proof of service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of notice on the opposite party or the party's attorney. ~~The appeal shall be heard and determined by a district court appellate panel pursuant to section 484.63.~~

Subd. 2. **RECORD.** The appeal shall be confined to the ~~typewritten~~ record. By stipulation of all parties, the record may be shortened. ~~The district court shall, upon request, hear oral argument and receive written briefs.~~ The district court of appeals may affirm, reverse or modify the judgment or order appealed from, or take any other action as the interests of justice ~~may~~ require.

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On appeal from an order, the district court of appeals may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court panel hearing appeals from a county court or county municipal court. Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to the district court hearing appeals from a county court or a county municipal court, except as provided in this section. An appeal may be taken from the determination of a district court to the supreme court with leave of the supreme court.

Sec. 179. Minnesota Statutes 1982, section 488A.01, subdivision 14, is amended to read:

Subd. 14. **APPEALS.** Appeals from the county municipal court to the district court of appeals shall be subject to the provisions of sections 484.63 and section 487.39 and the rules of appellate procedure.

Sec. 180. Minnesota Statutes 1982, section 488A.17, subdivision 12, is amended to read:

Subd. 12. **APPEAL TO SUPREME COURT APPEALS.** Causes removed to municipal court from conciliation court may be ~~removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court~~ appealed to the court of appeals as in other civil cases.

Sec. 181. Minnesota Statutes 1982, section 488A.18, subdivision 14, is amended to read:

Subd. 14. **APPEALS.** Appeals from the county municipal court to the district court of appeals shall be subject to the provisions of sections 484.63 and section 487.39 and the rules of appellate procedure.

Sec. 182. Minnesota Statutes 1982, section 488A.34, subdivision 11, is amended to read:

Subd. 11. **APPEAL TO SUPREME COURT APPEALS.** Causes removed to municipal court from conciliation court may be ~~removed from municipal court to the supreme court of Minnesota in the same manner, upon like proceedings and with the same effect as causes originally brought in the municipal court~~ appealed to the court of appeals as in other civil cases.

Sec. 183. Minnesota Statutes 1982, section 501.35, is amended to read:

501.35 MAY APPLY TO COURT FOR INSTRUCTIONS.

Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of that trust, may petition the court then having jurisdiction of the trust as a proceeding in rem, and any

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trustee of an express trust by will or other written instrument whose appointment has not been confirmed, or any beneficiary of that trust, may petition the district or county court of the county wherein in which the unconfirmed trustee resides or has his place of business, for instructions in the administration of the trust, for the confirmation of any action taken by the trustee, for a construction of the trust instrument, or upon or after the filing of any account, for the settlement and allowance thereof. Upon the filing of such the petition, the court shall make an order fixing a time and place for hearing thereof it, unless hearing has been waived in writing by the beneficiaries of such the trust ~~than~~ then in being. Notice of such hearing shall be given by publishing a copy of such the order one time in a legal newspaper of such the county at least 20 days before the date of such the hearing, and by mailing a copy thereof of it to each beneficiary of the trust then in being, at his last known address, at least ten days before the date of such the hearing or in such any other manner as the court ~~shall order and orders~~. If such the court ~~shall deem~~ deems further notice necessary, it shall be given in such the manner as may be specified in such the order. Upon such At the hearing the court shall make such order as it deems appropriate, which. The order shall be final and conclusive as to all matters thereby determined by it and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal to the supreme court may be taken from such an order of a district court within 30 days from the entry thereof by filing notice of appeal with the clerk of the district court, who shall mail a copy of such notice to each adverse party who has appeared of record in the manner provided in section 487.39. Appeal may be taken from an order of a county court in the manner provided in section 487.39. The appeal shall be taken within 30 days from the entry of the order, notwithstanding the provisions of section 487.39, subdivision 1, clause (a).

Sec. 184. Minnesota Statutes 1982, section 508.29, is amended to read:

508.29 APPEALS.

An appeal may be taken to the ~~supreme~~ court of appeals from any order or judgment of the district court under this chapter as follows:

(1) from any final decree, within 90 days from the its date thereof except that the appeal period for those parties who were not personally served shall be six months from the date of the final decree; upon appeal from such the decree, the ~~supreme~~ court of appeals may review any intermediate order involving the merits or necessarily affecting the decree;

(2) from any order granting or denying an application to open, vacate, or set aside such the decree, within 30 days from the date of the filing of such the order;

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(3) from any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part thereof of them, within 30 days from the filing of such the order;

(4) from any order relating to registered land after ~~the~~ its original registration thereof, within 90 days after the entry of such the order.

