

report shall describe (1) the method used by the board for acknowledging complaints that have been filed with that board; (2) the length of time taken to provide complaint forms to persons who request them and the length of time taken to acknowledge receipt of a complaint; (3) the method used to inform complainants of the status of a pending complaint; and (4) the information given to the complainant upon final disposition of a complaint.

Sec. 25. REVISOR'S INSTRUCTION.

In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall renumber the sections listed in column A with the numbers in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>147.021</u>	<u>147.091</u>
<u>147.05</u>	<u>147.01, subdivision 5</u>
<u>147.073</u>	<u>147.161</u>
<u>147.074</u>	<u>147.162</u>
<u>147.10</u>	<u>147.081</u>

In Minnesota Statutes 1986 and later editions of the statutes, the revisor shall substitute the term "director" for "secretary" where "secretary" refers to the executive secretary of a health-related licensing board as defined in section 214.01, subdivision 2.

Sec. 26. REPEALER.

Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23, are repealed.

Approved May 28, 1985

CHAPTER 248 — S.F.No. 1363

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain laws; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 3C.12, subdivision 2; 8.31, subdivision 2; 13.37, subdivision 2; 14.47, subdivision 8; 16A.065; 16A.133, subdivision 1; 16B.64, subdivision 2; 21.92; 35.09, subdivision 1; 42.09, subdivision 9; 46.046, subdivision 1; 47.101, subdivisions 2 and 3; 47.29, subdivision 1; 47.30, subdivisions 2 and 3; 47.51; 48.89, subdivision 1; 60A.03, subdivision 2; 62D.04, subdivision 1; 62D.041, subdivision 5; 62D.09; 62H.06; 83.23, subdivision 3; 106.631, subdivisions 2 and 4; 116J.58, subdivision 4; 122.531, subdivisions 3a and 5; 124A.03, subdivision 3; 204B.14, subdivision 5; 214.13, subdivision 4; 240.16,

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subdivision 6; 256B.431, subdivision 4; 257.67, subdivision 3; 260.121, subdivision 3; 268.04, subdivision 32; 268.08, subdivision 1; 268.675, subdivision 1; 270.84, subdivision 1; 290.531; 290A.111, subdivision 2; 296.18, subdivision 1; 297A.391; 307.06; 309.502; 349.51, subdivision 5; 352.01, subdivision 2A; 360.531, subdivision 7; 363.071, subdivision 1; 388.051, subdivision 2; 422A.101, subdivision 2; 453.55, subdivision 11; 473.384, subdivision 6; 473.446, subdivision 1; 474.17, subdivision 3; 474.19, subdivisions 3 and 7; 519.01; 525.619; 571.41, subdivision 5b; amending Laws 1984, chapter 463, article 7, section 53, subdivision 2; reenacting Minnesota Statutes 1984, sections 10A.31, subdivision 5; 62D.03, subdivision 4; repealing Minnesota Statutes 1984, sections 124A.035, subdivision 6; 177.295; 204B.19, subdivision 3; repealing Laws 1977, chapter 434, sections 4 and 5; chapter 386, section 1; Laws 1978, chapter 772, section 8; Laws 1980, chapter 522, section 4; Laws 1983, chapter 222, section 14; chapter 247, sections 122, 176, and 217; chapter 253, section 19; chapter 299, section 20; chapter 301, section 220; chapter 314, article 11, section 19; chapter 359, section 149; Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g); chapter 468, section 1; chapter 471, sections 14, 15, and 16; chapter 514, article 2, section 13; chapter 541, section 1; chapter 543, section 8; chapter 618, section 59; that part of Laws 1984, chapter 629, section 2, that amends section 375.193; Laws 1984, chapter 638, section 3; chapter 654, article 2, section 118.

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

Section 1. Minnesota Statutes 1984, section 3C.12, subdivision 2, is amended to read:

Subd. 2. **FREE DISTRIBUTION.** The revisor shall distribute without charge copies of each edition of Minnesota Statutes, supplements to Minnesota Statutes, and Laws of Minnesota to the persons or bodies listed in this subdivision. Before distributing the copies, the revisor shall ask these persons or bodies whether their work requires the full number of copies authorized by this subdivision. Unless a smaller number is needed, the revisor shall distribute:

- (a) 30 copies to the supreme court;
- (b) 30 copies to the court of appeals;
- (c) one copy to each judge of a district court;
- (d) one copy to the clerk of each district court for use in each courtroom of the district court;
- (e) one copy to each judge, district attorney, clerk of court of the United States, and deputy clerk of each division of the United States district court in Minnesota;
- (f) 100 copies to the office of the attorney general;
- (g) ten 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, revenue, and the pollution control agency;

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(h) two copies each to the lieutenant governor, and the state treasurer, and the secretary of state;

(i) 20 copies each to the department of administration, state auditor, and legislative auditor;

(j) one copy each to other state departments, agencies, boards, and commissions not specifically named in this subdivision;

(k) one copy to each member of the legislature;

(l) 150 copies for the use of the senate and 200 copies for the use of the house of representatives;

(m) 50 copies to the revisor of statutes from which the revisor shall send the appropriate number to the Library of Congress for copyright and depository purposes;

(n) four copies to the secretary of the senate;

(o) four copies to the chief clerk of the house of representatives;

(p) 100 copies to the state law library;

(q) 100 copies to the law school of the University of Minnesota;

(r) five copies each to the Minnesota historical society and the secretary of state; and

(s) one copy to each county library maintained pursuant to chapter 134, except in counties containing cities of the first class. If a county has not established a county library pursuant to chapter 134, the copy shall be provided to any public library in the county.

Sec. 2. Minnesota Statutes 1984, section 8.31, subdivision 2, is amended to read:

Subd. 2. **ATTORNEY GENERAL TO ASSIST IN DISCOVERY AND PUNISHMENT OF ILLEGAL PRACTICES.** When the attorney general, from information in his possession, has reasonable ground to believe that any person has violated, or is about to violate, any of the laws of this state referred to in subdivision 1, he shall have power to investigate those violations, or suspected violations, and to take such steps as are necessary to cause the arrest and prosecution of all persons violating any of the statutes specifically mentioned in subdivision 1 or any other laws respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade. In connection with investigation under this section the attorney general upon specifying the nature of the violation or suspected violation may obtain discovery from any person regarding any matter, fact or circumstance, not privileged, which is relevant to the subject matter involved in the pending investigation, in accordance with the provisions of this subdivision. The discovery may be obtained without commencement of a

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civil action and without leave of court, except as expressly required by the provisions of subdivision 2a. The applicable protective provisions of rules 26.02, ~~30.02~~ 26.03, and 30.04 ~~and 31.04~~ of the rules of civil procedure for the district courts shall apply to any discovery procedures instituted pursuant to this section. The attorney general or any person to whom discovery is directed may apply to and obtain leave of the district court in order to reduce or extend the time requirements of this subdivision, and upon a showing of good cause the district court shall order such a reduction or extension. In order to obtain discovery, the attorney general may:

(a) Serve written interrogatories on any person. Within 20 days after service of interrogatories, separate written answers and objections to each interrogatory shall be mailed to the attorney general.

(b) Upon reasonable written notice of no less than 15 days, require any person to produce for inspection and copying any documents, papers, books, accounts, letters, photographs, objects, or tangible things which are in his possession, custody, or control.

(c) Upon reasonable written notice of no less than 15 days, take the testimony of any person by deposition as to any fact or opinion relevant to the subject matter involved in the pending investigation.

For the purposes of this subdivision the term "person" has the meaning specified in section 325F.68.

Sec. 3. Minnesota Statutes 1984, section 10A.31, subdivision 5, is reenacted.

Sec. 4. Minnesota Statutes 1984, section 13.37, subdivision 2, is amended to read:

Subd. 2. **CLASSIFICATION.** The following government data is classified as nonpublic data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, and as private data with regard to data on individuals, pursuant to section 13.02, subdivision 12: Security information; trade secret information; sealed absentee ballots prior to opening by an election judge; sealed bids, including the number of bids received, prior to the opening of the bids; and labor relations information, provided that specific labor relations information which relates to a specific labor organization is classified as protected nonpublic data pursuant to section 13.02, subdivision 13.

Sec. 5. Minnesota Statutes 1984, section 14.47, subdivision 8, is amended to read:

Subd. 8. **SALES AND DISTRIBUTION OF COMPILATION.** Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or

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supplement needed by the agency. The revisor shall provide one copy of any compilation or supplement to each county library maintained pursuant to section 134.12 ~~or 375.33~~ upon its request, 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 will be provided to any public library in the county upon its request.

