

(6) For damages caused by the establishment of a street or highway grade or a change in the originally established grade;

(7) For sales or use taxes imposed by the laws of any other state;

(8) Against the person who applies the pesticide for injury or damage to property resulting from the application, but not the manufacture or sale, of a pesticide.

Sec. 5. Laws 1967, chapter 252, section 2, as amended by Laws 1971, chapter 683, section 1, and Laws 1983, chapter 161, section 1, is amended to read:

Sec. 2. **INDEPENDENT SCHOOL DISTRICT NO. 709; EMPLOYEES; EXCEPTIONS.** The term "employees," as used in this act, shall not include members of the school board, superintendent of schools, assistant superintendents of schools, teachers, other employees of the school district whose positions require them to be certified pursuant to rules and regulations adopted by the state board of education, directors, administrative assistants, clerical or similar workers, food service workers, deputy clerk and purchasing agent, supervisors, advisors, coordinators, physicians, attorney, nurses, and temporary employees.

Sec. 6. **EFFECTIVE DATE.**

Section 5 is effective upon compliance with Minnesota Statutes, section 645.021.

Approved May 2, 1984

## CHAPTER 609 — S.F.No. 1442

*An act relating to resident aliens; clarifying the rights and responsibilities of resident aliens with respect to the distribution of economic benefits, militia enlistment, and veterans affairs; amending Minnesota Statutes 1982, sections 43A.11, subdivision 1; 60A.19, subdivision 7; 64A.10, subdivision 1; 85.018, subdivision 6; 98.45, subdivision 4; 98.47, subdivisions 8 and 15; 137.10; 147.25; 181.59; 184.26, subdivision 3; 190.06, subdivision 3; 197.03; 197.05; 197.447; 197.63, subdivision 1; 198.01; 256E.08, subdivision 10; 340.02, subdivision 8; 340.13, subdivision 12; 340.403, subdivision 3; 359.01; 360.015, subdivision 9; 395.14; 462.525, subdivision 10; 617.34; and 617.35; and Minnesota Statutes 1983 Supplement, section 51A.03, subdivision 1.*

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

Section 1. Minnesota Statutes 1982, section 43A.11, subdivision 1, is amended to read:

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

Subdivision 1. **CREATION.** Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit ~~which~~ that cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section to United States citizens and resident aliens who entered the military service of this country prior to December 31, 1976, and separated under honorable conditions (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty.

Sec. 2. Minnesota Statutes 1983 Supplement, section 51A.03, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION FOR CERTIFICATE OF INCORPORATION.** ~~At any time hereafter~~ Any three or more individuals, ~~citizens~~ residents of this state, may apply to form a mutual association or capital stock association to promote thrift and home financing subject to approval as provided in sections 51A.01 to 51A.57. Three of the individual applicants shall be incorporators and sign and acknowledge before an officer competent to take acknowledgments of deeds, two copies of an application for a certificate of incorporation in the form prescribed by the commerce commission, and of the bylaws in the form set out in this section or in a form approved by the commissioner, which shall be filed with the commissioner, accompanied by the incorporation fee. The applicants shall submit with their application statements, exhibits, map, and other data which the commissioner may require. The data must be sufficiently detailed and comprehensive to enable the commerce commission to pass upon the application as to the criteria set out in subdivision 3.

Sec. 3. Minnesota Statutes 1982, section 60A.19, subdivision 7, is amended to read:

Subd. 7. **POLICY NOT INVALIDATED BY OCCURRENCE OF HOSTILITIES.** No policy of insurance issued to a ~~citizen~~ resident of this state shall be invalidated by the occurrence of hostilities between any foreign country and the United States.