All appeals from any order or decree in any proceeding under this chapter shall be taken upon such notice, terms, and conditions as are provided by law for the taking of appeals in other civil actions cases.

Sec. 185. Minnesota Statutes 1982, section 508A.29, is amended to read:

508A.29 APPEALS.

An appeal may be taken to the ~~supreme~~ court of appeals from any order of the district court relating to land registered under sections 508A.01 to 508A.85 within 90 days after the entry of the order. The appeal shall be taken upon the notice, terms, and conditions as are provided by law for the taking of appeal in other civil actions cases.

Sec. 186. Minnesota Statutes 1982, section 525.71, is amended to read:

525.71 APPEALABLE ORDERS.

Appeals to the district court of appeals may be taken from any of the following orders, judgments, and decrees issued by a judge of the court under chapters 524 or 525:

- (1) an order admitting, or refusing to admit, a will to probate;
- (2) an order appointing, or refusing to appoint, or removing, or refusing to remove, a representative other than a special administrator or special guardian;
- (3) an order authorizing, or refusing to authorize, the sale, mortgage, or lease of real estate, or confirming, or refusing to confirm, the sale or lease of real estate;
- (4) an order directing, or refusing to direct, a conveyance or lease of real estate under contract;
- (5) an order permitting, or refusing to permit, the filing of a claim, or allowing or disallowing a claim or counterclaim, in whole or in part, when the amount in controversy exceeds \$100;
- (6) an order setting apart, or refusing to set apart, property, or making, or refusing to make, an allowance for the spouse or children;
- (7) an order determining, or refusing to determine, venue; an order transferring, or refusing to transfer, venue;

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(8) an order directing, or refusing to direct, the payment of a bequest or distributive share when the amount in controversy exceeds \$100;

(9) an order allowing, or refusing to allow, an account of a representative or any part thereof of it when the amount in controversy exceeds \$100;

(10) an order adjudging a person in contempt;

(11) an order vacating, or refusing to vacate, a previous appealable order, judgment, or decree; ~~an order refusing to vacate a previous appealable order, judgment, or decree~~ alleged to have been procured by fraud or misrepresentation, or through surprise or excusable inadvertence or neglect;

(12) a judgment or decree of partial or final distribution or an order determining or confirming distribution or any order of general protection;

(13) an order entered pursuant to section 576.142;

(14) an order granting or denying restoration to capacity;

(15) an order made directing, or refusing to direct, the payment of representative's fees or attorneys' fees, and in such case the representative and the attorney shall each be deemed an aggrieved party and entitled to ~~take such~~ appeal;

(16) an order, judgment, or decree relating to or affecting estate taxes or refusing to amend, modify, or vacate such an order, judgment, or decree; ~~but nothing herein contained shall abridge the right of direct review by the supreme court; and~~

(17) an order extending the time for the settlement of the estate beyond five years from the date of the appointment of the representative.

Sec. 187. Minnesota Statutes 1982, section 525.714, is amended to read:

525.714 SUSPENSION BY APPEAL.

~~Such~~ The appeal shall suspend the operation of the order, judgment, or decree appealed from until the appeal is determined or the ~~district court shall of~~ appeals orders otherwise ~~order~~. The ~~district court of~~ appeals may require the appellant to give additional bond for the payment of damages which may be awarded against him in consequence of ~~such the~~ suspension, in case he fails to obtain a reversal of the order, judgment, or decree ~~so~~ appealed from. Nothing herein contained shall prevent the probate court from appointing special representatives nor prevent special representatives from continuing to act as such.

Sec. 188. Minnesota Statutes 1982, section 525.73, is amended to read:

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525.73 AFFIRMANCE; REVERSAL.

