

migration matters to alien or nonimmigrant alien employees or potential employees without compensation from the individuals to whom the advice or assistance is provided.

Subd. 6. **PENALTY AND REMEDIES.** A person who violates this section is guilty of a misdemeanor. The penalties and remedies of section 8.31 apply to violations of this section, including a private cause of action.

**Sec. 2. [359.062] NOTICE; LANGUAGES OTHER THAN ENGLISH.**

(a) A notary public who is not an attorney who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and the language in which the advertisement appears. This notice must be of a conspicuous size, if in writing, and must state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN MINNESOTA AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If the advertisement is by radio or television, the statement may be modified but must include substantially the same message.

(b) A notary public who violates this section is guilty of a misdemeanor.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 10:16 a.m.

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**CHAPTER 402—H.F.No. 2375**

*An act relating to local improvements; requiring a report to show the need and cost-effectiveness of local improvements; prohibiting fees for preparing certain reports from being based primarily on the estimated cost of improvement; amending Minnesota Statutes 1994, section 429.031, subdivision 1.*

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

Section 1. Minnesota Statutes 1994, section 429.031, subdivision 1, is amended to read:

Subdivision 1. **PREPARATION OF PLANS, NOTICE OF HEARING.** Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality ~~shall have the power to~~ may assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making ~~such~~ the improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications ~~shall~~ must be a week apart, and the hearing ~~shall~~ must be at least three days after the last second publication. Not less than 10 days before the hearing, notice thereof ~~shall~~ shall of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed, but failure to give mailed notice or any defects in the notice ~~shall~~ does not inval-

New language is indicated by underline, deletions by ~~strikeout~~.

idate the proceedings. For the purpose of giving mailed notice, owners shall be are those shown to be such as owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. ~~However, as to For properties which that are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners thereof shall may be ascertained by any practicable means, and mailed notice shall must be given them as herein provided in this subdivision. Prior to Before the adoption of such a resolution ordering the improvement, the council shall secure from the city engineer or some other competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and The report must also include the estimated cost of the improvement as recommended; but. No error or omission in such the report shall invalidate invalidates the proceeding unless it materially prejudices the interests of an owner. If the report is not prepared by an employee of a municipality, the compensation for preparing the report under this subdivision must be based on the following factors:~~

- (1) the time and labor required;
- (2) the experience and knowledge of the preparer;
- (3) the complexity and novelty of the problems involved; and
- (4) the extent of the responsibilities assumed.

The compensation must not be based primarily on a percentage of the estimated cost of the improvement.

The council may also take such other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids thereon, as that will in its judgment provide helpful information in determining the desirability and feasibility of the improvement. The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall is not be deemed to be a member for the purpose of determining such a four-fifths majority vote. The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Presented to the governor March 29, 1996

Signed by the governor April 2, 1996, 10:18 a.m.

New language is indicated by underline, deletions by strikeout.