Sec. 6. Minnesota Statutes 1984, section 16A.065, is amended to read:

16A.065 PREPAY SOFTWARE, SUBSCRIPTIONS, U.S. DOCUMENTS.

Despite section 16A.41, subdivision 1, the commissioner may allow an agency to make advance deposits or payments for software or software maintenance services for state-owned or leased electronic data processing equipment and for newspaper, magazine, and other subscription fees customarily paid for in advance, ~~and~~. The commissioner may also allow advance deposits by any department with the Library of Congress and federal Supervisor of Documents for items to be purchased from those federal agencies.

Sec. 7. Minnesota Statutes 1984, section 16A.133, subdivision 1, is amended to read:

Subdivision 1. **CREDIT UNION.** An agency head may, with the written request of an employee, ~~to~~ deduct from the pay of the employee a requested amount to be paid to any state employees' credit union, or the Minnesota Benefit Association or to any organization contemplated by section ~~179.65~~ 179A.06, of which the employee is a member. If an employee is a member of more than one such credit union or more than one such organization, only one credit union and one organization may be paid money by payroll deduction from the employee's pay. No deduction may be made from the salary of an employee for payment to a credit union or organization unless 100 employees request deductions for payment to the credit union or organization. The 100 employee minimum does not apply to credit unions and organizations which received authorized payroll deduction payments on June 5, 1971.

Sec. 8. Minnesota Statutes 1984, section 16B.64, subdivision 2, is amended to read:

Subd. 2. **DISTRIBUTION OF INCORPORATIONS BY REFERENCE.** The commissioner need not publish or distribute those parts of the code which are adopted by reference pursuant to section ~~14.06~~ 14.07, subdivision 4.

Sec. 9. Minnesota Statutes 1984, section 21.92, is amended to read:

21.92 SEED INSPECTION FUND.

There is established in the state treasury an account known as the seed inspection fund. Fees and penalties collected by the commissioner under sections

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21.80 to 21.92 shall be deposited into this account. The rates at which the fees are charged may be adjusted pursuant to section ~~16A.28~~ 16A.128. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 21.80 to 21.92, is annually appropriated to the commissioner for the administration and enforcement of sections 21.80 to 21.92.

Sec. 10. Minnesota Statutes 1984, section 35.09, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, or brucellosis shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, or brucellosis, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds of the remainder shall be paid to the owner by the state, except that in all cases where the animal disease eradication division of the United States department of agriculture compensates the owner for the animal, in whole or in part, then the amount of the compensation so received from the federal government shall be deducted from the amount of indemnity payable by the state; provided, that in no case shall any payment be more than \$37.50 for grade ~~females~~ animals or more than \$75 for any registered purebred animal, and that no payment shall be made unless the owner has complied with all lawful rules of the board.

Sec. 11. Minnesota Statutes 1984, section 42.09, subdivision 9, is amended to read:

Subd. 9. The applicant must submit a complete operational plan for each proposed project prepared by the licensee who shall conduct the operation, which shall include, but not be limited to:

(a) a specific statement of the nature and objectives of the intended operation,

(b) a map of the proposed operating area which specifies the primary target area and shows the area reasonably expected to be affected and a rain gauge system for both seeded and downwind areas,

(c) an estimate of the amount of cloud seeding material expected to be placed in the clouds,

(d) a statement of the types of clouds to be seeded and identification of a procedure for random selection of at least a portion of the clouds to be seeded during the operation,

~~(f)~~ (e) the name and address of the licensee,

~~(g)~~ (f) the person or organization on whose behalf it is to be conducted,

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(h) (g) a statement showing any expected effect upon the environment and results of weather modification operations, and methods of determining and properly evaluating that operation, and any other detailed information as may be required to describe the operation and its proposed method of evaluation.

Sec. 12. Minnesota Statutes 1984, section 46.046, subdivision 1, is amended to read:

Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the word defined in subdivision 2, for the purposes of sections ~~45.04 to 45.07~~ 46.041 to 46.044, shall be given the meaning subjoined to it; and the word defined in subdivision 3, for the purposes of chapters 46 to 77, shall be given the meaning subjoined to it.

Sec. 13. Minnesota Statutes 1984, section 47.101, subdivision 2, is amended to read:

Subd. 2. **BANKING INSTITUTIONS; CERTAIN RELOCATIONS, APPLICATIONS, NOTICE, APPROVAL.** A banking institution defined in section 48.01, subdivision 2, desiring to relocate its main office within a radius of three miles measured in a straight line shall submit an application in a form prescribed by the commissioner of commerce, an investigation fee of \$500 and additional fees as prescribed in section ~~45.04~~ 46.041 if subsequently processed under subdivision 3. After the application is deemed to be complete and accepted by the commissioner of commerce, the applicant shall publish once in a form prescribed by the commissioner a notice of the filing of the application in a newspaper published in the municipalities where the banking institution is located and relocating if different. If there is no such paper, then notice of the filing shall be published at the appropriate county seats of the existing and proposed sites if different. The applicant shall cause the notice to be publicly displayed in its lobby and sent by certified mail to all banking institutions within three miles of the proposed location measured in a straight line. Upon expiration of a period of 21 days for comment, the commissioner, after considering the applicable conditions for issuance of the bank charter defined in section ~~45.07~~ 46.044, shall within 60 days approve or disapprove or refer the application to the department of commerce for consideration.

Sec. 14. Minnesota Statutes 1984, section 47.101, subdivision 3, is amended to read:

Subd. 3. **APPLICATIONS TO DEPARTMENT OF COMMERCE.** An application by a banking institution to relocate its main office outside a radius of three miles measured in a straight line, or referred from the commissioner of commerce pursuant to subdivision 2, shall be approved or disapproved by the commissioner of commerce as provided for in sections ~~45.04~~ 46.041 and ~~45.07~~ 46.044.

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

Sec. 15. Minnesota Statutes 1984, section 47.29, subdivision 1, is amended to read:

Subdivision 1. Any savings bank organized and existing under and by virtue of the laws of this state, is hereby authorized and empowered, by a two-thirds vote of the entire board of trustees, at any regular or special meeting of said board duly called for that purpose to convert itself into a federal association whenever said conversion is authorized by any act of the Congress of the United States: Provided, that before any such conversion shall become final and complete, (a) the secretary of the savings bank shall cause 30 days written notice of such intended conversion (which notice, before mailing, shall be submitted to and approved by the commissioner of commerce) to be mailed prepaid to each depositor, at their last known address, according to the records of the bank, and after such notice each depositor may, prior to the time the conversion becomes final and complete, on demand and without prior notice, withdraw the full amount of his deposit or such part thereof as he may request, and upon such withdrawal he shall receive interest to the date of withdrawal at the same rate last paid or credited by the bank, notwithstanding the provisions of any law, bylaws, rule or regulation to the contrary, and (b) that such conversion be approved in writing by the commissioner of commerce.

Sec. 16. Minnesota Statutes 1984, section 47.30, subdivision 2, is amended to read:

Subd. 2. An application for a certificate authorizing a savings bank to transact business, in the form required by sections ~~45.04~~ 46.041 and ~~45.08~~ 46.046, shall be submitted to, considered and acted upon by the department of commerce in the same manner and by the same standards as applications are submitted, considered and acted upon under sections ~~45.04~~, ~~45.07~~, ~~45.08~~ 46.041, 46.044, 46.046, 50.01 and 50.02. The fees required by section ~~45.04~~ 46.041 shall be paid and the amendments proposed to the articles of incorporation and bylaws shall be included as part of the application.

Sec. 17. Minnesota Statutes 1984, section 47.30, subdivision 3, is amended to read:

Subd. 3. If the department of commerce grants the application, the certificate of authorization (charter) shall be issued as provided by section ~~45.04~~ 46.041, and the articles of incorporation may then be amended so as to convert the savings, building and loan association into a savings bank by following the procedure prescribed for amending articles of incorporation of savings, building and loan associations: Provided, that the proposed amended articles shall contain the names of, and be signed by, the proposed first board of trustees.

Sec. 18. Minnesota Statutes 1984, section 47.51, is amended to read:

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

47.51 DETACHED BANKING FACILITIES; DEFINITIONS.

As used in sections 47.51 to 47.57:

“Extension of the main banking house” means any structure or stationary mechanical device serving as a drive-in or walk-up facility, or both, which is located within 150 feet of the main banking house, the distance to be measured in a straight line from the closest points of the closest structures involved and which performs one or more of the functions described in section 47.53.