When the appellant fails to prosecute his appeal, or the order, judgment, or decree appealed from or reviewed ~~on certiorari~~ is sustained, judgment shall be entered in the district court of appeals affirming the decision of the probate court. Upon the filing in the probate court of a certified transcript of such the judgment, the probate court shall proceed as if no appeal had been taken. If the order, judgment, or decree reviewed is reversed or modified, the district court of appeals shall remand the case to the probate court with directions to proceed in conformity with its decision. Upon the filing in the probate court of a certified transcript of such the judgment, it shall proceed as directed by the district court of appeals.

Sec. 189. Minnesota Statutes 1982, section 548.29, subdivision 2, is amended to read:

Subd. 2. **STAY OF ENFORCEMENT.** If the judgment debtor at any time shows the district court any ground upon which enforcement of a judgment of any district court or the court of appeals or supreme court of this state would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this state.

Sec. 190. Minnesota Statutes 1982, section 558.215, is amended to read:

558.215 ORDERS, INTERLOCUTORY JUDGMENTS; APPEALS TO SUPREME COURT.

Any party to any partition proceedings may appeal from any order or interlocutory judgment made and entered pursuant to sections 558.04, 558.07, 558.14, or 558.21, to the supreme court of appeals within 30 days after the making and filing of any such the order or interlocutory judgment. Any appeal taken pursuant to the provisions hereof shall be governed by the rules and laws applicable to appeals taken as in other civil cases.

All matters determined by any such order or interlocutory judgment shall be conclusive and binding upon all parties to such the proceedings and shall never ~~thereafter~~ be subject to review by the court unless appealed from as provided for herein.

Sec. 191. Minnesota Statutes 1982, section 562.04, is amended to read:

562.04 EARLY TRIAL OF ACTION, APPEAL TO SUPREME COURT.

Whenever a bond has been required in any action under section 562.02, the court shall advance the case on its calendar for trial at the earliest feasible date, or the court may ~~so~~ advance for trial only the issues ~~therein~~ which affect the public body. If any appeal is taken from an order granting or denying the

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motion for filing of such the bond, it shall not stay further proceedings in such the litigation. An appeal from any judgment entered in any district court in any litigation ~~wherein in which~~ a bond has been required hereunder shall be taken to the supreme court of appeals within 30 days after notice of entry of judgment, notwithstanding ~~Rule 104.01~~ of the rules of civil appellate procedure. The party appealing, or the respondent, may apply to the supreme court of appeals for an order fixing the time and manner of the hearing of the appeal, whereupon the supreme court may provide for a speedy hearing in the manner provided by ~~Rule 103.03~~ of the rules of civil appellate procedure.

Sec. 192. Minnesota Statutes 1982, section 571.64, is amended to read:
571.64 APPEAL.

Any party to a garnishment proceeding deeming himself aggrieved by any order or final judgment ~~therein~~ may remove the same from the justice court to the district court, or from the district court to the supreme court, by appeal, in like case, manner, and effect, as in a other civil action cases.

Sec. 193. Minnesota Statutes 1982, section 574.18, is amended to read:
574.18 UNDERTAKING IN LIEU OF BOND.

In all cases of appeal from a county board to the district court upon the allowance or disallowance of claims, in all actions brought before justices of the peace, in all appeals from a justice or probate court to the district court, in all actions begun in the district, county or municipal court, in all cases of appeal or writ of error to remove a cause or proceeding ~~therein~~ to the court of appeals or the supreme court, and in all cases of special or equitable proceedings in the district court, the court of appeals, or the supreme court, the filing or service, or both, as may be required, of an undertaking, signed by a surety or sureties, as the law may require, containing a condition substantially the same as required for bonds, with like sureties, qualifications, and justifications, and without acknowledgment or signature of the principal, shall be deemed a sufficient compliance with the law to sustain any such the action, appeal, or proceeding. Every such undertaking shall save and secure all rights and liabilities to the same extent as a bond, and. The damages presumed to accrue to the party against whom such the proceeding is taken shall be deemed a sufficient consideration for such the undertaking, though no consideration ~~be is~~ mentioned ~~therein~~; but in it. No undertaking or bond need be given upon any appeal or other proceeding instituted in favor of the state, or any county, city, town, or school district ~~therein in it~~, or of any executor or administrator as such.