Sec. 4. Minnesota Statutes 1982, section 64A.10, subdivision 1, is amended to read:

Subdivision 1. **FORMATION.** Seven or more persons, ~~citizens of the United States, and~~ a majority of whom are ~~citizens~~ residents of this state, who desire to form a domestic association, as defined in section 60A.02, may make and sign, giving their addresses, and acknowledge before some officer competent to take acknowledgment of deeds, articles of association ~~in which shall be stated.~~ The articles of association shall state:

(1) the proposed corporate name of the association, which shall not so closely resemble the name of any association or insurance company already transacting business in this state as to mislead the public or lead to confusion;

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(2) the purpose for which it is formed, which shall not include more liberal powers than are granted by this chapter; provided, that any lawful, social, intellectual, educational, moral, or religious advantages may be set forth among the purposes of the association, and the mode in which its corporate powers are to be exercised; and

(3) the names, residences, and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control and management of the affairs and funds of the association for the first year or until the ensuing election, at which all these officers shall be elected by the supreme legislative or governing body.

Sec. 5. Minnesota Statutes 1982, section 85.018, subdivision 6, is amended to read:

Subd. 6. **EXCEPTIONS.** The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:

(a) military, fire, emergency or law enforcement vehicles used for official or emergency purposes;

(b) vehicles registered to the county, state or federal government;

(c) vehicles authorized by permit, lease or contract;

(d) vehicles owned by private ~~citizens~~ persons engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government ~~which~~ that manages the trail; and

(e) vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.

Sec. 6. Minnesota Statutes 1982, section 98.45, subdivision 4, is amended to read:

Subd. 4. Except as provided in subdivision 6, a person who is not a citizen of the United States resident, as defined in section 97.40, subdivision 21, may take, buy, sell, transport, or possess wild animals in this state only as a nonresident. Any firearm in possession of ~~such a~~ a nonresident alien for any purpose, other than hunting as a nonresident, is contraband and subject to confiscation.

Sec. 7. Minnesota Statutes 1982, section 98.47, subdivision 8, is amended to read:

Subd. 8. A license to take fish by angling or spearing shall be issued to any citizen resident of Minnesota who is blind, or is a recipient of supplemental security income for the aged, blind, and disabled, or is a recipient of social security aid to the disabled under U.S.C. United States Code, title 42, section 416,

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paragraph (i)(l) or section 423(d), or is a recipient of workers' compensation based on a finding of total and permanent disability, without charge.

Sec. 8. Minnesota Statutes 1982, section 98.47, subdivision 15, is amended to read:

Subd. 15. A permanent license to take fish shall be issued without charge to any ~~citizen~~ resident of Minnesota, 16 years of age or older, who is mentally retarded and whose parent or guardian furnishes satisfactory evidence of the disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 9. Minnesota Statutes 1982, section 137.10, is amended to read:

**137.10 REFUNDMENT OF TUITION TO STUDENTS IN CERTAIN CASES.**

Any student who, being a ~~citizen and~~ resident of the state, has enrolled to pursue any course in the University of Minnesota or any state university and paid tuition ~~therefor~~ for the course, and who, prior to the termination of the school year for which ~~such the~~ tuition was paid, enlisted or has been inducted into the military services of the United States, either voluntarily or pursuant to the present selective service law, ~~shall be is~~ entitled to the refundment of all tuition ~~so~~ paid for which credit can not properly be given.

It is hereby ~~made the duty~~ of The administrative officers of the University of Minnesota and of ~~such the~~ universities or institutions ~~to shall~~ refund to ~~such the~~ students any tuition so paid. Any student making application for ~~refundment~~ refund of any paid tuition ~~so paid~~ shall furnish to the administrative officers of the University of Minnesota or of ~~such the~~ universities a certificate from the proper officers reciting the fact of the enlistment or the induction of ~~such the~~ student into the military service of the United States.

