

CHAPTER 29—H.F.No. 1305

An act relating to highways; requiring commissioner of transportation to transfer excess highway easements to city of Kenyon.

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

Section 1. HIGHWAY EASEMENTS; TRANSFER TO KENYON.

Notwithstanding Minnesota Statutes, section 161.23, 161.43, or 161.44, or other law to the contrary, the commissioner of transportation, after reaching agreement with the city on the terms and conditions of the transfer but not later than December 31, 1999, shall transfer to the city of Kenyon all easements within the city that the commissioner acquired to relocate marked trunk highway No. 56 within the city but that are no longer needed for that purpose.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective on approval by the Kenyon city council and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor March 30, 1999

Signed by the governor April 1, 1999, 1:34 p.m.

CHAPTER 30—H.F.No. 475

An act relating to local government; providing for reimbursement to officers and employees for costs and legal fees to defend criminal charges in certain cases; amending Minnesota Statutes 1998, section 465.76.

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

Section 1. Minnesota Statutes 1998, section 465.76, is amended to read:

465.76 LEGAL COUNSEL; REIMBURSEMENT MAY PAY FOR OFFICER OR EMPLOYEE'S CRIMINAL DEFENSE.

Subdivision 1. IF LAWFULLY DOING DUTY. If reimbursement is requested by the officer or employee, the governing body of a home rule charter or statutory city, a town or a county may, after consultation with its legal counsel, reimburse a the city, town or county officer or employee for any costs and reasonable attorney's fees incurred by the person to defend charges of a criminal nature brought against the person that arose out of the reasonable and lawful performance of duties for the city, town or county, provided.

Subd. 2. WHEN JUDGE MUST APPROVE. If less than a quorum of the governing body is disinterested, ~~that such~~ the reimbursement under subdivision 1 shall be approved by a judge of the district court.

New language is indicated by underline, deletions by strikeout.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day after its final enactment.

Presented to the governor March 30, 1999

Signed by the governor April 1, 1999, 1:35 p.m.

CHAPTER 31—H.F.No. 379

An act relating to mortgage registry and deed taxes; making technical and clarifying changes; defining terms; amending Minnesota Statutes 1998, sections 287.01; 287.03; 287.04; 287.05; 287.08; 287.10; 287.11; 287.12; 287.13, subdivision 1; 287.21, subdivision 1; 287.22; 287.23; 287.24; 287.241; 287.29, subdivision 1; 287.30; 287.31; and 287.33; proposing coding for new law in Minnesota Statutes, chapter 287; repealing Minnesota Statutes 1998, sections 287.06; 287.07; 287.09; 287.21, subdivisions 2 and 4; 287.34; 287.35; and 287.36.

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

Section 1. Minnesota Statutes 1998, section 287.01, is amended to read:

287.01 DEFINITIONS; MORTGAGE REGISTRY TAX.

Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 287.01 to 287.12 ~~287.13~~, shall be given have the meanings subjoined to given them in this section.

Subd. 2. **REAL PROPERTY, REAL ESTATE, AND LAND AMENDMENT.** “Real property,” “real estate,” and “land,” in addition to the meaning thereof contained in chapter 500, include all property a conveyance whereof may be recorded or registered by a county recorder under existing law. “Amendment” means generally a document that alters an existing mortgage without securing a new debt, or increasing the amount of an existing debt; and, that does not, in the case of a multistate mortgage described in section 287.05, subdivision 1, paragraph (b), result in an increased percentage of the real property encumbered by the mortgage being located in this state. Specifically, a document is considered an amendment to the extent it merely does any one or any combination of the following:

- (i) extends the time for payment of the unpaid portion of the original debt;
- (ii) changes the rate of interest applicable to the unpaid portion of the original debt;
- (iii) adds additional real property as security for the unpaid portion of the original debt;
- (iv) releases some but not all of the real property serving as security for the unpaid portion of the debt;
- (v) replaces all the real property serving as security for the unpaid portion of the debt with other real property regardless of value;

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