Sec. 194. Minnesota Statutes 1982, section 582.11, is amended to read:

582.11 POWERS AND DUTIES OF TRUSTEES IN CERTAIN CASES.

When a mortgage made or assigned to a trustee or trust deed on any real property or any real and personal property located in this state has been

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heretofore or shall hereafter be foreclosed and bid in on such the foreclosure by a trustee for the holders of the bonds or notes secured by such the mortgage or trust deed, or for the holders of certificates or other evidences of equitable interest, in such the mortgage or trust deed, or when a mortgagor after the mortgage has been executed and delivered, but not before nor as a part of the mortgage transaction, conveys directly to the mortgage trustee, thereby eliminating his title, the trustee may at any time petition the district court of the county in which such the property, or any portion ~~thereof of it~~, is situated for instructions in the administration of the trust. Upon the filing of the petition, the court shall make an order fixing a time and place for hearing ~~thereof it~~, unless hearing has been waived, in writing, by the beneficiaries of the trust. Notice of the hearing shall be given by publishing a copy of such the order one time in a legal newspaper of such the county at least 20 days before the date of the hearing, and by mailing a copy ~~thereof of it~~ to each known party in interest then in being whose address is known, at his last known address, at least ten days before the date of the hearing, or in such any other manner as the court shall ~~order~~, and orders. If the court shall ~~deem~~ deems further notice necessary, it shall be given ~~in such manner as may be~~ specified in the order. Upon the hearing the court shall make such order as it deems appropriate, including an order to sell, mortgage, or lease such the property, or any part ~~thereof of it~~, in such the manner and upon such the terms as the court may ~~prescribe~~ prescribes. In the case of a sale, the court, in its discretion, may authorize the trustee to sell at private sale or may direct the sheriff of the county to offer such the property for sale at public auction and sell the ~~same it~~ to the highest bidder ~~therefor~~ for cash. Any sale of such property made at public auction shall be reported to the court for confirmation and be confirmed by the court before the ~~same shall become it is~~ effective and valid. Notice of hearing on such the confirmation shall be given to all parties in interest who have appeared in the proceedings. Upon such confirmation, the sheriff shall make, execute, and deliver, subject to such the terms and conditions as the court ~~in its order of confirmation may impose~~ imposes, a good and sufficient instrument of conveyance, assignment, and transfer. No confirmation of a private sale, mortgage, or lease shall be required. The order of confirmation in the case of a sale at public auction, and the order authorizing a private sale, mortgage, or lease, shall be final and conclusive as to all matters ~~thereby determined, and in it~~. It shall be binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, except that appeal ~~to the supreme court~~ may be taken from such the order by any party in interest within 30 days from ~~the its~~ entry ~~thereof~~, by filing notice of appeal with the clerk of the district court, who shall mail a copy of the notice to each adverse party who has appeared of record.

Sec. 195. Minnesota Statutes 1982, section 586.09, is amended to read:

586.09 JUDGMENT FOR PLAINTIFF; APPEAL.

If judgment is given for the plaintiff, he shall recover the damage which he has sustained, together with costs and disbursements, and a peremptory manda-

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mus shall be awarded without delay. An appeal from the district court shall lie to the supreme court of appeals in mandamus as in other civil actions cases.

Sec. 196. Minnesota Statutes 1982, section 586.11, is amended to read:

586.11 JURISDICTION OF DISTRICT AND SUPREME APPELLATE COURTS.

The district court has exclusive original jurisdiction in all cases of mandamus, except where such the writ is to be directed to a district court or a judge thereof in his official capacity, in which case the supreme court of appeals has exclusive original jurisdiction, or except where the writ is to be directed to the court of appeals or a judge thereof in his official capacity. In such case the supreme court, or a judge thereof, shall first make an order, returnable in term, that such district court or judge show cause before the court why a peremptory writ of mandamus should not issue, and upon the return day of such order the district court or judge may show cause by affidavit or record evidence; and, upon the hearing, the supreme court shall award a peremptory writ or dismiss the order. In case of emergency, a special term of the supreme court may be appointed for the hearing. If the writ is to be directed to the court of appeals or a judge thereof in his official capacity, the supreme court of a judge thereof has original jurisdiction. The rules of civil appellate procedure shall apply in all proceedings on the writ.