Sec. 10. Minnesota Statutes 1982, section 147.25, is amended to read:

**147.25 APPLICATION FOR LOANS; INVESTIGATION; EXAMINATION.**

The board shall receive and pass upon, allow or disallow, all applications for loans made by students who are ~~bona fide~~ citizens of the United States or resident aliens who desire to practice medicine, and who are acceptable for enrollment in any accredited medical school. The purpose of ~~such the~~ loans is to enable ~~such the~~ applicants to obtain a standard four year medical education which that will qualify them to become licensed to practice medicine within the state of Minnesota. ~~It is the duty~~ of The board ~~to shall~~ make a careful and full investigation of the ability, character, and qualifications of each applicant and determine his fitness to become the recipient of ~~such the~~ loan and. For that purpose the board may propound ~~such examination~~ to each applicant which an examination that it deems proper, and the board may prescribe in the manner

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provided by law ~~such~~ the rules and regulations as it deems necessary and proper to carry out the purpose and intention of sections 147.24 to 147.29. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of ~~such~~ the applicant, to pay his own tuition at the medical school. The board, in granting ~~such~~ the loans, shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's tuition at the medical school and who are in their third or fourth year in medical school.

The board may grant to each applicant deemed by the board to be qualified to receive ~~the same~~ it, a loan for the purpose of acquiring a medical education as ~~herein~~ provided, upon ~~such~~ terms and conditions ~~which~~ that the board ~~may impose~~ imposes in accordance with the provisions of sections 147.24 to 147.29.

Sec. 11. Minnesota Statutes 1982, section 181.59, is amended to read:

**181.59 DISCRIMINATION ON ACCOUNT OF RACE, CREED, OR COLOR PROHIBITED IN CONTRACT.**

Every contract for or on behalf of the state of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the contractor agrees:

(1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract ~~hereunder~~, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which ~~such~~ the employment relates;

(2) That no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any ~~such~~ person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, ~~any~~ ~~such~~ the person or persons from the performance of work under any contract on account of race, creed, or color;

(3) ~~Any~~ That a violation of this section shall be ~~is~~ a misdemeanor; and

(4) That this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for ~~such~~ employment, and all money due, or to become due ~~hereunder~~ under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

Sec. 12. Minnesota Statutes 1982, section 184.26, subdivision 3, is amended to read:

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Subd. 3. An applicant for an employment agency's license shall be a citizen of the United States or resident alien and shall be at least 18 years of age. An applicant for a counselor's license shall be at least 18 years of age.

Sec. 13. Minnesota Statutes 1982, section 190.06, subdivision 3, is amended to read:

Subd. 3. **MAY ENLIST FEMALE CITIZENS NONCOMBATANT SERVICE.** The governor may authorize the appointment or enlistment of female citizens of the state and all other residents of the state, who have or shall have declared their intention to become citizens of the United States, in the medical corps, nurse corps, and other noncombatant branches and services of the organized militia, and while so serving they shall have the same status as ~~male~~ members of the military forces.

Sec. 14. Minnesota Statutes 1982, section 197.03, is amended to read:

**197.03 STATE SOLDIERS' WELFARE FUND CREATED.**

There is hereby created a state soldiers' welfare fund to aid and assist any citizen of Minnesota or resident alien residing in Minnesota who served in the military or naval forces of the United States, in securing compensation, hospitalization, medical treatment, insurance or other relief or benefits to which he may be entitled from the United States or any other government or state and for the emergency relief, hospitalization, treatment and maintenance of all such persons who were bona fide residents of the state at the time their need arose and his dependents as hereinafter provided.

Sec. 15. Minnesota Statutes 1982, section 197.05, is amended to read:

**197.05 FUND, HOW EXPENDED.**

The state soldiers' welfare fund shall be administered by the commissioner of veterans affairs and shall be used to locate and investigate the facts as to any citizen of Minnesota or resident alien residing in Minnesota who served in the military or naval forces of the United States and who is indigent or suffering from any disability whether acquired in such the service or not; to assist any such the person and his dependents as hereinafter provided in establishing and proving any just claim he may have against the United States government, or any other government or state for compensation, insurance, relief, or other benefits, and; to provide emergency hospitalization, treatment, maintenance, and relief for any such person suffering from disability who was a bona fide resident of the state at the time his need arose and his dependents, as hereinafter provided; and to cooperate with other state, municipal, and county officials and civic or civilian agencies or organizations in carrying out the provisions of sections 197.01 to 197.07.