“Detached facility” means any permanent structure, office accommodation located within the premises of any existing commercial or business establishment, stationary automated remote controlled teller facility, stationary unmanned cash dispensing or receiving device, located separate and apart from the main banking house which is not an “extension of the main banking house” as above defined, that serves as a drive-in or walk-up facility, or both, with one or more tellers windows, or as a remote controlled teller facility or a cash dispensing or receiving device, and which performs one or more of those functions described in section 47.53.

“Bank” means a bank as defined in section 45.08 46.046 and any banking office established prior to the effective date of Laws 1923, Chapter 170, Section 1.

“Commissioner” means the commissioner of commerce.

“Municipality” means the geographical area encompassing the boundaries of any home rule charter or statutory city located in this state, and any detached area, pursuant to section 473.625, operated as a major airport by the metropolitan airports commission pursuant to sections 473.601 to 473.679. When a bank is located in a township, the term municipality is expanded to mean the geographical area encompassing the boundaries of the township.

Sec. 19. Minnesota Statutes 1984, section 48.89, subdivision 1, is amended to read:

Subdivision 1. For the purposes of this section the following terms defined in this subdivision have the meanings given them:

- (a) The term commissioner means the commissioner of commerce.
- (b) The term clerical services means services such as check and deposit, sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a bank.
- (c) The term clerical service corporation means a corporation organized as a business corporation to perform clerical services for two or more banks, each of which owns part of the capital stock of such corporation.

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(d) The term invest includes any advance of funds to a clerical service corporation, whether by the purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment.

(e) The term banks is defined as prescribed in section ~~45.08~~ 46.046.

Sec. 20. Minnesota Statutes 1984, section 60A.03, subdivision 2, is amended to read:

Subd. 2. **POWERS OF COMMISSIONER. (1) ENFORCEMENT.** The commissioner shall have and exercise the power to enforce all the laws of this state relating to insurance, and it shall be his duty to enforce all the provisions of the laws of this state relating to insurance.

(2) **DEPARTMENT OF COMMERCE.** The commissioner shall have and possess all the rights and powers and perform all the duties heretofore vested by law in the commissioner of commerce, except that applications for registrations of securities and brokers' licenses under sections 80A.01 to 80A.31, and all matters pertaining to such registrations and licenses, application for the organization and establishment of new financial institutions under sections ~~45.04~~ 46.041, ~~45.06~~ 46.043, and ~~45.07~~ 46.044, applications by insuring companies for licenses to carry on business within the state, and all matters pertaining to such licenses, and applications for the consolidation of insuring companies transacting business within the state, shall be determined by the commissioner in the manner provided by the laws defining the powers and duties of the commissioner of commerce, and the state securities commission, respectively, or, in the absence of any law prescribing the procedure, by such reasonable procedure as the commission, as defined in chapter 45, may prescribe.

Sec. 21. Minnesota Statutes 1984, section 62D.03, subdivision 4, is reenacted.

Sec. 22. Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g), are repealed.

Sec. 23. Minnesota Statutes 1984, section 62D.04, subdivision 1, is amended to read:

Subdivision 1. Upon receipt of an application for a certificate of authority, the commissioner of health shall determine whether the applicant for a certificate of authority has:

(a) Demonstrated the willingness and potential ability to assure that health care services will be provided in such a manner as to enhance and assure both the availability and accessibility of adequate personnel and facilities;

(b) Arrangements for an ongoing evaluation of the quality of health care;

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(c) A procedure to develop, compile, evaluate, and report statistics relating to the cost of its operations, the pattern of utilization of its services, the quality, availability and accessibility of its services, and such other matters as may be reasonably required by regulation of the commissioner of health;

(d) Reasonable provisions for emergency and out of area health care services;

(e) Demonstrated that it is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the commissioner of health may consider:

(1) the financial soundness of its arrangements for health care services and the proposed schedule of charges used in connection therewith;

(2) the adequacy of its working capital;

(3) arrangements which will guarantee for a reasonable period of time the continued availability or payment of the cost of health care services in the event of discontinuance of the health maintenance organization;

(4) agreements with providers for the provision of health care services; and

(5) any deposit of cash or securities submitted in accordance with section ~~62D.07~~, subdivision 6 62D.041.

(f) Demonstrated that it will assume full financial risk on a prospective basis for the provision of comprehensive health maintenance services, including hospital care; provided, however, that the requirement in this paragraph shall not prohibit a health maintenance organization from obtaining insurance or making other arrangements (i) for the cost of providing to any enrollee comprehensive health maintenance services, the aggregate value of which exceeds \$5,000 in any year, (ii) for the cost of providing comprehensive health care services to its members on a non-elective emergency basis, or while they are outside the area served by the organization, or (iii) for not more than 95 percent of the amount by which the health maintenance organization's costs for any of its fiscal years exceed 105 percent of its income for such fiscal years; and

(g) Otherwise met the requirements of sections 62D.01 to 62D.29.

Sec. 24. Minnesota Statutes 1984, section 62D.041, subdivision 5, is amended to read:

Subd. 5. **WAIVER.** The commissioner may waive any of the deposit requirements set forth in subdivisions ~~2~~ 3 and ~~3~~ 4 whenever satisfied that the organization has sufficient net worth and an adequate history of generating net income to assure its financial viability for the next year, or its performance and obligations are guaranteed by an organization with sufficient net worth and an adequate history of generating net income, or the assets of the organization or its

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contracts with insurers, hospital, or medical service corporations, governments, or other organizations are reasonably sufficient to assure the performance of its obligations.

Sec. 25. Minnesota Statutes 1984, section 62D.09, is amended to read:

62D.09 INFORMATION TO ENROLLEES.

Subdivision 1. Any written marketing materials which may be directed toward potential enrollees and which ~~includes~~ include a detailed description of benefits provided by the health maintenance organization shall include a statement of consumer rights as described in section 62D.07, subdivision 3, paragraph (c).

Subd. 2. The application for coverage by the health maintenance organization shall be accompanied by the statement of consumer rights as described in section 62D.07, subdivision 3, paragraph (c).

Subd. 3. Every health maintenance organization or its representative shall annually, before June 1, provide to its enrollees the following: (1) a summary of its most recent annual financial statement including a balance sheet and statement of receipts and disbursements; (2) a description of the health maintenance organization, its health care plan or plans, its facilities and personnel, any material changes therein since the last report, (3) the current evidence of coverage; and (4) a statement of consumer rights as described in section 62D.07, subdivision 3, paragraph (c).

Sec. 26. Minnesota Statutes 1984, section 62H.06, is amended to read:

62H.06 REGULATION OF PLANS BY COMMISSIONER.

The commissioner of commerce shall promulgate rules, including emergency rules, to insure the solvency and operation of all self-insured plans subject to this chapter. The commissioner may examine the joint self-insurance plans pursuant to sections 60A.03 and ~~60A.31~~ 60A.031.

Sec. 27. Minnesota Statutes 1984, section 83.23, subdivision 3, is amended to read:

Subd. 3. **QUALIFICATION.** Subdivided lands may be registered by qualification provided all of the following requirements have been met:

(a) an application for registration has been filed with the commissioner in a format which the commissioner may by rule prescribe;

(b) the commissioner has been furnished a proposed public offering statement complying with section 83.24;

(c) a filing fee of \$250 plus an additional registration fee of \$1 for each lot, unit, parcel, or interest included in the offering accompanies the application.

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The maximum combined filing and registration fees shall in no event be more than \$2,500;

(d) the subdivider is in compliance with service of process provisions of section 83.39;

(e) the commissioner has been furnished a financial statement of the subdivider's most recent fiscal year, audited by an independent certified public ~~account~~ accountant; and, if the fiscal year of the subdivider is more than 90 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 90 days of the date of application.

Subdivisions in which all the improvements are complete and paid for by the developer, and for which clear title can be given the purchaser at the closing, are exempt from providing independently certified financial statements.

An application for registration under this section becomes effective when the commissioner so orders.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 28. Minnesota Statutes 1984, section 106.631, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE ON APPEAL.** (a) Any person appealing on the first or second ground named, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days after the filing of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice ~~and appeal bond~~.

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situated in the county other

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than the county where the drainage proceedings are pending, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of the district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceedings so far as they pertain to the matters on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(e) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision.