Sec. 197. Minnesota Statutes 1982, section 586.12, is amended to read:

586.12 ISSUES OF FACT; TRIAL.

Issues of fact in proceedings commenced in a district court shall be tried in the county in which the defendant resides, or in which the material facts stated in the writ are alleged to have taken place; and. Either party shall be entitled to have any issue of fact tried by a jury, as in a civil action. In any case commenced in the supreme court or court of appeals, where there is an issue of fact, upon request of either party, that court shall transmit the record to the proper district court, which shall try the issue in the same manner as if the proceeding had been there commenced there. A change of venue may be granted as in other cases.

Sec. 198. Minnesota Statutes 1982, section 589.02, is amended to read:

589.02 PETITION; TO WHOM AND HOW MADE.

Application for such the writ shall be by petition, signed and verified by the petitioner, or by some person in his behalf, to the supreme court, court of appeals, or to the district court of the county within which the petitioner is detained. Any judge of the court to which the petition is addressed, being within the county, or, if addressed to the district court, the court commissioner of the county, may grant the writ. If there be is no such officer judge within the county

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capable of acting and willing to grant such the writ, it may be granted by some officer having such authority a judge in any adjoining county.

Sec. 199. Minnesota Statutes 1982, section 589.29, is amended to read:

589.29 APPEAL TO SUPREME COURT APPEALS.

Any party aggrieved by the final order in proceedings upon a writ of habeas corpus may appeal ~~therefrom~~ to the supreme court of appeals ~~as in the same manner as other appeals are taken from the district court civil cases~~, except that no bond shall be required of the appellant. Upon filing notice of appeal with the clerk of the district court, and payment or tender of his fees ~~therefor~~, such the clerk shall ~~forthwith~~ make, certify, and return to the clerk of the supreme court appellate courts copies of the petition, writ, return of respondent, answer, if any, of the relator ~~thereto~~, and the order appealed from.

Sec. 200. Minnesota Statutes 1982, section 589.30, is amended to read:

589.30 HEARING ON APPEAL; COSTS; PAPERS.

The appeal may be heard before the supreme court of appeals ~~when it is in session~~ upon application of either party to such the court or a justice thereof judge of it. The order fixing the time of hearing, which shall not be less than six nor more than 15 days from the date of application, shall be served on the adverse party at least five days before the date so fixed. No costs or disbursements shall be allowed any party to such the appeal, nor shall any of the papers used on such the hearing be required to be printed.

Sec. 201. Minnesota Statutes 1982, section 590.01, subdivision 1, is amended to read:

Subdivision 1. **PETITION.** Except at a time when direct appellate relief is available, a person convicted of a crime, who claims that the conviction was obtained, or that the sentence or other disposition made violated his rights under the constitution or laws of the United States or of the state, may commence a proceeding to secure relief ~~therefrom~~ by filing a petition in the district court in the county wherein in which the conviction was had to vacate and set aside the judgment and to discharge the petitioner or to resentence him or grant a new trial or correct the sentence or make such other disposition as may be appropriate. Nothing contained herein shall prevent the supreme court or the court of appeals, upon application by a party, from granting a stay of a case on appeal for the purpose of allowing an appellant to apply to the district court for an evidentiary hearing under the provisions of this chapter. Such The proceeding shall conform with sections 590.01 to 590.06.

Sec. 202. Minnesota Statutes 1982, section 590.04, subdivision 3, is amended to read:

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Subd. 3. **HEARING.** The court may order the petitioner to be present at the hearing. If the petitioner is represented by an attorney, the attorney shall be present at any hearing.

A verbatim record of any hearing shall be made and kept.

Unless otherwise ordered by the court, the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish ~~such~~ the facts by a fair preponderance of the evidence.

In the discretion of the court, it may receive evidence in the form of affidavit, deposition, or oral testimony. The court may inquire into and decide any grounds for relief, even though not raised by the petitioner.

The court may summarily deny a second or successive petition for similar relief on behalf of the same petitioner and may summarily deny a petition when the issues raised ~~therein~~ in it have previously been decided by the Minnesota court of appeals or the supreme court in the same case.

Sec. 203. Minnesota Statutes 1982, section 590.06, is amended to read:

590.06 APPEAL TO THE SUPREME COURT APPEALS.

An appeal may be taken to the Minnesota supreme court of appeals or, in a case involving a conviction for first degree murder, to the supreme court from the order granting relief or denying the petition within 60 days after the entry of said the order.

