

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

(1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 3. EFFECTIVE DATE.

This act is effective August 1, 1983, and applies to any civil actions commenced on or after that date.

Approved June 1, 1983

CHAPTER 230 — S.F.No. 597

An act relating to financial institutions; credit unions; requiring applicants to form a credit union to submit certain information to the commissioner of banks; expanding the class of persons who may become members; allowing certain small groups to join an existing credit union or form a separate credit union; amending Minnesota Statutes 1982, sections 52.01; 52.05; and 168.67.

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

Section 1. Minnesota Statutes 1982, section 52.01, is amended to read:

52.01 ORGANIZATION.

Any seven residents of the state may apply to the commissioner of banks for permission to organize a credit union.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

A credit union is a cooperative society, incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes.

A credit union is organized in the following manner:

(1) The applicants execute, in duplicate, a certificate of organization by the terms of which they agree to be bound, which shall state:

(a) the name and location of the proposed credit union;

(b) the names and addresses of the subscribers to the certificate and the number of shares subscribed by each;

(c) the par value of the shares of the credit union, which shall not exceed \$10 each;

(2) The applicants submit the following in the form prescribed by the commissioner of banks:

(a) a statement of the common bond of the proposed credit union;

(b) the number of potential members;

(c) the geographic dispersion of the potential members;

(d) evidence of interest, including willingness of potential members to assume responsibility for leadership and service;

(e) a two-year forecast of probable levels of assets, shares and deposits, and income and expense;

(f) the availability of other credit union services to the potential members;

(g) other information the commissioner requires;

~~(2)~~ (3) They next prepare and adopt bylaws for the general governance of the credit union consistent with the provisions of this chapter, and execute ~~the same them~~ in duplicate;

~~(3)~~ (4) The certificate and the bylaws, both executed in duplicate, are forwarded to the commissioner of banks; ~~and there shall be paid to the commissioner an~~ with a \$100 application fee of \$100;

(4) (5) The commissioner of banks shall, within 60 days of the receipt of the certificate, the information required by paragraph (2), the bylaws, and a commitment for insurance of accounts as required by section 52.24, subdivision 2, determine whether they comply with the provisions of this chapter, and whether or not the organization of the credit union in question would benefit ~~the its~~ members of it, be economically feasible, and be consistent with the purposes of this chapter;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

~~(5)~~ (6) Thereupon the commissioner of banks shall notify the applicants of his decision. If it is favorable, the commissioner shall issue a certificate of approval, attached to the duplicate certificate of organization, and return the same, together them with the duplicate bylaws, to the applicants. If it is unfavorable, the applicants may, within 60 days after said the decision, have the right to appeal for a review in a court of competent jurisdiction;

~~(6)~~ (7) The applicants shall thereupon file the duplicate of the certificate of organization, with the certificate of approval attached thereto, with the ~~county recorder of the county within which the credit union is to do business~~ secretary of state, who shall make a record of the certificate and return it, with a certificate of record attached thereto, to the commissioner of banks, for permanent records; and

~~(7)~~ (8) Thereupon the applicants shall ~~become and~~ be a credit union, incorporated in accordance with the provisions of this chapter.

In order to simplify the organization of credit unions, the commissioner of banks shall ~~cause to be prepared an~~ prepare approved ~~form~~ forms of certificate of organization and a ~~form~~ of bylaws, consistent with this chapter, which may be used by credit union incorporators for their guidance, and on written application of seven residents of the state, shall supply them, without charge, with a blank certificate of organization and a copy of the form of suggested bylaws.

