

Subdivision 1. IMPOSITION. The board of commissioners of Scott county may by ordinance impose a tax on admissions to major amusement facilities in the county for the county's share of all related costs of the Bloomington ferry bridge. In this section, "major amusement facility" means a place of amusement that has been constructed with a capacity of 10,000 persons or more or that was the site of an event that had a paid attendance of 10,000 persons or more on any day during the preceding 12-month period.

Subd. 2. RATE. The tax shall be imposed at a rate not to exceed 25 cents per paid admission. The board of commissioners may by ordinance change the rate, subject to the limitation in this subdivision. The tax imposed under this section is not subject to the restrictions in Minnesota Statutes, section 240.15.

Subd. 3. COLLECTION. The commissioner of revenue may enter into agreements with the county to provide for the collection of the tax by the state on behalf of the county. The commissioner may charge the county a reasonable fee for its collection from the proceeds of the tax. The tax shall be subject to the same interest, penalties, and enforcement provisions as the tax imposed under Minnesota Statutes, chapter 297A, including the confidentiality requirements of Minnesota Statutes, section 297A.43.

Subd. 4. USE OF PROCEEDS. Money received by Scott county from the tax imposed under this act shall be paid into the county road and bridge fund and used for the purposes of that fund.

## **Sec. 2. REPEALER.**

Section 1 is repealed ten days following certification by the Scott county treasurer that sufficient proceeds of the tax have been deposited in the county road and bridge fund to pay for the county's share of all related costs of the Bloomington ferry bridge.

## **Sec. 3. EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 28, 1987

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## **CHAPTER 286—H.F.No. 1223**

*An act relating to legal newspapers; modifying certain requirements to qualify as a legal newspaper; removing special qualifications for newspapers in Morrison county; amending Minnesota Statutes 1986, section 331A.02, subdivision 1; repealing Laws 1980, chapter 526.*

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

Section 1. Minnesota Statutes 1986, section 331A.02, subdivision 1, is amended to read:

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

Subdivision 1. **QUALIFICATION.** No newspaper in this state shall be entitled to any compensation or fee for publishing any public notice unless it is qualified as a medium of official and legal publication. To be qualified as a medium of official and legal publication, a newspaper shall:

(a) be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1,000 square inches;

(b) if a daily, be distributed at least five days each week, or if not a daily, be distributed at least once each week, for 50 weeks each year. In any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(c) in at least half of its issues each year, have no more than 75 percent of its printed space comprised of advertising material and paid public notices. In all of its issues each year, have 25 percent, if published more often than weekly, or 50 percent, if weekly, of its news columns devoted to news of local interest to the community which it purports to serve. Not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;

(d) be circulated in the local public corporation which it purports to serve, and either have at least 500 copies regularly delivered to paying subscribers ~~and have entry as second class matter in its local post office~~, or have at least 500 copies regularly distributed without charge to local residents;

(e) have its known office of issue established in either the county in which lies, in whole or in part, the local public corporation which the newspaper purports to serve, or in an adjoining county;

(f) file a copy of each issue immediately with the state historical society;

(g) be made available at single or subscription prices to any person, corporation, partnership, or other unincorporated association requesting the newspaper and making the applicable payment, or be distributed without charge to local residents;

(h) have complied with all the foregoing conditions of this subdivision for at least one year immediately preceding the date of the notice publication;

(i) the newspaper must ~~before January 1~~ between October 1 and December 31 of each year publish and submit to the secretary of state, along with a filing fee of \$25, a sworn United States Post Office second-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized independent circulation auditing agency covering a period of not less than one year ending not more than 180 days before the filing deadline.

## Sec. 2. **REPEALER.**

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

Laws 1980, chapter 526, is repealed.

Sec. 3. **EFFECTIVE DATE.**

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (b), section 2 takes effect without local approval December 31, 1987.

Approved May 28, 1987

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**CHAPTER 287—H.F.No. 1252**

*An act relating to eminent domain; authorizing court having jurisdiction over an eminent domain proceeding to compel occupants of condemned real estate to deliver possession; proposing coding for new law in Minnesota Statutes, chapter 117.*

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

**Section 1. [117.043] COMPELLING DELIVERY OF POSSESSION.**

Subdivision 1. CONDITIONS REQUIRED FOR COURT TO ISSUE RELIEF. A court having jurisdiction over an eminent domain proceeding may issue an order compelling delivery of possession of the property under any of the following conditions:

(1) the court has issued an order authorizing transfer of title and possession and the petitioner has paid or deposited its approved appraisal value under section 117.042; or

(2) the petitioner has acquired title of the real estate.

If one of these conditions is met, the court may issue an order compelling delivery of possession of the property upon: (1) the affidavit of the petitioner; (2) notice to the occupants of the acquired real estate and others claiming a right to remain in possession of it; and (3) a hearing. Notice of the hearing must be given in the same way as notice of a motion under the rules of civil procedure. In case of hardship the court may delay enforcement of an order compelling delivery of possession for a period not to exceed seven days. Unless otherwise allowed by the court, the matter must be considered solely on the basis of arguments of counsel and affidavits.

Subd. 2. AWARD OF FEES AND COSTS. Following notice and hearing, if the occupant, in bad faith, has failed to deliver possession of the real estate in accordance with either an order issued under section 117.042 or an order issued under this section, the court, upon application by the petitioner, may award to the petitioner, and against the occupant, the attorney fees, costs, and disbursements that were actually incurred by the petitioner in getting possession of the real estate.

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