The appealing party shall, within the 60 days, serve a notice of appeal from the final order upon the clerk of district court and the opposing party. If the appeal is by the petitioner ~~such, the~~ the service shall be on the county attorney and the attorney general. If the appeal is by the state ~~such, the~~ the service shall be on the petitioner or his attorney. No fees or bond for costs shall be required for ~~such the~~ the appeal.

Sec. 204. Minnesota Statutes 1982, section 595.024, subdivision 3, is amended to read:

Subd. 3. **DETERMINATION; APPEAL.** The district court shall consider the nature of the proceedings, the merits of the claims and defenses, the adequacies of alternative remedies, the relevancy of the information sought, and the possibility of establishing by other means that which the source is expected or may tend to prove. The court shall make its appropriate order after making findings of fact, ~~which.~~ The order may be appealed directly to the supreme court of appeals according to the ~~appropriate rule~~ rules of appellate procedure. The order is stayed and nondisclosure shall remain in full force and effect during the pendency of the appeal.

Sec. 205. Minnesota Statutes 1982, section 595.025, subdivision 3, is amended to read:

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Subd. 3. **DETERMINATION; APPEAL.** The court shall make its order on the issue of disclosure after making findings of fact, which order may be appealed ~~directly~~ to the supreme court of appeals according to the rules of appellate procedure. During the appeal the order is stayed and nondisclosure shall remain in full force and effect.

Sec. 206. Minnesota Statutes 1982, section 606.04, is amended to read:

606.04 COSTS.

The party prevailing on a writ of certiorari in any proceeding of a civil nature shall be entitled to his costs against the adverse party; ~~and, in case such.~~ If the writ shall appear appears to have been brought for the purpose of delay or vexation, the court of appeals may award double costs to the prevailing party.

Sec. 207. **[606.06] CERTIORARI; ADMINISTRATIVE DECISIONS.**

A writ of certiorari for review of an administrative decision pursuant to chapter 14 is a matter of right.

Sec. 208. Minnesota Statutes 1982, section 609.39, is amended to read:

609.39 MISPRISION OF TREASON.

Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make it known the same to the governor or a judge of the supreme court, court of appeals, or of the district court, is guilty of misprision of treason against this state and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Sec. 209. Minnesota Statutes 1982, section 611.07, subdivision 2, is amended to read:

Subd. 2. **PAYMENT.** ~~If the counsel so appointed shall appeal or procure a writ of error appeals,~~ and after the hearing of the appeal ~~or writ of error,~~ the court of appeals or supreme court shall determine determines that defendant is unable, by reason of poverty, to pay counsel, and that review was sought in good faith and upon reasonable grounds, ~~such the~~ counsel may be paid such the sum for his services and expenses ~~therein~~ as the supreme court shall determine determines, to be certified to the county treasurer by the clerk of the ~~supreme court appellate courts.~~ In any case such ~~The~~ compensation and expense shall be paid by the county in which the defendant was accused.

Sec. 210. Minnesota Statutes 1982, section 611.07, subdivision 3, is amended to read:

Subd. 3. **TRANSCRIPT.** When a defendant convicted of a felony or a gross misdemeanor who has appealed to the ~~supreme court~~ or has procured a writ of error, or who has otherwise brought the validity of his conviction before the

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court of appeals or supreme court for review, applies to the district court and makes an adequate showing that because of his poverty he is unable to pay for a transcript which he reasonably needs in presenting the alleged errors raised for appellate review, the district court shall order a transcript in accordance with Rule 29.02, Subdivision 7, of the rules of criminal procedure.

Sec. 211. Minnesota Statutes 1982, section 611.071, subdivision 1, is amended to read:

Subdivision 1. **COUNSEL; FEES.** The supreme court or the court of appeals may order the appointment of counsel, provide for the payment of counsel fees, and direct the payment of expenses in conformity with the provisions of this section.

Sec. 212. Minnesota Statutes 1982, section 611.071, subdivision 2, is amended to read:

Subd. 2. **COUNSEL; FEES.** Application may be made to the supreme court or the court of appeals for the appointment of counsel, the allowance of counsel fees, and the payment of expenses in the following cases:

(a) A person who has been convicted of a felony in the district court, who is without counsel, whose time for appeal from the judgment of conviction has not expired, and who is unable, by reason of poverty, to pay counsel and the expenses of an appeal.