Sec. 29. Minnesota Statutes 1984, section 106.631, subdivision 4, is amended to read:

Subd. 4. **APPEAL FROM ORDERS.** Any party aggrieved thereby may appeal to the district court of the county where the proceedings are pending from any order made by the county board dismissing the petition for any drainage system or establishing or refusing to establish any drainage system. The appellant shall serve notice of appeal and give bond as provided in subdivision 2. Upon such appeal being perfected, it may be brought on for trial by either party upon ten days notice to the other, and shall then be tried by the court without a jury. The court shall examine the whole matter and receive evidence to determine whether the findings made by the county board can be sustained. At such trial the findings made by the county board shall be prima facie evidence of the matters therein stated, and the order of the county board shall be deemed prima facie reasonable. If the court shall find that the order appealed from is lawful and reasonable, it shall be affirmed. If the court finds that the order appealed from is arbitrary, unlawful, or 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 or remand such matter to the county board for further proceeding before the board. After determination of the appeal, the county board shall proceed in conformity therewith.

If such appeal be from an order establishing a ditch, the trial of any appeals from benefits or damages in the ditch proceeding shall be stayed pending the determination of such appeal; and, if the order establishing be affirmed, any such appeals from benefits or damages shall then stand for trial as provided by this section. If such appeal be from an order refusing to establish a ditch, and if the court thereafter by order establishes the ditch, the county auditor shall give

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notice by publication of the filing of the order. Such notice shall be sufficient if it refers to the ditch by number or other descriptive designation and recites the purport of the order and the date of filing in the court. Any person aggrieved thereby may appeal to the district court upon the grounds and as provided by subdivisions 1 and 2, and such appeal shall be made as required by subdivision 2 within 30 days after the completion of publication of notice as herein required.

Sec. 30. Minnesota Statutes 1984, section 116J.58, subdivision 4, is amended to read:

Subd. 4. **FEDERAL LIMITATION ACT ALLOCATION.** The commissioner shall:

(1) in accordance with sections 474.16 to 474.23, review applications for and grant allocations of authority to issue bonds or other obligations subject to a federal limitation act; and

(2) adopt rules, including emergency rules under sections 14.29 to 14.36, to provide for the allocation of the amount of issuance authority allocated pursuant to section ~~462.556~~ 474.17, subdivision 3. The rules shall contain criteria and procedures for allocation of authority for use by the department, and to other state agencies, political subdivisions, or other authorities authorized by other law to issue bonds subject to a federal limitation act.

For the purposes of this subdivision, a "federal limitation act" is an act of congress defined in section 474.16, subdivision 5.

Sec. 31. Minnesota Statutes 1984, section 122.531, subdivision 3a, is amended to read:

Subd. 3a. **GRANDFATHER LEVY AND AID:** (1) The amounts specified in this subdivision shall be used for purposes of computing the grandfather levy limitation under section 275.125, subdivision 6b, and the grandfather aid under Minnesota Statutes 1982, section 124.2123, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more existing districts.

(2) The grandfather guarantee of the newly created or enlarged district shall equal the sum of the amounts derived by performing the following multiplication for each component district:

(a) the grandfather guarantee for the component district, times

(b) the quotient obtained by dividing the number of actual pupil units from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective, by the entire number of actual pupil units enrolled in the component district in the year preceding the year when the consolidation or dissolution and attachment becomes effective.

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(3) The grandfather allowance of the newly created or enlarged district shall equal the quotient obtained by dividing:

(a) the grandfather guarantee of the newly created or enlarged district, by
 (b) the sum of the amounts derived by performing the following computation for each component district:

(i) the number of actual pupil units in the component district in 1979-1980, times

(ii) the quotient derived for that component district in clause (2), ~~part~~ (b) of this subdivision.

Sec. 32. Minnesota Statutes 1984, section 122.531, subdivision 5, is amended to read:

Subd. 5. **REPLACEMENT LEVY AND AID.** For purposes of computing the replacement levy limitation under section 275.125, subdivision 6c, and replacement aid under Minnesota Statutes 1983 Supplement, section 124.2124, the replacement entitlement of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts, shall equal the quotient obtained by dividing:

(1) the sum of the amounts derived by performing the following multiplication for each component district:

(a) the replacement entitlement of the component district, times

(b) the number of actual and AFDC pupil units from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

(2) the total number of actual and AFDC pupil units in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective.

Sec. 33. Minnesota Statutes 1984, section 124A.03, subdivision 3, is amended to read:

Subd. 3. **BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.** In any year when the amount of the maximum levy limitation under subdivision 1 for any district, exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of total pupil units for that district for that school year, the levy limitation for that district under subdivision 1 shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Statutes 1978, section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 1:

(a) the sum of

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(i) the product of the district's foundation aid formula allowance for the school year in which the levy is recognized as revenue, times the estimated number of total pupil units for that district for that school year, plus

(ii) the amount by which special state aids of chapter 124 receivable for the same school year, excluding aid authorized in sections 124.2137 and 124.646, are estimated to be reduced pursuant to section ~~124.2138~~, subdivision 1 124A.037, plus

(iii) the amount by which state payments on behalf of the district for the same school year authorized in sections 354.43, subdivision 1; 354A.12, subdivision 2; and 355.46, subdivision 3, clause (b), are estimated to be reduced pursuant to section ~~124.2138~~, subdivision 1 124A.037, less

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124A.035, subdivision 4 in the school year in which the levy is recognized as revenue.

A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 1, for purposes of statutory cross-reference.

Sec. 34. Minnesota Statutes 1984, section 124A.035, subdivision 6, is repealed.

Sec. 35. Minnesota Statutes 1984, section 177.295, is repealed.

Sec. 36. Minnesota Statutes 1984, section 204B.14, subdivision 5, is amended to read:

Subd. 5. **PRECINCT BOUNDARIES; DESCRIPTION; MAPS.** Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the ~~commissioner of energy and economic development~~ state planning director maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the ~~commissioner of energy and economic development~~ state planning director. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6.

Sec. 37. Minnesota Statutes 1984, section 204B.19, subdivision 3, is repealed.

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Sec. 38. Minnesota Statutes 1984, section 214.13, subdivision 4, is amended to read:

Subd. 4. The commissioner of health shall wherever possible delegate the administration of regulation activities to a health related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board may regularly bill the commissioner of health for the cost of performing this function. The licensing board may directly set and charge fees in accordance with the provisions of section 214.06. The commissioner of health may establish an advisory council to advise him or the appropriate health related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. A council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 39. Minnesota Statutes 1984, section 240.16, subdivision 6, is amended to read:

Subd. 6. **COMPENSATION.** The total compensation of stewards who are not employees of the ~~division~~ commission must be commensurate with the compensation of stewards who are ~~division~~ commission employees.

Sec. 40. Minnesota Statutes 1984, section 256B.431, subdivision 4, is amended to read:

Subd. 4. **SPECIAL RATES.** (a) A newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, ~~paragraph (b)~~ 2a to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision ~~2(f)~~ 2f, the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by emergency and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. Until procedures determining operating cost payment rates according to mix of resident needs are established, the commissioner shall establish by rule procedures for determining payment rates for nursing homes

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which provide care under a lesser care level than the level for which the nursing home is certified.

(b) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR S 2.050 any facility that is licensed by the commissioner of health only as a boarding care home, is certified by the commissioner of health as an intermediate care facility, is licensed by the commissioner of human services under 12 MCAR S 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:

(1) The desk audited payment rate in effect on June 30, 1983, remains in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.

(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited operating cost payment rate determined in clause (1) at an annual rate of five percent.

(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.

(4) For the purpose of establishing payment rates under this paragraph, the facility's rate and reporting years coincide with the facility's fiscal year.

A facility that meets the criteria of this paragraph shall submit annual cost reports on forms prescribed by the commissioner.

Sec. 41. Minnesota Statutes 1984, section 257.67, subdivision 3, is amended to read:

Subd. 3. Willful failure to obey the judgment or order of the court is a civil contempt of the court. All remedies for the enforcement of judgments apply including those available under sections ~~518.41~~ 518C.01 to ~~518.53~~ 518C.36 and 256.872 to 256.878.

Sec. 42. Minnesota Statutes 1984, section 260.121, subdivision 3, is amended to read:

Subd. 3. Except when a child is alleged to have committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), if it appears at any stage of the proceeding that a child before the court is a resident of another state, the court may invoke the provisions of the interstate compact on

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juveniles or, if it is in the best interests of the child or the public to do so, the court may place the child in the custody of his parent, guardian, or custodian, if the parent, guardian, or custodian ~~agree~~ agrees to accept custody of the child and return him to their state.

