

CHAPTER 494—H.F.No.548

[Coded in Part]

An act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted, unconstitutional and obsolete references and text; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1971, Chapter 3, by adding a section; Chapter 46, by adding a section; Sections 9.071; 62C.14, by adding a subdivision; 124.221; 169.121, Subdivision 3; 179.68, Subdivision 3; 197.45, Subdivision 1; 412.851; 462.581; 475.67, Subdivision 12; 490.025, Subdivisions 1 and 2; 645.023, Subdivision 2; and Laws 1969, Chapter 251, Section 2; repealing Minnesota Statutes 1971, Chapter 41; and Section 309.176.

REVISOR'S BILL

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

[3.735] REVISOR'S BILL; ERRONEOUS, AMBIGUOUS, OBSOLETE REFERENCES; JURISDICTION. Except for the claims excluded by section 3.752, the jurisdiction of the commission shall extend to the following matters:

(1) Claims and demands against the state or any of its agencies, which the state in its sovereign capacity should in equity and good conscience discharge and pay.

(2) Claims and demands which may be asserted in the nature of set-off or counterclaim on the part of the state or any of its agencies.

(3) The status of any claim referred to the commission by the head of a state agency for an advisory determination.

(4) For injury to or death of an inmate of a state penal institution.

(5) Arising out of the care or treatment of a person in a state institution.

(6) For loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when such service or duty is ordered by state authority. Except as provided in section 192.38, the jurisdiction of the commission to hear such claims includes claims arising before or after April 2, 1965. The commission shall consider the

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following payments before making a determination on any such claim:

(a) Any payments made under section 192.38, and

(b) Any payments and awards made to a member of the military forces, as defined in section 190.05, his dependent widow, child, or parent under any law of the United States of America arising out of injury or death for which a claim for compensation is made against the state of Minnesota under this clause (6), except payments under the federal social security act or the federal government life insurance program for members of the armed forces.

In the determination of claims under this clause (6) arising from the injury or death of a member of the military forces, as defined in section 190.05, the commission shall consider the amount which would be allowed and the duration of the payment which would be provided by the workmen's compensation law as now or hereafter in force based on the member's usual earnings in civil life. If there be no evidence of previous occupation or earnings, the commission shall consider the member's earnings as a member of the military forces.

Sec. 2. Minnesota Statutes 1971, Section 9.071, is amended by deleting clause (11) and renumbering the remaining clause in order.

Sec. 3. Minnesota Statutes 1971, Chapter 41, is repealed.

Sec. 4. Minnesota Statutes 1971, Chapter 46, is amended by adding a section to read:

[46.22] RURAL CREDIT RECORDS. The commissioner of banks shall have charge of the records of the former department of rural credit. He shall provide the public with appropriate access to and copies of the records.

Sec. 5. Minnesota Statutes 1971, Section 62C.14, is amended by adding a subdivision to read:

Subd. 5a. Any group subscriber's contract delivered or issued for delivery or renewed in this state after the effective date of this act shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. Each group contract shall also provide the same coverage for the child of an unmarried mother as that provided for the child of an employee choosing dependent family coverage. Any group contracting for a group subscriber's contract may request that the coverage required by this section be omitted.

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An individual subscriber's contract delivered or issued for delivery in this state may provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. Each individual contract may also provide the same coverage for the child of an unmarried mother as that provided for the child of an employee choosing dependent family coverage.

Sec. 6. Minnesota Statutes 1971, Section 309.176, is repealed.

Sec. 7. Minnesota Statutes 1971, Section 124.221, is amended in line 2 by deleting "124.22" and inserting "124.24" in lieu thereof.

Sec. 8. Minnesota Statutes 1971, Section 169.121, Subdivision 3, is amended to read:

Subd. 3. Every person who is convicted of a violation of this section shall be punishable by imprisonment of not less than ten days nor more than 90 days, or by a fine of not less than \$10 nor more than ~~\$100~~ \$300, or both, and his driver's license shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when such violation is found to be the proximate cause of grievous bodily injury or death to another person, shall be punished by imprisonment for not less than 60 days nor more than 90 days, or by fine of not more than \$300, or both and his driver's license shall be revoked for not less than 90 days.

Sec. 9. Minnesota Statutes 1971, Section 179.68, Subdivision 3, Clause (17), is amended in line 2 by deleting "19" and inserting in lieu thereof "18".

Sec. 10. Minnesota Statutes 1971, Section 197.45, Subdivision 1, is amended in line 15 by deleting "for five years immediately preceding his application" and in lines 20 and 21 by deleting "five years immediately preceding their application".

Sec. 11. Minnesota Statutes 1971, Section 412.851, is amended to read:

412.851 VACATION OF STREETS. The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. After a resolution of vacation is adopted, the clerk shall prepare ~~and present to the proper county officers~~ a notice of completion of the

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proceedings in accordance with section 117.19 which shall contain the name of the village, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in his transfer records and note upon the instrument, over his official signature, the words "entered in the transfer record." The notice shall then be filed with the register of deeds. Any failure to file the notice shall not invalidate any such vacation proceedings.

Sec. 12. Minnesota Statutes 1971, Section 462.581, Clause (1), subclause (i), is amended in lines 6, 7 and 8 by deleting "by a vote of the people on a referendum on the question conducted in accordance with referendum requirements of section 462.465, subdivision 2" and inserting in lieu thereof "by resolution of the governing body of the municipality".

Sec. 13. Minnesota Statutes 1971, Section 475.67, Subdivision 12, is amended in the last line after "obligations" and before the period by inserting "; and expenses of printing and publications and of fiscal, legal, or other professional service necessarily incurred in the issuance of the refunding obligations".

Sec. 14. Minnesota Statutes 1971, Section 490.025, Subdivision 1, is amended to read:

490.025 **RETIREMENT OF SUPREME COURT JUSTICES.**
Subdivision 1. **REQUISITES.** When a justice of the supreme court, having served at least one term, arrives at the age of 70 years and has served at least one term, or having served at least two full terms or the equivalent thereof, becomes incapacitated for the performance of his official duties to the extent that the public service suffers therefrom, and makes written application to the governor for his retirement, the governor, if he determines that such justice has arrived at such age and has served at least one term or that such disability exists, shall direct his retirement by written order which shall effect a vacancy in the office to be filled as provided by law.

Sec. 15. Minnesota Statutes 1971, Section 490.025, Subdivision 2, is amended in lines 1, 3, and 4 by deleting the word "such" where it precedes the word "justice" and inserting in lieu thereof in each of said lines the word "a".

Sec. 16. Minnesota Statutes 1971, Section 645.023, Subdivision 2, is amended in line 2 by deleting "at 12:01 A.M. of the day" and inserting in lieu thereof "on August 1".

Sec. 17. Laws 1969, Chapter 251, Section 2, is amended in line 2 by inserting before the period ", and thereafter".

Approved May 21, 1973.

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