(b) A person who has been convicted of a felony, who is without counsel, whose time for appeal from the judgment of conviction has expired, and who is unable by reason of poverty to pay counsel and the expenses of a post-conviction proceeding.

Sec. 213. Minnesota Statutes 1982, section 611.14, is amended to read:

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

The following persons ~~hereinafter described~~ who are financially unable to obtain counsel, shall be entitled to be represented by a public defender:

(a) a person charged with a felony or gross misdemeanor, including ~~such~~ a person ~~when~~ charged pursuant to sections 629.01 to 629.29;

(b) a person appealing ~~to the supreme court~~ from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor who is pursuing a post-conviction proceeding, after the time for appeal from the judgment has expired;

(c) a person who is entitled to be represented by counsel pursuant to the provisions of section 609.14, subdivision 2, or section 609.16;

(d) a minor who is entitled to be represented by counsel pursuant to the provisions of section 260.155, subdivision 2, if the judge of the juvenile court

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concerned has requested and received the approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases, and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services pursuant to section 260.251, subdivision 2, clause (e); or

(e) a person, entitled by law to be represented by counsel, charged with an offense within the trial jurisdiction of a municipal, county, or probate court with ~~municipal court jurisdiction, presided over by a full time salaried judge or a judge of probate court,~~ if the trial judge or a majority of the trial judges of the court concerned have requested and received approval of a majority of the district court judges of the judicial district to utilize the services of the public defender in such cases and approval of the compensation on a monthly, hourly or per diem basis to be paid for such services by the county or municipality within the court's jurisdiction.

Sec. 214. Minnesota Statutes 1982, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

~~When~~ If it ~~shall appear~~ appears to a court ~~or magistrate~~ that a person requesting the appointment of counsel satisfies the requirements of ~~Laws 1965, Chapter 869~~ this chapter, the court ~~or magistrate~~ shall order the appropriate public defender to represent him at all further stages of the proceeding through appeal, if any. For those persons appealing ~~to the supreme court~~ from a conviction or pursuing a post conviction proceeding, after the time for appeal has expired, the state public defender shall be appointed. For all other persons covered by section 611.14, a district public defender shall be appointed to represent them. If (a) conflicting interests exist, ~~or~~ if (b) the district public defender for any other reason is unable to act, ~~or~~ if (c) the interests of justice require, the state public defender may be ordered to represent ~~such~~ a person. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom he had retained, the court may appoint the appropriate public defender to represent him, as provided in this section. ~~Provided, however, that~~ Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent ~~such~~ the person unless it is subsequently determined that ~~such~~ the person is financially able to obtain counsel. ~~Such~~ The representation may be made available at the discretion of the public defender, upon the request of ~~such~~ the person or someone on his behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

Sec. 215. Minnesota Statutes 1982, section 611.25, is amended to read:

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611.25 POWERS; DUTIES; LIMITATIONS.

The state public defender shall represent, without charge, a defendant or other person appealing ~~to the supreme court~~ from a conviction or pursuing a post conviction proceeding after the time for appeal has expired when the state public defender is directed ~~so~~ to do so by a judge of the district court, of the court of appeals or of the supreme court. The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed ~~so~~ to do so by the supreme court or the court of appeals, except that he shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. The state public defender may assist a district public defender in the performance of his duties when the district public defender ~~so~~ requests. Whenever the state public defender is directed by a court to represent any defendant or other person, with the approval of the court he may assign such the representation to any district public defender.

He also shall supervise the training of all state and district public defenders, and may establish a training course for such purpose.

Sec. 216. Minnesota Statutes 1982, section 645.44, is amended by adding a subdivision to read:

Subd. 1a. APPELLATE COURTS. "Appellate courts" means the supreme court and the court of appeals.

