

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

**Section 1. ROAD AND BRIDGE FUND ACCOUNTING AND EXPENDITURE; UNORGANIZED TOWNSHIPS.**

Notwithstanding Minnesota Statutes, section 163.06, subdivision 4, the road and bridge fund tax money collected from unorganized townships in Itasca county need not be set apart in separate funds for each township. Notwithstanding Minnesota Statutes, section 163.06, subdivision 5, road and bridge fund tax money that is collected from the various unorganized townships may be expended by the Itasca county board in any of the unorganized townships in the county.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day after the Itasca county board and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 29, 1999

Signed by the governor May 3, 1999, 1:55 p.m.

**CHAPTER 116—S.F.No. 1368**

*An act relating to commerce; regulating contracts for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 1998, sections 16C.08, subdivision 5; and 337.10, subdivision 4.*

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

Section 1. Minnesota Statutes 1998, section 16C.08, subdivision 5, is amended to read:

Subd. 5. **CONTRACT TERMS.** (a) A professional or technical services contract must by its terms permit the commissioner to unilaterally terminate the contract prior to completion, upon payment of just compensation, if the commissioner determines that further performance under the contract would not serve agency purposes.

(b) The terms of a contract must provide that no more than 90 percent of the amount due under the contract may be paid until the final product has been reviewed by the head of the agency entering into the contract and the head of the agency has certified that the contractor has satisfactorily fulfilled the terms of the contract, unless specifically excluded in writing by the commissioner. This paragraph does not apply to contracts for professional services as defined in sections 326.02 to 326.15.

Sec. 2. Minnesota Statutes 1998, section 3.03, subdivision 4, is amended to read:

Subd. 4. **PROGRESS PAYMENTS AND RETAINAGES.** (a) Unless the building and construction contract provides otherwise, the owner or other persons making payments under the contract must make progress payments monthly as the work progresses. Payments shall be based upon estimates of work completed as approved by the owner or the owner's agent. A progress payment shall not be considered acceptance or approval of any work or waiver of any defects therein.

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

(b) Unless the building and construction contract provides otherwise, an owner or owner's agent may reserve as retainage from any progress payment on a building and construction contract an amount not to exceed five percent of the payment. An owner or owner's agent may reduce the amount of retainage and may eliminate retainage on any monthly contract payment if, in the owner's opinion, the work is progressing satisfactorily.

(c) This subdivision does not apply to contracts for professional services as defined in sections 326.02 to 326.15.

(d) This subdivision does not apply to construction of or improvements to residential real estate, as defined in section 326.83, subdivision 17, or to construction of or improvements to attached single-family dwellings, if those dwellings are used for residential purposes and have fewer than 13 units per structure.

Presented to the governor April 29, 1999

Signed by the governor May 3, 1999, 1:58 p.m.

#### CHAPTER 117—S.F.No. 496

*An act relating to crime; allowing courts to extend the time period for search warrants for financial records; amending Minnesota Statutes 1998, section 626.15.*

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

Section 1. Minnesota Statutes 1998, section 626.15, is amended to read:

#### 626.15 EXECUTION AND RETURN OF WARRANT, TIME.

(a) Except as provided in paragraph (b), a search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed.

(b) A district court judge may grant an extension of a warrant on a financial institution for financial records upon an application under oath stating that the financial institution has not produced the requested financial records within ten days and that an extension is necessary to achieve the purposes for which the search warrant was granted. Each extension may not exceed 30 days.

For the purposes of this paragraph, "financial institution" has the meaning given in section 13A.01, subdivision 2, and "financial records" has the meaning given in section 13A.01, subdivision 3.

#### Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 1999, and applies to warrants issued on or after that date.

Presented to the governor April 29, 1999

Signed by the governor May 3, 1999, 2:00 p.m.

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