Sec. 43. Minnesota Statutes 1984, section 268.04, subdivision 32, is amended to read:

Subd. 32. "Nonpublic school" means any school within the state, other than a public school, wherein a resident of Minnesota may legally fulfill the compulsory school attendance requirements of section 120.10, or any school (1) which operates on a nonprofit basis, (2) which admits only pre-kindergarten children, (3) which has as its primary purpose the education of its students as determined by the commissioner of human services pursuant to section 245.791, clause ~~(15)~~ (14), and (4) which operates on a regular basis for at least eight months and no more than nine months a year.

Sec. 44. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBILITY CONDITIONS.** An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; ~~and~~

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

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An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty; and

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 45. Minnesota Statutes 1984, section 268.675, subdivision 1, is amended to read:

Subdivision 1. **SERVICE DELIVERY AREA PORTION.** (a) Eighty percent of the funds available for allocation to employment administrators for the program must be allocated among service delivery areas as follows: (1) each service delivery area shall be eligible to receive that proportion of the funds available which equals the number of unemployed persons in the service delivery area divided by the total number of unemployed persons in the state for the 12-month period ending the most recent March 31; (2) however, 15 percent of the amount which would be allocated under ~~paragraph clause~~ (1) to each service delivery area in which the unemployment rate, for the 12-month period ending the most recent March 31, is less than the statewide unemployment rate on that date shall not be allocated according to ~~paragraph clause~~ (1). This amount shall be pooled and distributed at the discretion of the coordinator only to employment administrators in these service delivery areas with lower than average unemployment rates who have demonstrated outstanding performance from May 1, 1984, to August 1, 1984, in placement of persons who would otherwise be eligible to receive general assistance, as shown by:

(i) the proportion of general assistance-eligible applicants who have been placed in private sector jobs under the program, relative to the total number of general assistance-eligible applicants placed under the program; or

(ii) the proportion of general assistance-eligible applicants placed in all jobs under the program, relative to total job placements under the program.

(b) Ten percent of the funds available for allocation to employment administrators under the program must be allocated at the discretion of the coordinator to employment administrators:

(1) who will maximize the use of the funds through coordination with other programs and state, local, and federal agencies, through the use of matching funds or through the involvement of low-income constituent groups;

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(2) who have demonstrated need beyond the allocation available under clause (1);

(3) who have demonstrated outstanding performance in job creation; or

(4) who have demonstrated that the unemployed persons in the service delivery area incur unusual costs related to employment under sections 268.671 to 268.686.

Sec. 46. Minnesota Statutes 1984, section 270.84, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall annually between April 30 and July 31 make a determination of the fair market value of the operating property of every railroad company doing business in this state as of January 2 of the year in which the valuation is made. In making this determination, the commissioner shall employ generally accepted appraisal principles and practices which may include the unit method of determining value. The commissioner may promulgate emergency rules adopting valuation procedures under sections 14.29 to 14.36.

The commissioner shall give a report to the legislature in February 1985 and in February 1986 on the formula which he has used to determine the value of railroad operating property pursuant to Laws 1984, chapter 502, article 9. This report shall also contain the valuation for taxes payable 1985 and 1986 by company and the taxes payable in 1985 and 1986 by company based upon the valuation of operating property. The legislature may review the formula, the valuation, and the resulting taxes and may make changes in the formula that it deems necessary.

Sec. 47. Minnesota Statutes 1984, section 290.531, is amended to read:

290.531 PAYMENT OF TAX PENDING APPEAL.

When a taxpayer appeals any liability assessed under this chapter to the tax court, and the amount in dispute is more than \$6,000, the entire amount of the tax, penalty, and interest assessed by the commissioner shall be paid at the time it is due unless permission to continue prosecution of the petition without payment is obtained as provided herein. The ~~petitioner~~ appellant, upon ten days notice to the commissioner, may apply to the court for permission to continue prosecution of the ~~petition~~ appeal without payment; and, if it is made to appear

(1) that the proposed review is to be taken in good faith;

(2) that there is probable cause to believe that the taxpayer may be held exempt from the liability or that the liability may be determined to be less than 50 percent of the amount due; and

(3) that it would work a substantial hardship upon ~~petitioner~~ appellant to pay the liability,

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the court may permit the ~~petitioner~~ appellant to continue prosecution of the ~~petition~~ appeal without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the ~~petition~~ appeal.

Failure to make payment of the amount required when due shall operate automatically to dismiss the ~~petition~~ appeal and all proceedings thereunder unless the payment is waived by an order of the court permitting the ~~petitioner~~ appellant to continue prosecution of the ~~petition~~ appeal without payment.

Sec. 48. Minnesota Statutes 1984, section 297A.391, is amended to read:

297A.391 PAYMENT OF TAX PENDING APPEAL.

When a taxpayer appeals any liability assessed under this chapter to the tax court, and the amount in dispute is more than \$6,000, the entire amount of the tax, penalty, and interest assessed by the commissioner shall be paid at the time it is due unless permission to continue prosecution of the ~~petition~~ appeal without payment is obtained as provided herein. The ~~petitioner~~ appellant, upon ten days notice to the commissioner, may apply to the court for permission to continue prosecution of the ~~petition~~ appeal without payment; and, if it is made to appear

(1) that the proposed review is to be taken in good faith;

(2) that there is probable cause to believe that the taxpayer may be held exempt from payment of the liability or that the liability may be determined to be less than 50 percent of the amount due; and

(3) that it would work a substantial hardship upon ~~petitioner~~ appellant to pay the liability,

the court may permit the ~~petitioner~~ appellant to continue prosecution of the ~~petition~~ appeal without payment, or may fix a lesser amount to be paid as a condition of continuing the prosecution of the ~~petition~~ appeal.

Failure to make payment of the amount required when due shall operate automatically to dismiss the ~~petition~~ appeal and all proceedings thereunder unless the payment is waived by an order of the court permitting the ~~petitioner~~ appellant to continue prosecution of the ~~petition~~ appeal without payment.

Sec. 49. Minnesota Statutes 1984, section 290A.111, subdivision 2, is amended to read:

Subd. 2. **ADJUDICATION AND DECREES.** In any action under subdivision 1, if the court finds: ~~(a)~~ that a property tax refund return preparer has:

(1) engaged in any conduct subject to the criminal penalty provided by section 290A.11, subdivision 2, or subject to the civil penalty under section 290A.112,

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(2) misrepresented his eligibility to practice before the department of revenue, or otherwise misrepresented his experience or education as a property tax refund return preparer,

(3) guaranteed the payment of any property tax refund,

(4) engaged in any other fraudulent or deceptive conduct which substantially interferes with the proper administration of the provisions of this chapter,

the court may decree appropriate injunctive relief pursuant to the authority granted in section 290.521, subdivision 2.

Sec. 50. Minnesota Statutes 1984, section 296.18, subdivision 1, is amended to read:

Subdivision 1. GASOLINE OR SPECIAL FUEL USED IN OTHER THAN MOTOR VEHICLES. Any person who shall buy and use gasoline for a qualifying purpose other than use in motor vehicles, snowmobiles, or motorboats, or special fuel for a qualifying purpose other than use in licensed motor vehicles, and who shall have paid the Minnesota excise tax directly or indirectly through the amount of the tax being included in the price of the gasoline or special fuel, or otherwise, shall be reimbursed and repaid the amount of the tax paid by him upon filing with the commissioner a signed claim in writing in the form and containing the information the commissioner shall require and accompanied by the original invoice thereof. By signing any such claim which is false or fraudulent, the applicant shall be subject to the penalties provided in this section for knowingly making a false claim. The claim shall set forth the total amount of the gasoline so purchased and used by him other than in motor vehicles, or special fuel so purchased and used by him other than in licensed motor vehicles, and shall state when and for what purpose it was used. When a claim contains an error in computation or preparation, the commissioner is authorized to adjust the claim in accordance with the evidence shown on the claim or other information available to him. If the commissioner is satisfied that the claimant is entitled to the payments, he shall approve the claim and transmit it to the commissioner of finance. No repayment shall be made unless the claim and invoice shall be filed with the commissioner within one year from the date of the purchase. The postmark on the envelope in which the claim is mailed shall determine the date of filing. The words "gasoline" or "special fuel" as used in this subdivision do not include aviation gasoline or special fuel for aircraft. ~~The words "qualifying purpose" have the same meaning given them in section 290.06, subdivision 13.~~ Gasoline or special fuel bought and used for a "qualifying purpose" means:

(1) Gasoline or special fuel used in carrying on a trade or business, used on a farm situated in Minnesota, and used for a farming purpose. "Farm" and "farming purpose" have the meanings given them in section 6420(c)(2), (3), and

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(4) of the Internal Revenue Code of 1954, as amended through December 31, 1983.