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~~Such~~ The fund is hereby appropriated to be used in ~~such~~ the manner as determined by the commissioner of veterans affairs ~~may determine~~ for ~~such~~ these purposes.

Sec. 16. Minnesota Statutes 1982, section 197.447, is amended to read:

**197.447 VETERAN, DEFINED.**

The word "veteran" as used in sections 196.02, 196.07, 197.59, 197.601, and 282.038 means any person who has been separated under honorable conditions from any branch of the armed forces of the United States after having served on active duty for 181 consecutive days or by reason of disability incurred while serving on active duty, and who is a citizen of the United States or resident alien.

Sec. 17. Minnesota Statutes 1982, section 197.63, subdivision 1, is amended to read:

Subdivision 1. **ISSUANCE WITHOUT CHARGE.** A certified copy of a birth, death, marriage, divorce, dissolution of marriage record, or certified copy of veteran's discharge recorded pursuant to ~~Minnesota Statutes 1945,~~ section 386.20, shall be issued promptly by the officer charged with the keeping of ~~such~~ the records upon the request of, and without any charge to, any veteran, the surviving spouse or next of kin ~~thereof~~ of the veteran, service officers of any veterans organization chartered by the congress of the United States, or the department of veterans affairs, for use in the presentation of claims to the United States veterans administration or in connection with any ~~such~~ veterans organization or the department of veterans affairs. The word "veteran" as used in this section means any man or woman who is a veteran as defined in ~~Minnesota Statutes 1949,~~ section ~~197.45~~ 197.447, and who is a citizen of the United States or resident alien.

Sec. 18. Minnesota Statutes 1982, section 198.01, is amended to read:

**198.01 VETERANS HOME; ELIGIBILITY OF VETERANS.**

The Minnesota veterans home shall provide a home for veterans and their spouses, surviving spouses, and parents, who meet eligibility and admission requirements, and who comply with the rules and regulations of the Minnesota veterans home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released ~~therefrom~~ from the armed forces under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota veterans home. Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota veterans home. The word "veteran" as used in this section means any person who is a citizen of the United States or resident alien and has been separated under honorable conditions from any

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branch of the armed forces of the United States: (a) after service on active duty for 181 consecutive days; or, (b) after service during a period of war; or, (c) by reason of disability incurred while serving on active duty. A "period of war" is:

(1) The Spanish-American War, April 21, 1898, through July 4, 1902.

(a) Includes Philippine Insurrection and Boxer rebellion.

(b) Includes service in Moro Province, April 21, 1898, through July 15, 1903.

(2) World War I, April 6, 1917, through April 1, 1920.

(a) Includes service in Russia, April 16, 1917, through April 1, 1920.

(b) Includes service through July 2, 1921, if active duty performed during basic war period.

(3) World War II, December 7, 1941, through December 31, 1946 and through July 25, 1947, if continuous duty began on or before December 31, 1946.

(4) The Korean Conflict, June 27, 1950, through January 31, 1955.

(5) The Vietnam era, August 5, 1964, through July 27, 1973.

Sec. 19. Minnesota Statutes 1982, section 256E.08, subdivision 10, is amended to read:

Subd. 10. **INTERCOUNTY COOPERATION.** Two or more contiguous counties ~~which~~ that are situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or the metropolitan area as defined in section 473.121, subdivision 2, and ~~which~~ that have not established a human services board may, by resolution of their respective county boards, agree to combine into one board for social service purposes to serve the counties that enter into the agreement. The joint board shall have the same powers, duties, and functions as the individual county boards. The term of the joint board, withdrawal from the joint board, composition of the board, and contribution to the expenses of the board shall be according to the terms of the agreement. Nothing in this section shall prevent a county board from purchasing services from an agency outside the boundaries of the Minnesota economic development region in which it is situated. A joint board established pursuant to this section may encompass completely two regions. Insofar as possible, social services which are jointly administered shall be equally accessible to all ~~citizens~~ residents of the counties ~~which~~ that are party to the agreement.

