

CHAPTER 326—S.F.No. 861

An act relating to commerce; removing or modifying certain bond requirements; amending Minnesota Statutes 1990, sections 6.26; 10.38; 46.08, subdivision 1; 84.01, subdivision 4; 115A.06, subdivision 12; 116.03, subdivision 4; 233.08; 234.06; 241.08, subdivision 1; 246.15, subdivision 1; 257.05, subdivision 1; 280.27; 281.38; 299C.08; 299D.01, subdivision 4; 299D.03, subdivision 1; 340A.316; 375.03; 386.06; 388.01; 390.05; 398.10; 473.375, subdivision 5; 480.09, subdivision 2; 480.11, subdivision 1; and 488A.20, subdivision 2; repealing Minnesota Statutes 1990, sections 60B.08; 84.081, subdivision 2; 160.24, subdivision 5; 166.04; 196.02, subdivision 2; 234.07; 246.03; 340A.302, subdivision 4; 383A.20, subdivision 8; and 514.52.

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

Section 1. Minnesota Statutes 1990, section 6.26, is amended to read:

6.26 SALARY; ~~BOND.~~

The salary of the state auditor shall be as provided by law. ~~The state auditor shall give a corporate bond of \$50,000 to the state for the faithful discharge of duties.~~

Sec. 2. Minnesota Statutes 1990, section 10.38, is amended to read:

10.38 OATH OF OFFICE ~~AND BONDS.~~

Unless otherwise provided by law, the several officials mentioned in Laws 1925, chapter 426, shall take the oath of office ~~and give bond; if required; in such sum as the commissioner of administration may prescribe.~~

Sec. 3. Minnesota Statutes 1990, section 46.08, subdivision 1, is amended to read:

Subdivision 1. **ASSISTANT COMMISSIONER, EXAMINERS AND OTHER EMPLOYEES.** The commissioner of commerce may appoint an assistant commissioner and such examiners, assistant examiners, stenographers, and such other employees as may be necessary to carry out the duties and responsibilities entrusted, subject to such rules as may be established by civil service with regard to qualifications and general fitness. ~~The assistant commissioner and examiners shall each give bond to the state in the sum of \$10,000 and the other employees, whenever so provided, shall each give bond to the state in such sum as may be designated by the commissioner of commerce; all such bonds to be approved by the commissioner of commerce and filed in the office of the secretary of state.~~ During the absence or disability of the commissioner of commerce said assistant commissioner shall have charge of the office and administer its affairs. Such examiners shall confine their work to those institutions which are subject to the supervision of the commissioner of commerce and may be transferred from one supervisory district to another at the option of said commissioner when it shall appear that the interest of the department of commerce shall be better served by so doing.

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Sec. 4. Minnesota Statutes 1990, section 84.01, subdivision 4, is amended to read:

Subd. 4. Before entering upon the duties of office the commissioner of natural resources shall take and subscribe an oath ~~and give bond to the state of Minnesota; to be approved by the governor and filed with the secretary of state, in the sum of \$50,000 conditioned for the faithful performance of the duties.~~

Sec. 5. Minnesota Statutes 1990, section 115A.06, subdivision 12, is amended to read:

Subd. 12. **INSURANCE.** The director ~~may require any employee to obtain and file with it an individual bond or fidelity insurance policy.~~ It may procure insurance in amounts it deems necessary to insure against liability of the office and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 6. Minnesota Statutes 1990, section 116.03, subdivision 4, is amended to read:

Subd. 4. Before entering upon the duties of the office the commissioner of the pollution control agency shall take and subscribe an oath ~~and give a bond to the state of Minnesota; to be approved by the governor and filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of the commissioner's duties.~~

Sec. 7. Minnesota Statutes 1990, section 233.08, is amended to read:

233.08 LICENSE.

No public terminal warehouse may be operated or receive grain for storage until the owners or parties in charge and operating the warehouse obtain a license from the department authorizing the warehouse operator to operate a warehouse under this chapter. Licenses issued or renewed annually expire at midnight on June 30 following the date of issuance or renewal. Before a license may be issued, written application must be made to the department for a license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating it, each member of the firm or officer of the corporation, and other facts the department requires. The department shall act on the application with reasonable dispatch. If no reason exists for refusing the application, a license must be issued upon the payment of the fee set by the commissioner. The amount of the fee must be set to cover the costs of administering and enforcing this chapter.