Sec. 217. Minnesota Statutes 1982, section 648.39, subdivision 1, is amended to read:

Subdivision 1. **FREE DISTRIBUTION.** The revisor of statutes shall without charge distribute each edition of Minnesota Statutes, supplement to the Minnesota Statutes, and the Laws of Minnesota to the persons, officers, departments, agencies, or commissions listed in this subdivision. Prior to distribution of Minnesota Statutes, supplement to the Minnesota Statutes, or the Laws of Minnesota, the revisor of statutes shall inquire whether the full number of copies authorized by this subdivision are required for their work. Unless a smaller number is needed, each edition shall be distributed without charge as follows:

- (a) 30 copies to the supreme court;
- (b) 30 copies to the court of appeals;
- (b) (c) 1 copy to each judge of a district court;
- (e) (d) 1 copy to the clerk of each district court for use in each courtroom of the district court of his county;
- (d) (e) 100 copies to the state law library;
- (e) (f) 100 copies to the law school of the University of Minnesota;
- (f) (g) 100 copies to the office of the attorney general;

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~~(g)~~ (h) 10 copies each to the governor's office, the departments of agriculture, commerce, corrections, education, health, transportation, labor and industry, economic security, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

~~(h)~~ (i) 1 copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;

~~(i)~~ (j) 1 copy to each member of the legislature;

~~(j)~~ (k) 100 copies for the use of the senate and 150 copies for the use of the house of representatives;

~~(k)~~ (l) 4 copies to the secretary of the senate;

~~(l)~~ (m) 4 copies to the chief clerk of the house of representatives;

~~(m)~~ (n) 1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society;

~~(n)~~ (o) 20 copies each to the department of administration, state auditor, and legislative auditor;

~~(o)~~ (p) 1 copy to each county library maintained pursuant to section 134.12 or 375.33, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy shall be provided to any public library in the county; and

~~(p)~~ (q) 50 copies to the revisor of statutes.

Sec. 218. Laws 1982, chapter 501, section 27, is amended to read:

Sec. 27. **EFFECTIVE DATE; TRANSITION.**

Sections 3 to 25 shall become effective only upon ratification of the amendment proposed in section 1 of this act as provided in the Minnesota Constitution. If the constitutional amendment proposed by section 1 is adopted by the people,

(a) sections 3 to 7 and section 24 of this act are effective July 1, 1983, and

(b) sections 8 to 23 and 25 and 26 are effective August 1, 1983. The court of appeals shall have jurisdiction over cases in which the notice of appeal, petition for review, or writ, is filed on or after August 1, 1983. In all cases in which the notice, petition or writ was filed on or before July 31, 1983, the court to which such appeal, petition, or writ was taken shall continue to exercise jurisdiction, notwithstanding any change introduced by this act. In any such case in which a district or county court retains jurisdiction and appeal is taken against its decision

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on or after August 1, 1983, appeal shall be taken to the court of appeals as provided herein.

Sec. 219. REPEALER.

Minnesota Statutes 1982, sections 14.70; 72A.24, subdivision 2; 80A.24, subdivision 3; 177.29, subdivisions 2 and 3; 216.24; 216.271; 216B.52, subdivisions 2, 3, 4, and 5; 216B.55; 360.072, subdivisions 2, 3, 4, and 5; 363.10; 375.67, subdivisions 2 and 3; 484.63; 525.711; and 525.74; and Laws 1982, chapter 501, sections 17, 18, 19, and 25 are repealed.

Sec. 220. REVISOR'S INSTRUCTION.

On or before February 1, 1984 the revisor of statutes shall present to the chairmen of the committees on the judiciary in the house and senate a report summarizing all provisions of Laws 1983 which are inconsistent with section 480A.02 or the applicable sections of this act. The report shall identify provisions for:

- a) direct appeal from the district court to the supreme court,
- b) appeals from the county or county municipal courts to the district court, and
- c) appeals pursuant to chapter 14 which provide for appeal to district court.

The report shall be in the form of a bill amending the identified sections to provide for appeal to the court of appeals in a manner consistent with section 480A.06 and the applicable sections of this act.

Sec. 221. EFFECTIVE DATE.

Section 218 is effective July 1, 1983. The remainder of this act is effective August 1, 1983, and applies to all appeals taken on or after that date.

Approved June 1, 1983

CHAPTER 248 — H.F.No. 365

An act relating to health care facilities; clarifying the rights and responsibilities of patients and residents; amending Minnesota Statutes 1982, sections 144.651; 144.652; and 145.93, subdivision 3.

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

Section 1. Minnesota Statutes 1982, section 144.651, is amended to read:

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