(2) Gasoline or special fuel used for off-highway business use. "Off-highway business use" means any use by a person in that person's trade, business, or activity for the production of income. "Off-highway business use" does not include use as a fuel in a motor vehicle which, at the time of use, is registered or is required to be registered for highway use under the laws of any state or foreign country.

Sec. 51. Minnesota Statutes 1984, section 307.06, is amended to read:

307.06 TRANSFER TO ASSOCIATION; HOW EFFECTED.

Any private cemetery established, platted, and recorded under the laws of this state may consolidate with and transfer its property, for cemetery purposes only, to any cemetery association or corporation organized under the laws of this state which is contiguous to, or adjacent to, such cemetery corporation.

To so consolidate and transfer its property it shall be necessary:

(1) that a resolution be passed by a two-thirds vote of the lot owners and members of such private cemetery, represented, present, and voting at a special meeting called for that purpose, which resolution shall recite with what cemetery corporation or association it is proposed to consolidate with and transfer its property to, and the terms and conditions thereof; and 30 days' notice of such meeting shall be previously given by mail to each lot owner of such private cemetery whose address can be determined using reasonable diligence of the time and place when such meeting is to be held, reciting the purpose thereof, which notice shall be signed by at least five lot owners; and

(2) that the resolution shall be signed and acknowledged by the presiding officer and secretary of such meeting and shall be filed with the county recorder of the county in which the private cemetery is situated.

Sec. 52. Minnesota Statutes 1984, section 309.502, is amended to read:

309.502 RULES.

The commissioner shall promulgate rules to implement the provisions of sections 16A.134 and 309.501. The rules shall not require the modification of any existing payroll deduction fund drive for state employees previously authorized by Minnesota Statutes 1982, section 15.375, subdivision 1.

Sec. 53. Minnesota Statutes 1984, section 349.51, subdivision 5, is amended to read:

Subd. 5. **LICENSE ISSUED.** Upon receipt of the application, the bond in proper form, and payment of the license fee required by subdivision 3, the department shall issue a license in form as prescribed by the department to the

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applicant, unless it determines that the applicant is otherwise unqualified. The license permits the applicant to whom it is issued to engage in business as a distributor or operator at the place of business shown in the application. The department must assign a license number to each person licensed at the time the initial license is issued. The license number must be inscribed upon all licenses issued to that distributor or operator.

Sec. 54. Minnesota Statutes 1984, section 352.01, subdivision 2A, is amended to read:

Subd. 2A. **INCLUDED EMPLOYEES.** The following persons are included in the meaning of state employee:

- (1) Employees of the Minnesota Historical Society.
- (2) Employees of the State Horticultural Society.
- (3) Employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed prior to July 1, 1963.
- (4) Employees of the Minnesota Crop Improvement Association.
- (5) Employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system.
- (6) Employees of the state universities employed under the university activities program.
- (7) Currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in clause (8) of subdivision 2B.
- (8) Employees of the armory building commission.
- (9) Permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation ~~including permanent employees of the legislative research committee.~~
- (10) Trainees who are employed on a full time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period.
- (11) Employees of the Minnesota Safety Council.
- (12) Employees of the transit operating division of the metropolitan transit commission and any employees on authorized leave of absence from the transit

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operating division who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division.

(13) Employees of the metropolitan council, metropolitan parks and open space commission, regional transit board, metropolitan transit commission, metropolitan waste control commission, metropolitan sports facilities commission or the metropolitan mosquito control commission unless excluded or covered by another public pension fund or plan pursuant to sections 473.141, subdivision 12, or 473.415, subdivision 3.

(14) Judges of the tax court.

Sec. 55. Minnesota Statutes 1984, section 360.531, subdivision 7, is amended to read:

Subd. 7. **PRORATING THE TAX.** When an aircraft first becomes subject to taxation during the period for which the tax is to be paid, the tax on it shall be for the remainder of that period, prorated on a monthly basis of one-twelfth of the annual tax for each calendar month counting the month during which it becomes subject to the tax as the first month of such period, ~~except that the tax for the period of January 1, 1966, through June 30, 1967, shall be prorated on a monthly basis of one-eighteenth of the tax for said period.~~

Sec. 56. Minnesota Statutes 1984, section 363.071, subdivision 1, is amended to read:

Subdivision 1. **CONDUCT OF HEARINGS.** A complaint issued by the commissioner shall be heard as a contested case, except that the report of the hearing examiner shall be binding on all parties to the proceeding and if appropriate shall be implemented by an order as provided for in subdivision 2. The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has his principal place of business. The hearing shall be conducted in accordance with ~~Minnesota Statutes 1965, sections 15.0418, 15.0419, 15.0421, 15.0422~~ 14.57 to 14.62, and is subject to appeal in accordance with ~~section 15.0424~~ sections 14.63 to 14.68.

Sec. 57. Minnesota Statutes 1984, section 388.051, subdivision 2, is amended to read:

Subd. 2. **SPECIAL PROVISION; GROSS MISDEMEANORS.** In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8 11; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

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Sec. 58. Minnesota Statutes 1984, section 422A.101, subdivision 2, is amended to read:

Subd. 2. **CONTRIBUTIONS BY OR FOR CITY OWNED PUBLIC UTILITIES, IMPROVEMENTS, OR MUNICIPAL ACTIVITIES.** Contributions by or for any city owned public utility, improvement project and other municipal activities supported in whole or in part by revenues other than real estate taxes, any public corporation, any employing unit of metropolitan government, Special School District No. 1 or Hennepin County, on account of any employee covered by the fund shall be calculated as follows:

(a) a regular employer contribution of an amount equal to the percentage rounded to the nearest two decimal places of the salaries and wages of all employees of the employing unit covered by the retirement fund which equals the difference between the level normal cost plus administrative cost reported in the annual actuarial valuation and the employee contributions provided for in section 422A.10;

(b) an additional employer contribution of an amount equal to the percent specified in section 353.27, subdivision 3e 3a, clause (a), multiplied by the salaries and wages of all employees of the employing unit covered by the retirement fund;

(c) a proportional share of an additional employer amortization contribution of an amount equal to \$3,900,000 annually until the year 2017 based upon the share of the fund's unfunded liability attributed to the employer as disclosed in the annual actuarial valuation.

The city council or any board or commission may, by proper action, provide for the inclusion of the cost of the retirement contributions for employees of any city owned public utility or for persons employed in any improvement project or other municipal activity supported in whole or in part by revenues other than taxes who are covered by the retirement fund in the cost of operating the utility, improvement project or municipal activity. The cost of retirement contributions for these employees shall be determined by the retirement board and the respective governing bodies having jurisdiction over the financing of these operating costs.

The cost of the employer contributions on behalf of employees of Special School District No. 1 who are covered by the retirement fund shall be the obligation of the school district. The retirement board shall prepare an itemized statement of the financial requirements of the fund payable by the school district, which shall be submitted prior to September 15. Contributions by the school district shall be made at times designated by the retirement board. The school district may levy for its contribution to the retirement fund only to the extent permitted pursuant to section 275.125, subdivision 6a.

The cost of the employer contributions on behalf of elective officers or other employees of Hennepin County who are covered by the retirement fund

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pursuant to sections 422A.09, subdivision 3, clause (2), 422A.22, subdivision 2, or 488A.115, or Laws 1973, Chapter 380, Section 3, Laws 1975, Chapter 402, Section 2, or any other applicable law shall be the obligation of Hennepin County. The retirement board shall prepare an itemized statement of the financial requirements of the fund payable by Hennepin County, which shall be submitted prior to September 15. Contributions by Hennepin County shall be made at times designated by the retirement board. Hennepin County may levy for its contribution to the retirement fund.

Sec. 59. Minnesota Statutes 1984, section 453.55, subdivision 11, is amended to read:

Subd. 11. Neither the officials, the directors, nor the members of a municipal power agency nor any person executing bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof. A municipal power agency shall have power to indemnify and to purchase and maintain insurance on behalf of any director, officer, employee, or agent of the municipal power agency, in connection with any threatened, pending, or completed action, suit, or proceeding, to the same extent and in the same manner and with the same force and effect as provided in the case of a private corporation under the provisions of section ~~300.082~~ 300.083.