~~A license may be issued only upon the warehouse operator furnishing to the department a bond to the state; to be approved by the department, in a penal sum to be fixed by the department but not less than \$50,000 for each warehouse. The bond must be conditioned on the faithful discharge of the duties of warehouse operator and full compliance with the laws of the state and rules of the department relative to the operation of public terminal warehouses and the~~

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delivery to parties storing grain in the warehouses under the terms of this chapter of the grain; an equal amount of the same kind and grade of grain stored; or payment of the value of the grain in case of failure to make the delivery.

A license may be revoked by the department for violation of the law or a rule of the department, but may only be revoked upon a written notice or complaint specifying the charges and after a hearing before the department. A license may be refused to a warehouse operator whose license has been revoked within the preceding year. ~~If a warehouse operator applies for a license for more than one warehouse in the same county, only one bond needs to be furnished but the bond must be in proportion to the capacity of all warehouses.~~

Fees collected under this chapter must be paid into the grain buyers and storage fund established in section 232.22.

Sec. 8. Minnesota Statutes 1990, section 234.06, is amended to read:

234.06 MAY APPOINT LOCAL SEALER.

The department may, upon the recommendation of a local supervisory board or upon the request in writing of ten or more producers of grain, appoint a local sealer for all or part of a county or counties. A sealer must take an oath similar to that required of public officials. A sealer appointed under this section has the same authority as a peace officer with respect to this chapter, rules adopted under it, and its enforcement.

Sec. 9. Minnesota Statutes 1990, section 241.08, subdivision 1, is amended to read:

Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of corrections shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law under section 243.23, subdivision 3, or by the commissioner of corrections, taking vouchers therefor. ~~The chief executive officer shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds.~~ All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the

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executive officer of any such institution from which necessary expenditure may from time to time be made.

Sec. 10. Minnesota Statutes 1990, section 246.15, subdivision 1, is amended to read:

Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of human services shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law or by the commissioner of human services, taking vouchers therefor. ~~The chief executive officer shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds.~~ All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of human services as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Sec. 11. Minnesota Statutes 1990, section 257.05, subdivision 1, is amended to read:

Subdivision 1. No person, except as provided by subdivision 2, shall bring or send into the state any child for the purpose of placing the child out or procuring the child's adoption without first obtaining the consent of the commissioner of human services, and such person shall conform to all rules of the commissioner of human services and laws of the state of Minnesota relating to protection of children in foster care. ~~The person bringing or sending the child shall file with the commissioner of human services a bond to the state, approved by the commissioner of human services, in the penal sum of \$1,000, conditioned that the person will not send or bring into the state any child who is incorrigible or unsound of mind or body and will remove any such child who becomes a public charge or who, in the opinion of the commissioner of human services, becomes a menace to the community prior to adoption or becoming of legal age; provided however, that the commissioner of human services may waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as the commissioner shall prescribe.~~ Before any child shall be brought or sent into the state for the purpose of being placed in foster care, the person bringing or sending the child into the state shall first notify the commissioner of

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human services of the person's intention, and shall obtain from the commissioner of human services a certificate stating that the home in which the child is to be placed is, in the opinion of the commissioner of human services, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as the child remains within the state and until the child reaches the age of 18 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.

