

Sec. 3. Minnesota Statutes 1988, section 144.335, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient designates in writing as a representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapter 147, 148, 148B, 150A, 151, or 153; (2) a home care provider licensed under section 144A.46; and (3) a health care facility licensed pursuant to this chapter or chapter 144A.

Presented to the governor May 18, 1989

Signed by the governor May 19, 1989, 12:08 a.m.

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#### CHAPTER 176—H.F.No. 1207

*An act relating to counties; allowing county boards to set sheriff's fees; providing conditions for the disposition of county property; amending Minnesota Statutes 1988, sections 357.09; and 373.01, subdivision 1.*

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

Section 1. Minnesota Statutes 1988, section 357.09, is amended to read:

#### 357.09 SHERIFFS.

Subdivision 1. ~~The Fees to set under subdivision 8 shall be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:~~

(1) Serving a summons, warrant, writ, subpoena, or any process issued by a court of record, ~~\$10~~ for each defendant served and mileage;

(2) Taking and approving a bond, ~~\$4~~, and for a certified copy thereof, ~~\$1 per folio~~;

(3) Collection on execution after levy; ~~five percent on the first \$250 and three percent on the remainder~~;

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- (4) Posting three notices of sale; \$10;
- (5) Certificate of sale of real estate; \$10; a copy thereof; when requested; \$6;
- (6) Selling land on foreclosure of a mortgage, for all services required, including executing a certificate of sale; \$15; postponing such a sale; \$2;
- (7) Making diligent search and inquiry and returning a summons when defendants cannot be found; \$5;
- (8) Returning an execution unsatisfied when no service is made; \$10;
- (9) Receiving and paying over money paid on redemption of property and executing a certificate, ~~one percent on the amount so received~~; to be collected from the person redeeming; ~~such fee not to exceed \$20 in any case~~;
- (10) Securing and safely keeping property in replevin or attachment or on execution; ~~to be computed on the basis of the time spent and hourly rate of pay of the sheriff or deputy executing the process~~;
- (11) For services not herein enumerated, ~~the sheriff shall be entitled to the same fees as for similar duties~~ if provided by the county board;
- (12) For all process when no charge is made for service of a return of not found or unsatisfied; \$5.

Subd. 2. When mileage is allowed the sheriff it shall be computed from the place where the court is usually held ~~and shall be at the rate provided to state employees pursuant to section 43A.18~~; plus eight cents per mile notwithstanding any other provisions of law to the contrary.

Subd. 3. The sheriff shall be allowed reasonable and necessary expenses actually paid out for food furnished any prisoner while conducting the prisoner to jail and for the prisoner's transportation by a common carrier.

Subd. 4. The fees allowed for the service of an execution, for advertising thereon, and for filing certificate with the county recorder shall be collected by virtue thereof and in the same manner as the sum therein directed to be levied.

Subd. 6. This section shall not relate to or affect the fees of the sheriff of Ramsey county.

Subd. 7. All special laws relating to sheriffs' fees and mileage allowance which are inconsistent with the provisions of Laws 1977, chapter 338 are superseded to the extent of the inconsistency.

Subd. 8. ~~Counties with a population in excess of 80,000 according to the latest federal decennial census or the population estimates of the demographer pursuant to section 116K.04 are not subject to the provisions of this section~~; but The county board in exempt counties shall set the sheriff's fees with the advice and consultation of the sheriff.

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Sec. 2. Minnesota Statutes 1988, section 373.01, subdivision 1, is amended to read:

Subdivision 1. Each county is a body politic and corporate and may:

- (1) Sue and be sued.
- (2) Acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law.
- (3) Purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party.
- (4) Sell, lease, and convey real or personal estate owned by the county, and give contracts or options to sell, lease or convey it, and make orders respecting it as deemed conducive to the interests of the county's inhabitants.

No sale, lease or conveyance of real estate owned by the county, nor any contract or option for it, shall be valid, without first advertising for bids or proposals in the official newspaper of the county for three consecutive weeks and once in a newspaper of general circulation in the area where the property is located. The notice shall state the time and place of considering the proposals, contain a legal description of any real estate, and a brief description of any personal property. Leases that do not exceed \$15,000 for any one year may be negotiated and are not subject to the competitive bid procedures of this section. All proposals estimated to exceed \$15,000 in any one year shall be considered at ~~that~~ the time set for the bid opening, and the one most favorable to the county accepted, but the county board may, in the interest of the county, reject any or all proposals. Sales of personal property the value of which is estimated to be \$15,000 or more shall be made only after advertising for bids or proposals as provided for real estate. Sales of personal property the value of which is estimated to be less than \$15,000 may be made either on competitive bids or in the open market, in the discretion of the county board. Notwithstanding anything to the contrary herein, the county may, when acquiring real property for county highway right-of-way, exchange parcels of real property of substantially similar or equal value without advertising for bids. The estimated values for these parcels shall be determined by the county assessor.

If real estate or personal property remains unsold after advertising for and consideration of bids or proposals the county may employ a broker to sell the property. The broker may sell the property for not less than 90 percent of its appraised market value as determined by the county. The broker's fee shall be set by agreement with the county but may not exceed ten percent of the sale price and must be paid from the proceeds of the sale.

In no case shall lands be disposed of without there being reserved to the county all iron ore and other valuable minerals in and upon the lands, with right to explore for, mine and remove the iron ore and other valuable minerals, nor shall the minerals and mineral rights be disposed of, either before or after

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disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands. The lease shall be for a term not exceeding 50 years, and be issued on a royalty basis, the royalty to be not less than 25 cents per ton of 2,240 pounds, and fix a minimum amount of royalty payable during each year, whether mineral is removed or not. Prospecting options for mining leases may be granted for periods not exceeding one year. The options shall require, among other things, periodical showings to the county board of the results of exploration work done.

(5) Make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

Presented to the governor May 16, 1989

Signed by the governor May 17, 1989, 5:12 p.m.

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#### CHAPTER 177—H.F.No. 731

*An act relating to data practices; providing for classification of law enforcement data on child abuse; amending Minnesota Statutes 1988, sections 13.82, by adding a subdivision; and 626.556, subdivisions 11 and 11c.*

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

Section 1. Minnesota Statutes 1988, section 13.82, is amended by adding a subdivision to read:

Subd. 5b. INACTIVE CHILD ABUSE DATA. Investigative data that become inactive under subdivision 5, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in section 626.556, subdivision 2, are private data.

Sec. 2. Minnesota Statutes 1988, section 626.556, subdivision 11, is amended to read:

Subd. 11. **RECORDS.** Except as provided in subdivisions 10b, 10d, and 11b, all records concerning individuals maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. ~~Report records~~ Reports maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. Section 13.82, subdivisions 5, 5a, and 5b, apply to law enforcement data other than the reports. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating

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