

The statement must also describe the agency's efforts to provide additional notification under section 14.14, subdivision 1a, to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency must consult with the commissioner of finance to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government. The agency must send a copy of the statement of need and reasonableness to the Legislative Reference Library when the notice of hearing is mailed under section 14.14, subdivision 1a.

Sec. 2. Minnesota Statutes 2002, section 386.78, is amended to read:

**386.78 SECURITY DEPOSITS.**

The county recorder in each county shall may accept security deposits to guarantee payment of charges. ~~Any person desiring to make such deposits may deposit any amount desired with~~ The county recorder who shall deposit this any accepted security deposit in a security fund with the county treasurer. The county treasurer may invest said funds and the income therefrom shall be deposited in the general fund of the county.

The county recorder shall extend credit to any person who has made such deposit up to the amount of the deposit.

Any person may withdraw any such deposit provided that any unpaid items shall first be deducted therefrom, except that the county recorder may require a reasonable minimum deposit be maintained based on anticipated monthly charges of the depositor.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 9:50 a.m.

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**CHAPTER 275—H.F.No. 2378**

*An act relating to local government; adding to the list of unpaid special charges for which a city may collect a service charge as a special assessment; providing for the expiration of one of the additions; making a conforming change; providing for the dedication of certain fees for public use of certain state-owned facilities at Giants Ridge; appropriating money; amending Minnesota Statutes 2002, sections 298.221; 504B.445, subdivision 4; Minnesota Statutes 2003 Supplement, section 429.101, subdivision 1.*

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

Section 1. Minnesota Statutes 2002, section 298.221, is amended to read:

**298.221 RECEIPTS FROM CONTRACTS; APPROPRIATION.**

(a) Except as provided in paragraph (c), all money paid to the state of Minnesota pursuant to the terms of any contract entered into by the state under authority of section

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298.22 and any fees which may, in the discretion of the commissioner of iron range resources and rehabilitation, be charged in connection with any project pursuant to that section as amended, shall be deposited in the state treasury to the credit of the Iron Range Resources and Rehabilitation Board account in the special revenue fund and are hereby appropriated for the purposes of section 298.22.

(b) Notwithstanding section 16A.013, merchandise may be accepted by the commissioner of the Iron Range Resources and Rehabilitation Board for payment of advertising contracts if the commissioner determines that the merchandise can be used for special event prizes or mementos at facilities operated by the board. Nothing in this paragraph authorizes the commissioner or a member of the board to receive merchandise for personal use.

(c) All fees charged by the commissioner in connection with public use of the state-owned ski and golf facilities at the Giants Ridge Recreation Area and all other revenues derived by the commissioner from the operation or lease of those facilities and from the lease, sale, or other disposition of undeveloped lands at the Giants Ridge Recreation Area must be deposited into an Iron Range Resources and Rehabilitation Board account that is created within the state enterprise fund. All funds deposited in the enterprise fund account are appropriated to the commissioner to be expended, subject to approval of a majority of the board, as follows:

(1) to pay costs associated with the construction, equipping, operation, repair, or improvement of the Giants Ridge Recreation Area facilities or lands;

(2) to pay principal, interest and associated bond issuance, reserve, and servicing costs associated with the financing of the facilities; and

(3) to pay the costs of any other project authorized under section 298.22.

Sec. 2. Minnesota Statutes 2003 Supplement, section 429.101, subdivision 1, is amended to read:

Subdivision 1. **ORDINANCES.** (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges for all or any part of the cost of:

(1) snow, ice, or rubbish removal from sidewalks;

(2) weed elimination from streets or private property;

(3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;

(4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;

(5) the trimming and care of trees and the removal of unsound trees from any street;

(6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;

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- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system; or
- (9) reinspections which find noncompliance after the due date for compliance with an order to correct a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) painting the exterior of a structure to remedy a municipal code violation;  
as a special assessment against the property benefited.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

Sec. 3. Minnesota Statutes 2002, section 504B.445, subdivision 4, is amended to read:

Subd. 4. **POWERS.** The administrator may:

- (1) collect rents from residential and commercial tenants, evict residential and commercial tenants for nonpayment of rent or other cause, enter into leases for vacant dwelling units, rent vacant commercial units with the consent of the landlord, and exercise other powers necessary and appropriate to carry out the purposes of sections 504B.381 and 504B.395 to 504B.471;
- (2) contract for the reasonable cost of materials, labor, and services including utility services provided by a third party necessary to remedy the violation or violations found by the court to exist and for the rehabilitation of the property to maintain safe and habitable conditions over the useful life of the property, and disburse money for these purposes from funds available for the purpose;
- (3) provide services to the residential tenants that the landlord is obligated to provide but refuses or fails to provide, and pay for them from funds available for the purpose;
- (4) petition the court, after notice to the parties, for an order allowing the administrator to encumber the property to secure funds to the extent necessary to cover the costs described in clause (2), including reasonable fees for the administrator's services, and to pay for the costs from funds derived from the encumbrance; and

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(5) petition the court, after notice to the parties, for an order allowing the administrator to receive funds made available for this purpose by the federal or state governing body or the municipality to the extent necessary to cover the costs described in clause (2) and pay for them from funds derived from this source.

The municipality shall recover disbursements under clause (5) by special assessment on the real estate affected, bearing interest at the rate determined by the municipality, but not to exceed the rate established for finance charges for open-end credit sales under section 334.16, subdivision 1, clause (b). The assessment, interest, and any penalties shall be collected as are special assessments made for other purposes under state statute or municipal charter.

#### Sec. 4. EXTENSION OF CITY OF HOYT LAKES ZONING AND SUBDIVISION REGULATIONS.

(a) Notwithstanding the limitations of Minnesota Statutes, sections 462.357 and 462.358, the city of Hoyt Lakes, with the consent of the town of White, may extend its zoning and subdivision regulations to the area legally described as: East 1/2 of Section 12, Township 58 North, Range 15 West.

(b) Upon consent given by the town of White to the extension of the city of Hoyt Lakes' zoning and subdivision regulations over the area legally described in paragraph (a), the city of Hoyt Lakes' regulations prevail over any other applicable zoning and subdivision regulations.

#### Sec. 5. EFFECTIVE DATE.

This act is effective under Minnesota Statutes, section 645.02, the day after the governing body of the latter of the town of White and the city of Hoyt Lakes and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 2, subdivision 1, paragraph (a), clause (11), is repealed on July 1, 2006.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 3:45 p.m.

### CHAPTER 276—S.F.No. 2114

*An act relating to education; authorizing a public body to close a meeting to negotiate the purchase or sale of real or personal property; amending Minnesota Statutes 2002, section 13D.05, subdivision 3.*

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

Section 1. Minnesota Statutes 2002, section 13D.05, subdivision 3, is amended to read:

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