Sec. 12. Minnesota Statutes 1990, section 280.27, is amended to read:

280.27 APPLICATIONS FOR STATE TAX DEEDS.

All applications for tax deeds under this chapter shall be made to the commissioner of revenue and the applicant shall present to such official the original tax certificate and certified copy of the notice of expiration of redemption, with proof of service thereof and of the filing of such proof in the office of the county auditor, and certificate of such auditor that the time of redemption has expired and that no redemption has been made, and such other proof as the commissioner of revenue may require. All of these papers shall be filed in the office of the commissioner of revenue, and shall remain therein as permanent records. If the original tax certificate, or any assignment thereof, has been lost or destroyed, the county auditor shall issue a duplicate thereof, upon proof of such loss or destruction, by the filing in the auditor's office of an affidavit by such owner or some other person having knowledge of the facts and upon the giving of a bond, with good and sufficient sureties approved by the county auditor, in double the amount due on such certificate, payable to the county treasurer, for the benefit of all persons who may be damaged by the issuance of a duplicate certificate or assignment, conditioned for the payment of any damage to any such person resulting from such issuance. Any such duplicate certificate or assignment shall be of the same force and effect as if it were an original.

Sec. 13. Minnesota Statutes 1990, section 281.38, is amended to read:

281.38 REDEMPTION MONEY TO PURCHASER; LOST CERTIFICATE.

When the owner of any tax certificate is entitled to any money paid into the county treasury for redemption from any tax sale, the county auditor may draw a warrant upon the county treasurer in favor of such person for the amount to which the person is so entitled. All moneys so paid shall be charged to the proper funds. If such certificate, or any assignment thereof, has been lost or destroyed, the auditor shall not give such warrant until the person entitled to such money make and file with the auditor an affidavit of being the owner of such certificate; and that the same or such assignment is lost or destroyed; ~~and,~~

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if the amount of such redemption money shall exceed \$5, the affiant shall give a bond, with surety, approved by the auditor, in double the amount of such redemption money, payable to the treasurer, conditioned that if such certificate or assignment is produced to the auditor by any other person entitled to such redemption money as owner thereof, and a warrant demanded for such money, the affiant shall, on demand, refund the same to the treasurer.

Sec. 14. Minnesota Statutes 1990, section 299C.08, is amended to read:

299C.08 BONDS OF SUPERINTENDENT AND EMPLOYEES.

The superintendent and each employee in the bureau whom the superintendent shall designate, before entering upon the performance of duties under sections 299C.03 to 299C.08, 299C.10, 299C.11, 299C.17, 299C.18, and 299C.21, shall take the usual oath and give bond to the state, in such amount as the governor shall direct and approve, conditioned for the faithful performance of the duties. If a surety bond is given, the premium thereon shall be paid as an expense of the bureau, upon the approval of the amount of the premium by the commissioner of administration. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either the superintendent or any of such employees in the performance of duties under sections 299C.03 to 299C.20, may maintain an action on such bond for the recovery of damages so sustained.

Sec. 15. Minnesota Statutes 1990, section 299D.01, subdivision 4, is amended to read:

Subd. 4. Before entering upon the duties of office the chief supervisor of the Minnesota state patrol shall take and subscribe an oath and give bond to the state of Minnesota, to be approved by the commissioner of public safety and filed with the secretary of state, in the sum \$10,000 conditioned for the faithful performance of duties.

Sec. 16. Minnesota Statutes 1990, section 299D.03, subdivision 1, is amended to read:

Subdivision 1. **MEMBERS.** The commissioner is hereby authorized to employ and designate a chief supervisor, a chief assistant supervisor, and such assistant supervisors, sergeants and officers as are provided by law, who shall comprise the Minnesota state patrol. The members of the Minnesota state patrol shall have the power and authority:

(1) As peace officers to enforce the provisions of the law relating to the protection of and use of trunk highways.

(2) At all times to direct all traffic on trunk highways in conformance with law, and in the event of a fire or other emergency, or to expedite traffic or to insure safety, to direct traffic on other roads as conditions may require notwithstanding the provisions of law.

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(3) To serve warrants and legal documents anywhere in the state.

(4) To serve orders of the commissioner of public safety or the commissioner's duly authorized agents issued under the provisions of the Drivers License Law, the Safety Responsibility Act, or relating to authorized brake and light testing stations, anywhere in the state and to take possession of any license, permit or certificate ordered to be surrendered.

