

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

Section 1. Minnesota Statutes 1982, section 45.05, is amended to read:
45.05 NOTICE AND HEARING, WHEN NOT GIVEN.

The department of commerce may, at its discretion, dispense with the notice and hearing provided for by section 45.04 in cases where application is made for the incorporation of a new bank to take over the assets of one or more existing banks, or where the application contemplates the reorganization of a national bank into a state bank in the same locality, or where the application is made for the incorporation of a new bank in the same locality coincidental with the closing of an existing bank by the commissioner or federal authorities provided. This act ~~shall~~ section does not increase the number of banks in the community affected.

Sec. 2. **[47.521] CLOSED BANK LOCATION; AUTHORIZATION.**

Where the commissioner has determined that an existing state bank or national banking association is about to fail or has failed and it is in the public interest to prevent the loss of banking services in the community affected, the limitations on location and number of detached facilities in section 47.52 do not apply to an application to establish a detached facility in the same locality. In the event the commissioner has determined that it is necessary and in the public interest to act immediately on the application, the commissioner may waive the requirements of section 47.54.

Sec. 3. **EFFECTIVE DATE.**

This act is effective the day after final enactment.

Approved June 1, 1983

CHAPTER 243 — S.F.No. 1146

An act relating to statutes; conforming certain laws to judicial decisions of unconstitutionality; correcting terms used to replace the word illegitimate; amending Minnesota Statutes 1982, sections 65B.51, subdivision 1; 154.03; 570.02, subdivision 2; and 573.01; and Laws 1983, chapter 7, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, and 15.

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

Section 1. Minnesota Statutes 1982, section 65B.51, subdivision 1, is amended to read:

Subdivision 1. **DEDUCTION OF BASIC ECONOMIC LOSS BENEFITS.** With respect to a cause of action in negligence accruing as a result of

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injury arising out of the operation, ownership, maintenance or use of a motor vehicle with respect to which security has been provided as required by sections 65B.41 to 65B.71, there shall be deducted from any recovery the value of basic or optional economic loss benefits paid or payable ~~or which will be payable in the future, or which would be payable but for any applicable deductible.~~

Sec. 2. Minnesota Statutes 1982, section 154.03, is amended to read:

154.03 APPRENTICES MAY BE EMPLOYED.

No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber. ~~Not more than two apprentices may be employed in any barber shop and each such apprentice must be under the immediate personal supervision of a separate registered barber.~~

Sec. 3. Minnesota Statutes 1982, section 570.02, subdivision 2, is amended to read:

Subd. 2. **GROUND.** (a) A writ of attachment which serves to acquire quasi in rem jurisdiction over a defendant may be issued in the following situations:

(1) When the defendant's property, present within the state, is the subject of or directly related to the controversy between the parties; ~~or~~

(2) When a nonresident or foreign corporation owns or has an interest in tangible property which is permanently or regularly present within the state; ~~or~~

(3) When a resident, domiciliary, or domestic corporation owns or has an interest in tangible property which is present, no matter how irregularly, within the state; ~~or~~

(4) When a person, resident or nonresident, or a corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state, and no more convenient forum exists in the United States; ~~or~~

(5) When a person, resident or nonresident, or corporation, domestic or foreign, owning or having an interest in any kind of property, tangible or intangible, which is present within the state, would be subject to in personam jurisdiction under the due process clause, even though the state jurisdictional statutes do not ~~so~~ provide it.

(b) An order of attachment which serves only to secure property and not to acquire jurisdiction over the defendant may be issued in the following situations:

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(1) When a person, resident or nonresident, a corporation, domestic or foreign, owns or has any interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment against the defendant; or

(2) When a valid in personam action has been instituted and a person, resident or nonresident, or corporation, domestic or foreign, owns or has an interest in any kind of property, tangible or intangible, which is present within the state and may be applied to the satisfaction of a valid in personam judgment, when rendered, against the defendant, if the court, after notice and opportunity for hearing, determines:

(i) That person or corporation with intent to defraud or delay his creditors has removed or is about to remove property from this state; or

(ii) That person or corporation has assigned, disposed of, or secreted or is about to assign, dispose of, or secrete, property with intent to defraud or delay his creditors.

Sec. 4. Minnesota Statutes 1982, section 573.01, is amended to read:

573.01 SURVIVAL OF CAUSES.

A cause of action arising out of an injury to the person dies with the person of the party in whose favor it exists, except as provided in section 573.02. ~~It also dies with the person against whom it exists, except a cause of action arising out of bodily injuries or death caused by the negligence of a decedent or based upon strict liability, statutory liability or breach of warranty of a decedent, survives against his personal representatives.~~ All other causes of action by one against another, whether arising on contract or not, survive to the personal representatives of the former and against those of the latter.

