

cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(3) when used in the street lighting operations of an electric utility;

(4) when used as outdoor area lights which are owned and operated by an electric utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction;

(5) when the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act; or

(6) when the installation, material, and equipment is part of an elevator installation for which the elevator contractor, licensed under section 326.242, is required to obtain a permit from the authority having jurisdiction as provided by section 16B.747, and the inspection has been or will be performed by an elevator inspector certified by the department of administration and licensed by the board of electricity. This exemption shall apply only to installations, material, and equipment permitted or required to be connected on the load side of the disconnecting means required for elevator equipment under National Electric Code Article 620, and elevator communications and alarm systems within the machine room, car, hoistway, or elevator lobby.

**Sec. 8. REPEALER.**

Minnesota Statutes 2002, sections 326.01, subdivision 6d; and 326.2421, subdivisions 3, 4, 6, and 8, are repealed.

**Sec. 9. EFFECTIVE DATE.**

Sections 1 through 7 are effective the day following final enactment. Section 8 is effective July 1, 2003.

Presented to the governor May 15, 2003

Signed by the governor May 19, 2003, 11:20 a.m.

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**CHAPTER 59—H.F.No. 944**

*An act relating to local government; providing an exception to the priorities for designating a qualified newspaper; amending Minnesota Statutes 2002, section 331A.04, by adding a subdivision.*

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

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

Section 1. Minnesota Statutes 2002, section 331A.04, is amended by adding a subdivision to read:

**Subd. 6. EXCEPTION TO DESIGNATION PRIORITY.** (a) Notwithstanding subdivisions 1 to 3, the governing body of a local public corporation may designate any newspaper for publication of its official proceedings and public notices, if the following conditions are met:

(1) the newspaper is a qualified medium of official and legal publication;

(2) the publisher of the newspaper furnishes a sworn statement, verified by a recognized independent circulation auditing agency, covering a period of at least one year ending no earlier than 60 days before designation of the newspaper, stating that the newspaper's circulation reaches not fewer than 75 percent of the households within the public corporation;

(3) the newspaper has provided regular coverage of the proceedings of the governing body of the local public corporation and will continue to do so; and

(4) the governing body votes unanimously to designate the newspaper.

(b) If the circulation of a newspaper designated under this subdivision falls below 75 percent of the households within the public local corporation at any time within the term of its designation as official newspaper, its qualification to publish public notices for the local public corporation terminates.

Presented to the governor May 15, 2003

Signed by the governor May 19, 2003, 11:20 a.m.

#### CHAPTER 60—S.F.No. 407

*An act relating to towns; providing for optional election of certain officers; amending Minnesota Statutes 2002, sections 367.30, subdivisions 2, 4; 367.31, subdivision 4; 367.34; 367.36, subdivision 1.*

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

Section 1. Minnesota Statutes 2002, section 367.30, subdivision 2, is amended to read:

**Subd. 2. OPTION B; APPOINTMENT OF CLERK AND TREASURER.** A town may provide for the appointment by the town board of its clerk or treasurer, or both, or if combined pursuant to the adoption of option D as defined in subdivision 4, its clerk-treasurer, as provided in sections 367.30 to 367.36. This is option B.

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