Sec. 60. Minnesota Statutes 1984, section 473.384, subdivision 6, is amended to read:

Subd. 6. **FINANCIAL ASSISTANCE FOR CERTAIN PROVIDERS.** The board shall provide financial assistance to recipients who were receiving assistance by contract with the commissioner of transportation under Minnesota Statutes 1982, section 174.24, subdivision 3 on the effective date of this section July 1, 1984, so that the percentage of total operating cost, as defined by the board, paid by the recipient from all local sources of revenue, including operating revenue, does not exceed the percentage for the recipient's classification as determined by the commissioner of transportation under his final contract with the recipient. The board may include funds received under section 473.446, subdivision 1a, as a local source of revenue. The remainder of the total operating cost will be paid by the board less all assistance received by the recipient for that purpose from any federal source.

If a recipient informs the board in writing prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the board may adjust the percentage as it deems equitable. If for any year the funds available to the board are insufficient to allow the board to pay its share of total operating cost for those recipients, the board shall reduce its share in each classification to the extent necessary.

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Sec. 61. Minnesota Statutes 1984, section 473.446, subdivision 1, is amended to read:

Subdivision 1. TAXATION WITHIN TRANSIT TAXING DISTRICT. For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the regional transit board shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the ~~commission~~ board determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued or to be issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the ~~commission~~ board has specifically pledged tax levies under this clause.

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within cities or towns that receive full peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.5 mills on the property. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within cities or towns that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.75 mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy. He may make changes in the certification as he may deem necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the regional transit board the amounts certified by the county auditors on the dates provided in section 273.13, subdivision 15a, clause (3). There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments in fiscal year 1987 and thereafter.

For the purposes of this subdivision, "full peak and limited off-peak service" means peak period service plus weekday midday service with a frequency

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of more than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period service only.

Sec. 62. Minnesota Statutes 1984, section 474.17, subdivision 3, is amended to read:

Subd. 3. **ENERGY AND ECONOMIC DEVELOPMENT AUTHORITY ALLOCATION.** From January 1 to August 31 of calendar year 1984, \$40,000,000 and for calendar year 1985 \$60,000,000 of the aggregate limit of bond issuance authority allocated to the state pursuant to a federal limitation act is allocated to the energy and economic development authority for use or allocation pursuant to section 116J.58, subdivision 4, clause (2). From September 1 to October 31 of each year, the energy and economic development authority or any entity which receives an allocation from the energy and economic development authority pursuant to section 116J.58, subdivision 4, clause (2), may retain its allocation or a portion of it only if it has submitted to the division of the energy and economic development authority responsible for administering Laws 1984, chapter 582, on or before September 1 a letter which states (a) its intent to issue obligations pursuant to its allocation or a portion of it before the end of the calendar year or within the time period permitted by a federal limitation act, and (b) a description of the specific project or projects for which the obligations will be issued, together with an application deposit in the amount of one percent of the amount of its remaining unused allocation or the portion of it pursuant to which it intends to issue obligations. If the energy and economic development authority or any entity which receives an allocation from the energy and economic development authority pursuant to section 116J.58, subdivision 4, clause (2), does not submit the required letter of intent and the application deposit, the amount originally allocated to the energy and economic development authority or any entity which receives an allocation from the energy and economic development authority pursuant to section 116J.58, subdivision 4, clause (2), or the portion not already used and not subject to a letter of intent shall be canceled and subject to reallocation in accordance with section ~~472.09~~, subdivision 8 474.19. If the energy and economic development authority or any entity which receives an allocation from the energy and economic development authority pursuant to section 116J.58, subdivision 4, clause (2), returns for reallocation all or any part of its allocation on or before October 31, that portion of its application deposit equal to one percent of the amount returned shall be refunded within 30 days.

Sec. 63. Minnesota Statutes 1984, section 474.19, subdivision 3, is amended to read:

Subd. 3. **ALLOCATION CRITERIA.** The energy and economic development authority shall rank each application on the basis of the number of points awarded to it, with one point being awarded for each of the following criteria satisfied:

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(1) The current rate of unemployment for the applicant is at or above 110 percent of the statewide average unemployment rate for the previous year, as determined by the department of economic security. The unemployment rate for the applicant shall be the greater of (i) the most recent estimate available for the smallest jurisdiction which wholly includes the jurisdiction of the applicant, as reported by the department of economic security, or (ii) another estimate supplied by the applicant with respect to its jurisdiction, which is documented by the applicant.

(2) The number of individuals employed in the applicant's jurisdiction declined from the second calendar year before the application, to the first calendar year before the application. The estimate of the number of individuals employed for each year shall be based on the same source, and shall be (i) the most recent estimate available for the smallest jurisdiction which wholly includes the applicant, as reported by the department of economic security, or (ii) another estimate supplied by the applicant with respect to its jurisdiction, which is documented by the applicant.

(3) The number of jobs to be created by the project described in the application is at least 1/10 of one percent of the number of individuals employed in the applicant's jurisdiction in the first calendar year before the application as determined in the manner provided in clause (2).

(4) The number of jobs to be created by the project described in the application is at least two jobs for each \$100,000 of issuance authority requested for the project.

(5) As of the date of application the total market value of all taxable property in the applicant's jurisdiction, as based on the most recent certification of assessed value to the commissioner of revenue, has either (i) declined in relation to the first calendar year before the certification, or (ii) increased in relation to the first calendar year before the certification at a rate which is not in excess of 90 percent of the rate of increase of the state average market value over the same period.

(6) The estimated market value of the project described in the application is at least one-half of one percent of the total market value of all taxable property in the applicant's jurisdiction as based on the most recent certification of assessed value to the commissioner of revenue.

(7) The project is wholly located in an enterprise zone designated pursuant to section 273.1312.

(8) The project site meets the criteria necessary to qualify as a tax increment redevelopment district as defined in section 273.73, subdivision 10. To qualify under this clause the project need not be included in a tax increment financing district.

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(9) The project meets one of the following energy conservation criteria: (i) the project is eligible for the additional federal investment tax credits for energy property, (ii) the project involves construction or expansion of a district heating system as defined in section 116J.36, or (iii) the project involves construction of an alternative energy source as described in section 116J.26, clause (a), (b), or (d), or ~~116J.922~~ 116M.03, subdivision 6 22 or 7 23.

(10) Ninety percent or more of the proceeds of the proposed obligations will be used for construction, installation, or addition of equipment used primarily to abate or control pollutants to meet or exceed state laws, rules, or standards.

(11) The project consists of the renovation, rehabilitation, or reconstruction of an existing building which is (i) located in a historic district designated under section 138.73, or on a site listed in the state registry of historical sites under sections 138.53 to 138.5819; or (ii) designated in the National Register pursuant to United States Code, title 16, section 470a.

(12) Ninety percent or more of the proceeds of the proposed obligations will be used to finance facilities for waste management as defined in section 115A.03, subdivision 36, or solid waste as defined in section 116.06, subdivision 10.

(13) Service connections to sewer and water systems are available to the project at the time the application is submitted.

(14) The minority population in the applicant's jurisdiction is at least 110 percent of the statewide average as determined by the affirmative action division of the department of economic security according to the most recent census data.

(15) When the application is submitted either (a) neither the anticipated owner of the project, nor any party of which the owner was a controlling partner or shareholder, or which was a controlling shareholder or partner of the owner, owned or operated a substantially similar business within the state or (b) the project is an expansion of the operations of an existing business which is not likely to have the effect of transferring existing employment from one or more other municipalities within the state to the municipality in which the project is located.

(16) A controlling interest in the project will be owned by one or more women or minority persons.

(17) Seventy-five percent or more of the proceeds of the proposed issue will be used to rehabilitate an existing structure.

(18) At the time of application, the property on which the project is to be located is properly zoned for the proposed use.

(19) The bond issue involves a credit enhancement device providing additional security for bondholders involving commitments or fees to be paid by

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the issuer other than from bond proceeds. No points shall be awarded for credit enhancement devices financed directly or indirectly by a private, for-profit party which has a financial interest in or is related to any party which has a financial interest in the project.