Sec. 5. CORRECTION TO THE TERMINOLOGY REPLACING "ILLEGITIMATE" AND SIMILAR PHRASES.

Subdivision 1. Laws 1983, chapter 7, section 1, is amended to read:

Subd. 6. **PARENT.** "Parent" means (a) one of the pupil's parents, or (b) in the case of divorce or legal separation, or if the child's mother was not married to the child's father when the child was conceived ~~and~~ nor when the child was born, the custodial parent.

Subd. 2. Laws 1983, chapter 7, section 2, is amended to read:

Subd. 2. **INFORMATION ABOUT CERTAIN BIRTHS.** Disclosure of information pertaining to the birth of a child to a woman who was not married to the child's father when the child was conceived ~~and~~ nor when the child was born or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, a parent of the person born to a mother who was not

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married to the child's father when the child was conceived ~~and~~ nor when the child was born as provided by section 144.218, subdivision 1, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies of them.

Subd. 3. Laws 1983, chapter 7, section 3, is amended to read:

Subd. 2. **SPECIFIC POWERS.** Subject to the provisions of section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception ~~and~~ nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

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(7) Administer and supervise any additional welfare activities and services as are vested by law in the state department.

(8) The commissioner is designated as guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded or epileptic.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the secretary of the senate and chief clerk of the house of representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

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(13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant to chapter 256B, general relief medical care pursuant to section 256D.02, subdivision 4 and medical, hospital, and surgical care for persons eligible for general assistance pursuant to chapter 256D, or for indigent persons whose costs of hospitalization are paid pursuant to sections 261.21 to 261.232. The rules shall specify a uniform standard of performance and a tolerated error rate, but shall not specify the minimum number of personnel to be employed by a local agency if the agency operates at the specified standard of performance or at or below the tolerated error rate. The commissioner may deduct from the earned administrative reimbursements of a county a penalty for the county's failure to comply with the standards of administration. The penalty shall be fixed by the commissioner as a percentage of the overexpenditure caused by improper administration, beyond an initial tolerated amount of overexpenditure. In the event that fiscal sanctions are imposed by the federal government because of improper administration of the programs, one half of the amount of the sanctions attributable to local agency performance shall be deducted from administrative reimbursement otherwise due the county.

Subd. 4. Laws 1983, chapter 7, section 4, is amended to read:

256.88 SOCIAL WELFARE FUND ESTABLISHED.

Except as otherwise expressly provided, all moneys and funds held by the commissioner of public welfare and the county welfare boards of the several counties in trust or for the benefit of handicapped, dependent, neglected, and delinquent children, children born to mothers who were not married to the children's fathers at the times of the conception and nor at the births of the children, persons determined to be mentally retarded, mentally ill or chemically dependent, or other wards or beneficiaries, under any law, shall be kept in a single fund to be known as the "social welfare fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

Subd. 5. Laws 1983, chapter 7, section 5, is amended to read:

256.91 PURPOSES.

From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the commissioner of public welfare at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the handicapped, dependent, neglected, and delinquent children, children born to mothers who were not married to the children's fathers at the times of the conception and nor at the births of the children, persons found to be mentally retarded, chemically depend-

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ent or mentally ill, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase in it from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the commissioner of public welfare, the amount then remaining subject to use for the benefit of the person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

Subd. 6. Laws 1983, chapter 7, section 6, is amended to read:

Subdivision 1. **LIMITATIONS.** In any case where the guardianship of the person of any handicapped, dependent, neglected or delinquent child, or a child born to a mother who was not married to the child's father when the child was conceived and nor when the child was born, has been committed to the commissioner of public welfare, and in any case where the guardianship or conservatorship of the person of any mentally retarded or epileptic person has been committed to the commissioner of public welfare, the probate court having jurisdiction of the estate may on such notice as the court may direct, authorize the commissioner to take possession of the personal property in the estate, liquidate it, and hold the proceeds in trust for the ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subd. 7. Laws 1983, chapter 7, section 7, is amended to read:

Subdivision 1. **ACKNOWLEDGMENT BY PARENTS.** The mother and father of a child born to a mother who was not married to the child's father when the child was conceived and nor when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;

(c) Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.57 and 257.66;

(d) When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section

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259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 8. Laws 1983, chapter 7, section 8, is amended to read:

260.221 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.

The juvenile court may, upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate his parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived ~~and~~ nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental

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rights under section 259.261 or that the notice has been successfully challenged;
or

(7) That the child is neglected and in foster care.