(5) To inspect official brake and light adjusting stations.

(6) To make appearances anywhere within the state for the purpose of conducting traffic safety educational programs and school bus clinics.

(7) To exercise upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables and police officers.

(8) To cooperate, under instructions and rules of the commissioner of public safety, with all sheriffs and other police officers anywhere in the state, provided that said employees shall have no power or authority in connection with strikes or industrial disputes.

(9) To assist and aid any peace officer whose life or safety is in jeopardy.

(10) As peace officers to provide security and protection to the governor, governor elect, either or both houses of the legislature, and state buildings or property in the manner and to the extent determined to be necessary after consultation with the governor, or a designee. Pursuant to this clause, members of the state patrol, acting as peace officers have the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables and police officers have within their respective jurisdictions.

(11) To inspect school buses anywhere in the state for the purposes of determining compliance with vehicle equipment, pollution control, and registration requirements.

(12) As peace officers to make arrests for public offenses committed in their presence anywhere within the state. Persons arrested for violations other than traffic violations shall be referred forthwith to the appropriate local law enforcement agency for further investigation or disposition.

The state may contract for state patrol members to render the services described in this section in excess of their regularly scheduled duty hours and patrol members rendering such services shall be compensated in such amounts, manner and under such conditions as the agreement provides.

Employees thus employed and designated shall subscribe an oath ~~and furnish a bond running to the state of Minnesota, said bond to be approved and filed in the office of the secretary of state.~~

Sec. 17. Minnesota Statutes 1990, section 340A.316, is amended to read:

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340A.316 SACRAMENTAL WINE.

The commissioner may issue licenses for the importation and sale of wine exclusively for sacramental purposes. The holder of a sacramental wine license may sell wine only to a rabbi, priest, or minister of a church, or other established religious organization, or individual members of a religious organization who conduct ceremonies in their homes, if the purchaser certifies in writing that the wine will be used exclusively for sacramental purposes in religious ceremonies. The annual fee for a sacramental wine license is \$25. ~~Each licensee must also post a \$1,000 penal bond in favor of the state, conditioned upon compliance with this section.~~

A rabbi, priest, or minister of a church or other established religious organization may import wine exclusively for sacramental purposes without a license.

Sec. 18. Minnesota Statutes 1990, section 375.03, is amended to read:

375.03 TERM OF COMMISSIONERS.

In each new county, and in each county that has an increase of the number of commissioners, a commissioner shall be elected from each odd-numbered district for a term of two years, and from each even-numbered district for a term of four years. Thereafter all commissioners shall be elected for a term of four years, except that elections to fill vacancies shall be for the unexpired term only. ~~In counties having a population of more than 150,000, every commissioner, before beginning duties, shall give bond to the state in the sum of \$10,000, with a legally authorized surety company as surety, conditioned for the faithful performance of official duties. The bond shall be approved by a judge of the district court, and together with the oath of office and certificate of election, be filed with the county recorder. The premium on the bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county.~~

Sec. 19. Minnesota Statutes 1990, section 386.06, is amended to read:

386.06 TRACT INDEX BOOKS; CONTRACTS FOR MAKING.

The board of county commissioners of any county in the state which does not have a tract index, belonging to the county, in the office of the county recorder, of lands within the county, is hereby authorized and empowered to cause or have a tract index made, and may hire, employ, or contract with any competent person, without advertising therefor, to prepare and make such tract index; ~~and may require such person to furnish a bond in such form and with such sureties as the board shall designate and approve.~~

Sec. 20. Minnesota Statutes 1990, section 388.01, is amended to read:

388.01 ELECTION; QUALIFICATIONS; TERM; ~~BOND.~~

There shall be elected in each county a county attorney who shall be learned in the law, and whose term of office shall be four years and until a successor

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qualifies. Before entering upon duties the county attorney shall ~~give bond to the state in the penal sum of \$1,000, to be approved by the county board, conditioned that the county attorney will faithfully and impartially discharge the duties of office and pay over without delay to the county treasurer all moneys received by virtue thereof, which bond and~~ take an oath shall. The oath must be filed for record with the county recorder.