Sec. 64. Minnesota Statutes 1984, section 474.19, subdivision 7, is amended to read:

Subd. 7. **CARRYOVER ALLOCATION.** If prior to December 20 of any year, an issuer determines that it will not issue obligations pursuant to authority allocated to it pursuant to this section or section ~~459.35~~ 474.17 or ~~462.556~~ 474.18 by the end of that year or within the time period permitted by a federal limitation act, the issuer may notify the energy and economic development authority and such amount will be available for reallocation pursuant to this subdivision. In such case, the energy and economic development authority shall refund to the issuer within 30 days that portion of any application deposit equal to one-third of one percent of the amount returned for reallocation. The amounts available for reallocation shall be allocated on or before December 31 of each year among issuers which have submitted an application by December 10, and which have certified that the project to which the application relates qualifies for carryover treatment of allocated authority according to the terms of a federal limitation act, such that obligations may be issued pursuant to such allocation of authority after the end of the year, without expiration of such authority. If there is insufficient authority for allocation among applications received pursuant to this subdivision, allocation among them shall be made by lot unless otherwise agreed by the respective applicants.

Sec. 65. Minnesota Statutes 1984, section 519.01, is amended to read:

519.01 SEPARATE LEGAL EXISTENCE.

Women shall retain the same legal existence and legal personality after marriage as before, and every married woman shall receive the same protection of all her rights as a woman which her husband does as a man, including the right to appeal to the courts in her own name alone for protection or redress; ~~but this section shall not confer upon the wife a right to vote or hold office, except as is otherwise provided by law.~~

Sec. 66. Minnesota Statutes 1984, section 525.619, is amended to read:

525.619 POWERS AND DUTIES OF GUARDIAN OF MINOR.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

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(a) He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.

(b) He may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 525.6196. Any sums so received shall be applied to the ward's current needs for support, care and education. He must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(c) The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or advice. A ward who is less than 16 years of age may be admitted to a treatment facility as an informal patient according to section 253B.04 but may not be committed to any state institution except pursuant to chapter 253B. No guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2 3.

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on its own motion or on petition of any person interested in the minor's welfare and as required by court rule.

Sec. 67. Minnesota Statutes 1984, section 571.41, subdivision 5b, is amended to read:

Subd. 5b. **DUTY OF FINANCIAL INSTITUTION; EXEMPTION; OBJECTION.** Upon receipt of the garnishee summons and exemption notices, the financial institution shall attach and bind as much of the amount due under section 571.471 as the financial institution has on deposit owing to the judgment

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debtor. Within two business days after receipt of the garnishee summons and exemption notices, the financial institution shall serve upon the judgment debtor two copies of the exemption notice. The financial institution shall serve the notice by first class mail to the last known address of the judgment debtor. If no claim of exemption is received by the financial institution within 14 days after the exemption notices are mailed to the judgment debtor, the funds shall remain subject to the garnishment summons. If the judgment debtor elects to claim an exemption, he shall complete the exemption notice, affix his signature under penalty of perjury, and deliver one copy to the financial institution and one copy to the judgment creditor within 14 days of the date postmarked on the correspondence mailed to the judgment debtor containing the exemption notices. Failure of the judgment debtor to serve the executed exemption notice does not constitute a waiver of any right he may have to an exemption. Upon timely receipt of a claim of exemption, funds not claimed to be exempt by the judgment debtor shall remain subject to the garnishment summons. All money claimed to be exempt shall be released to the judgment debtor upon the expiration of seven days after the date postmarked on the correspondence containing the executed exemption notice mailed to the judgment creditor, or the date of personal delivery of the executed exemption notice to the judgment creditor, unless within that time the judgment creditor interposes an objection to the exemption. Objection shall be interposed by mailing or delivering one copy of the written objection to the financial institution and one copy of the written objection to the judgment creditor debtor. Upon receipt of a written objection from the judgment creditor within the specified seven-day period, the financial institution shall retain the funds claimed to be exempt. Unless the financial institution receives a notice of motion and motion from the judgment debtor asserting exemption rights within ten days after receipt of the written objection to the exemption, the funds shall remain subject to the garnishment summons as if no claim of exemption has been made. Either the judgment creditor or the judgment debtor may bring a motion to determine the validity of an exemption claim by following the procedure set out in subdivision 7. If a notice of motion and motion to determine the validity of a claim of exemption is received by the financial institution within the period provided, the financial institution shall retain the funds claimed to be exempt until otherwise ordered by the court, or until the garnishment lapses pursuant to section 571.69. However, at any time during the procedure specified in this subdivision, the judgment debtor or the judgment creditor may, by a writing dated subsequent to the service of the execution, direct the financial institution to release the funds in question to the other party. Upon receipt of a release, the financial institution shall release the funds as directed.

Sec. 68. INSTRUCTION TO REVISOR.

In Minnesota Statutes, the revisor of statutes shall replace the reference to chapter 16 listed in column B which occurs in the section specified in column A with the new reference listed in column C.

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COLUMN A, section	COLUMN B, section	COLUMN C, section
16A.124	16.011	16B.01
16B.15, subdivision 2	16	16B
44A.07, subdivision 2	16	16B
84.026	16.098	16B.06
116K.06	16	16B
136.11, subdivision 5	16	16B
136.24	16	16B
136.37	16	16B
246.36	16	16B

Sec. 69. INSTRUCTION TO REVISOR.

In Minnesota Statutes, the revisor of statutes shall replace the reference to Minnesota Code of Agency Rules listed in column B which occurs in the section specified in column A with the new references to Minnesota Rules listed in column C.

COLUMN A, section	COLUMN B, section	COLUMN C, section
105.416, subdivision 3	MHD 217 to 222	4725.1900 to 4725.6500
124.17, subdivision 2	5 MCAR 1.0120 B.11	3525.0200
182.668, subdivision 1	8 MCAR 1.7001	5205.0010
256B.25, subdivision 3	12 MCAR 2.036	9520.0500 to 9520.0690
	12 MCAR 2.035	9530.2500 to 9530.4000
	12 MCAR 2.005	9545.0900 to 9545.1090
	12 MCAR 2.008	9545.1400 to 9545.1500
256B.431, subdivision 4	12 MCAR 2.036	9520.0500 to 9520.0690
256B.433	12 MCAR 2.047	9500.0750 to 9500.1080
256B.50	12 MCAR 2.049	9510.0010 to 9510.0480

Sec. 70. INSTRUCTION TO REVISOR.

In Minnesota Statutes, the revisor of statutes shall delete the term "regulation," "regulations," or similar terms when referring to administrative rules adopted on the state level and replace them with the terms "rule" or "rules" as appropriate in conformance with Laws 1975, chapter 380. In the phrase "rules and regulations," the revisor shall delete "and regulations."

Sec. 71. Laws 1977, chapter 434, section 4, is repealed.

Sec. 72. Laws 1977, chapter 434, section 5, and Laws 1977, chapter 386, section 1, are repealed.

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- Sec. 73. Laws 1978, chapter 772, section 8, is repealed.
- Sec. 74. Laws 1980, chapter 522, section 4, is repealed.
- Sec. 75. Laws 1983, chapter 222, section 14, is repealed.
- Sec. 76. Laws 1983, chapter 247, section 122, is repealed.
- Sec. 77. Laws 1983, chapter 247, section 176, is repealed.
- Sec. 78. Laws 1983, chapter 247, section 217, is repealed.
- Sec. 79. Laws 1983, chapter 253, section 19, is repealed.
- Sec. 80. Laws 1983, chapter 299, section 20, is repealed.
- Sec. 81. Laws 1983, chapter 301, section 220, is repealed.
- Sec. 82. Laws 1983, chapter 314, article 11, section 19, is repealed.
- Sec. 83. Laws 1983, chapter 359, section 149, is repealed.
- Sec. 84. Laws 1984, chapter 463, article 7, section 53, subdivision 2, is amended to read:

Subd. 2.. **DESEGREGATION VARIANCE.** The revisor of statutes shall replace Minnesota Rules, part ~~3525.0700~~ 3535.0700, first paragraph, second sentence, with section 49.

- Sec. 85. Laws 1984, chapter 468, section 1, is repealed.
- Sec. 86. Laws 1984, chapter 471, section 14, is repealed.
- Sec. 87. Laws 1984, chapter 471, section 15, is repealed.
- Sec. 88. Laws 1984, chapter 471, section 16, is repealed.
- Sec. 89. Laws 1984, chapter 514, article 2, section 13, is repealed.
- Sec. 90. Laws 1984, chapter 541, section 1, is repealed.
- Sec. 91. Laws 1984, chapter 543, section 8, is repealed.
- Sec. 92. Laws 1984, chapter 618, section 59, is repealed.
- Sec. 93. That part of Laws 1984, chapter 629, section 2, that amends section 375.193, is repealed.
- Sec. 94. Laws 1984, chapter 638, section 3, is repealed.
- Sec. 95. Laws 1984, chapter 654, article 2, section 118, is repealed.
- Approved May 28, 1985

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