Subd. 9. Laws 1983, chapter 7, section 9, is amended to read:

Subdivision 1. **PUBLIC CHILD WELFARE PROGRAM.** a. To assist in carrying out the child protection, delinquency prevention and family assistance responsibilities of the state, the county welfare board shall administer a program of social services and financial assistance to be known as the public child welfare program. The public child welfare program shall be supervised by the commissioner of public welfare and administered by the county welfare board in accordance with law and with rules of the commissioner.

b. The purpose of the public child welfare program is to assure protection for and financial assistance to children who are confronted with social, physical, or emotional problems requiring protection and assistance. These problems include, but are not limited to the following:

(1) Mental, emotional, or physical handicap;

(2) Birth of a child to a mother who was not married to the child's father when the child was conceived ~~and nor~~ when the child was born, including but not limited to costs of prenatal care, confinement and other care necessary for the protection of a child born to a mother who was not married to the child's father at the time of the child's conception ~~and nor~~ at the birth;

(3) Dependency, neglect;

(4) Delinquency;

(5) Abuse or rejection of a child by its parents;

(6) Absence of a parent or guardian able and willing to provide needed care and supervision;

(7) Need of parents for assistance with child rearing problems, or in placing the child in foster care.

c. A county welfare board shall make the services of its public child welfare program available as required by law, by the commissioner, or by the courts and shall cooperate with other agencies, public or private, dealing with the problems of children and their parents as provided in this subdivision.

The public child welfare program shall be available in divorce cases for investigations of children and home conditions and for supervision of children when directed by the court hearing the divorce.

d. A county welfare board may rent, lease, or purchase property, or in any other way approved by the commissioner, contract with individuals or

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agencies to provide needed facilities for foster care of children. It may purchase services or child care from duly authorized individuals, agencies or institutions when in its judgment the needs of a child or his family can best be met in this way.

Subd. 10. Laws 1983, chapter 7, section 12, is amended to read:

Subdivision 1. **JURISDICTION.** The county court shall have concurrent jurisdiction in the following cases:

(a) Proceedings for the administration of trust estates or actions relating thereto;

(b) Proceedings for divorce, annulment, and legal separation, and actions related thereto, as prescribed by chapter 518;

(c) Proceedings under the reciprocal enforcement of support act, chapter 518C;

(d) Proceedings for adoption and change of name under chapter 259;

(e) Proceedings to quiet title to real estate and real estate mortgage foreclosures by action; and

(f) Proceedings for the determination of paternity of and establishment and enforcement of child support payments for a child born to a mother who was not married to the child's father when the child was conceived and nor when the child was born.

Subd. 11. Laws 1983, chapter 7, section 13, is amended to read:

525.172 CERTAIN CHILDREN AS HEIRS.

A child born to a mother who was not married to the child's father when the child was conceived and nor when the child was born shall inherit from his mother the same as if the child was conceived and or born to her while she was married, and also from the person who in writing and before a competent witness shall have declared himself to be his father, provided such writing or an authenticated copy thereof shall be produced in the proceeding in which it is asserted or from the person who has been determined to be the father of such child in a paternity proceeding before a court of competent jurisdiction; but such child shall not inherit from the kindred of the father by right of representation.

Subd. 12. Laws 1983, chapter 7, section 14, is amended to read:

525.173 HEIRS TO CERTAIN CHILDREN.

If any child born to a mother who was not married to the child's father when the child was conceived and nor when the child was born dies intestate and

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without spouse or issue who inherit under the law, his estate shall descend to his mother, or in case of her prior decease to her heirs other than such child.

Subd. 13. Laws 1983, chapter 7, section 15, is amended to read:

609.37 DEFINITION.

As used in section 609.375, "child" means a child under the age of 16 years who is in necessitous circumstances and includes a child born to a mother who was not married to the child's father when the child was conceived ~~and nor~~ when the child was born if the child's paternity has been duly established.

Sec. 6. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved June 1, 1983

CHAPTER 244 — S.F.No. 1241

An act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Section 1. CLAIM; APPROPRIATION; GENERAL FUND.

Subdivision 1. The sum set forth in this section is appropriated from the general fund to the person named in this section in full and final payment of claims against the state. This appropriation is available until June 30, 1984.

Subd. 2. Estate of Edward J. Johnson, Rural Route 1, New London, Minnesota 56273 for costs, disbursements, and attorneys fees not expressly authorized to be reimbursed pursuant to statute \$19,389.00.

Sec. 2. VETERANS BONUS CLAIMS.

Subdivision 1. GENERALLY. The sums set forth in this section are appropriated from the general fund to the persons named in subdivision 2 in full and final payment of claims against the state for adjusted compensation arising from Vietnam service.

Subd. 2. VIETNAM SERVICE. Lawrence L. Anderson, 9564 Monroe Avenue N.E., Blaine, Minnesota 55434 \$600.00.

Steven Hunter, 30 Nemadji Court, Superior, Wisconsin 54880 \$300.00.

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