Sec. 2. Minnesota Statutes 1982, section 52.05, is amended to read:

52.05 MEMBERSHIP.

Credit union membership shall ~~consist~~ consists of the incorporators and such other persons as may be elected to membership and subscribe to at least one share, pay the initial installment thereon and the entrance fee if any. ~~The spouse and blood or adoptive relatives of~~ In addition to a regularly qualified member, the spouse of a member, the blood or adoptive relatives of either of them and their spouses may be members. When an individual member of a credit union leaves the field of membership, the member, and ~~the spouse and blood or adoptive relatives of a member~~ all persons who became members by virtue of his or her membership may continue as members. The surviving spouse of a regularly qualified member, and the blood or adoptive relatives of either of them and their spouses may become a ~~member~~ members. Organizations, incorporated or otherwise, composed for the most part of the same general group as the credit union membership may be members. Credit unions chartered by this or any other state, or any federal credit union may be members. Credit union organizations shall be limited to groups, of both large and small membership, having a common bond of occupation, or association, or to residents within a well-defined neighborhood, community, or rural district.

Any 25 residents of the state representing a group may apply to the commissioner, advising him of the common bond of the group and its number of

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

potential members, for a determination whether it is feasible for the group to form a credit union. Upon a determination that it is not feasible to organize because the number of potential members is too small, the applicants will be certified by the commissioner as eligible to petition for membership in an existing credit union geographically situated to adequately service the group. If the credit union so petitioned resolves to accept the group into membership, it shall follow the bylaw amendment and approval procedure set forth in section 52.02.

Sec. 3. Minnesota Statutes 1982, section 168.67, is amended to read:

168.67 SALES FINANCE COMPANIES; LICENSES, FEES, RE-FUNDS.

(a) No person shall engage in the business of a sales finance company in this state without a license therefor as provided in sections 168.66 to 168.77 provided, however, that no bank, trust company, savings bank, ~~or~~ savings and loan association, or credit union, whether state or federally chartered, industrial loan and thrift company, or small loan company authorized to do business in this state shall be required to obtain a license under sections 168.66 to 168.77.

(b) The application for a license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners, or, if a corporation or association, of the directors, trustees and principal officers, and other pertinent information the administrator requires.

(c) The licensee fee for the fiscal year beginning July 1 and ending June 30 of the following year, or any part thereof shall be the sum of \$150 for the principal place of business of the licensee, and the sum of \$75 for each branch of the licensee, maintained in this state. Any licensee who proves to the satisfaction of the administrator, by affidavit or other proof satisfactory to the administrator, that during the ~~twelve~~ 12 calendar months of the immediately preceding fiscal year, for which his license has been paid that he has not held retail installment contracts exceeding \$15,000 in amount, shall be entitled to a refund of that portion of each license fee paid in excess of \$25. The administrator shall certify to the commissioner of finance that the licensee is entitled to a refund, and payment thereof shall be made by the state treasurer. The amount necessary to pay for the refundment of the license fee is appropriated out of the general fund. All license fees received by the administrator under sections 168.66 to 168.77 shall be deposited with the state treasurer.

(d) Each license shall specify the location of the office or branch and must be conspicuously displayed there. In case the location be changed, the administrator shall endorse the change of location on the license.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(e) Upon the filing of such application, and the payment of the fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of sections 168.66 to 168.77 for a period which shall expire the last day of June next following the date of its issuance. The license shall not be transferable or assignable. No licensee shall transact any business provided for by sections 168.66 to 168.77 under any other name.

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day after final enactment.

Approved June 1, 1983

CHAPTER 231 — S.F.No. 639

An act relating to energy; data reporting; definition of "earth sheltered"; biennial energy reports; certificate of need fees; amending Minnesota Statutes 1982, sections 13.68, subdivision 1; 116J.06, subdivision 2; 116J.18, subdivision 1.

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

Section 1. Minnesota Statutes 1982, section 13.68, subdivision 1, is amended to read:

Subdivision 1. Energy and financial data, statistics, and information furnished to the department of energy, planning and development by a coal supplier or petroleum supplier pursuant to section ~~116J.17~~ 116J.16, either directly or through a federal department or agency are classified as nonpublic data as defined by section 13.02, subdivision 9.

Sec. 2. Minnesota Statutes 1982, section 116J.06, subdivision 2, is amended to read:

Subd. 2. "Earth sheltered" means constructed so that ~~more than 50 percent of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards promulgated pursuant to section 16.85 are satisfied~~ 50 percent or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structure's lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. Partially completed buildings shall not be considered earth sheltered.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.