Sec. 21. Minnesota Statutes 1990, section 390.05, is amended to read:

390.05 DEPUTIES.

A coroner shall appoint one or more deputies. When the coroner is absent or unable to act, deputies have the same powers and are subject to the same liabilities as coroners. A deputy shall be appointed in writing. ~~The coroner may require the deputy to post bond before taking office. The bond, oath, and appointment shall be filed for record with the county recorder. The deputy shall act by name as deputy coroner and hold office at the same time as the coroner.~~

Sec. 22. Minnesota Statutes 1990, section 398.10, is amended to read:

398.10 PARK SUPERINTENDENT; EMPLOYEES.

The board shall, by secret ballot, elect a park superintendent to serve as the chief administrative officer of the park district. Such election shall be for terms of not to exceed two years and the superintendent shall serve at the pleasure of the board. No person shall be elected superintendent unless the person has had at least ten years experience in business or in public administration, at least five years of which shall have been in a responsible administrative capacity and at least three years in the administration of parks or recreation. The salary of the superintendent shall be set by the board. The superintendent or a designee shall serve as secretary to the board. ~~The chair and the secretary shall, promptly after their selection, file with the secretary of state of Minnesota a bond in the penal sum of \$10,000, with good and sufficient sureties acceptable to the board of park district commissioners.~~

The board shall have power to appoint such officers, agents and employees as it deems necessary for the proper administration of the district. The officers, agents and employees shall perform such duties and receive such compensation as the board may determine and shall be removable at the pleasure of the board.

Sec. 23. Minnesota Statutes 1990, section 473.375, subdivision 5, is amended to read:

Subd. 5. **INSURANCE.** The board may ~~require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in the amounts it deems~~ considers necessary against the liability of the board or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

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Sec. 24. Minnesota Statutes 1990, section 480.09, subdivision 2, is amended to read:

Subd. 2. The justices of the supreme court shall appoint a state law librarian to serve at their pleasure. ~~The law librarian shall give bond to the state in an amount not less than \$2,000, to be approved by the chief justice, conditioned for the faithful performance of official duties.~~ Subject to the approval of the justices, the librarian may appoint an assistant librarian who shall perform the librarian's duties when the librarian is absent or disabled, and, subject to the approval of the justices, the librarian may employ necessary assistants.

Sec. 25. Minnesota Statutes 1990, section 480.11, subdivision 1, is amended to read:

Subdivision 1. ~~BOND; FILES.~~ The reporter of its decisions, appointed by the supreme court, ~~shall give bond to the state in the sum of \$500, to be approved by the governor, conditioned for the faithful discharge of duties.~~ The reporter shall be entitled to the possession, for a reasonable time, of the files of the court in all cases decided.

Sec. 26. Minnesota Statutes 1990, section 488A.20, subdivision 2, is amended to read:

Subd. 2. **OATH, BOND.** (a) The administrator and other employees of the court shall each take and subscribe an oath to support the Constitutions of the United States and the state of Minnesota and to perform faithfully the duties of office.

(b) The administrator and other employees of the court ~~exclusive of court reporters shall each give bond to the county of Ramsey in such sum and with such surety as the county board directs, conditioned upon the faithful discharge of official duties and for payment as required by law or order of the court of all moneys coming into the administrator's or other employee's hands.~~

(c) ~~Neither the administrator nor other employees of the court shall may not enter upon their official duties until their respective appointment; and oath; and bond are filed with the county auditor.~~

Sec. 27. **REPEALER.**

Minnesota Statutes 1990, sections 60B.08; 84.081, subdivision 2; 160.24, subdivision 5; 166.04; 196.02, subdivision 2; 234.07; 246.03; 340A.302, subdivision 4; 383A.20, subdivision 8; and 514.52, are repealed.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 9:42 a.m.

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