Sec. 20. Minnesota Statutes 1982, section 340.02, subdivision 8, is amended to read:

Subd. 8. **PERSONS ELIGIBLE.** Licenses hereunder shall be issued only to persons who are citizens of the United States ~~and~~ or resident aliens, who

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are of good moral character and repute, who have attained the age of 19 years and who are proprietors of the establishments for which the licenses are issued.

Sec. 21. Minnesota Statutes 1982, section 340.13, subdivision 12, is amended to read:

Subd. 12. **LICENSES; PERSONS ELIGIBLE.** No license shall be issued to a person other than a citizen of the United States or resident alien, 19 years of age or over, who shall be of good moral character and repute, nor to any person who within five years prior to the application of ~~such~~ for the license has been convicted of any ~~wilful~~ willful violation of any law of the United States or the state of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor; nor to any person whose license under the intoxicating liquor act ~~shall be~~ is revoked for any ~~wilful~~ willful violation of any ~~such~~ of those laws or ordinances.

Sec. 22. Minnesota Statutes 1982, section 340.403, subdivision 3, is amended to read:

Subd. 3. **LICENSE GRANTED.** Upon the filing of an application, the approval of the bond, and the payment of the license fee, the commissioner shall grant the license unless it ~~shall appear~~ appears that the applicant: (1) is not a citizen of the United States or resident alien; or (2) is not 19 years of age or over; or (3) has been convicted of a felony under the laws of this state; or (4) has had his license revoked within a period of one year prior to the filing of his application; or (5) has not been a resident of Minnesota or has not been qualified as a corporation to do business in Minnesota for more than 90 days prior to application. In the event the applicant is a corporation its managing officers must possess the qualifications ~~herein~~ stated in respect to clauses (1), (2), (3), and (4).

No wholesale malt beverage license shall be granted to any person unless he ~~shall have~~ has within the state of Minnesota warehouse space either owned or leased by him and ~~shall have~~ has adequate delivery facilities to perform the function of wholesaling malt beverages. ~~Provided that~~ However, the requirements of this subdivision as to residence and warehouse space shall not apply to any wholesaler in an adjoining state ~~which~~ that permits Minnesota resident licensees to deliver malt beverages to retailers without warehousing in that state or to any wholesaler in an adjoining state delivering malt beverages manufactured in Minnesota.

Sec. 23. Minnesota Statutes 1982, section 359.01, is amended to read:

**359.01 COMMISSION.**

The governor may appoint and commission as notaries public, by and with the advice and consent of the senate, as many citizens of this state or resident

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aliens, over the age of 18 years, resident in the county for which appointed, as he deems necessary. The fee for each commission shall not exceed \$10, and shall be paid to the governor's private secretary.

Sec. 24. Minnesota Statutes 1982, section 360.015, subdivision 9, is amended to read:

Subd. 9. **INTERVENTION.** He may participate as party plaintiff or defendant, or as intervenor, on behalf of the state or any municipality, or citizen resident thereof, in any controversy having to do with any claimed encroachment by the federal government or any foreign state upon any state or individual rights pertaining to aeronautics.

Sec. 25. Minnesota Statutes 1982, section 395.14, is amended to read:  
395.14 **SEED AND FEED LOANS.**

Authority is ~~hereby~~ granted to any county in the state to lend money to residents of the county who are citizens of the United States or resident aliens or who have declared their intention of becoming citizens of the United States, for the purpose of purchasing seed and feed for teams whenever there has been a total or partial failure of crops in ~~such~~ the county, by reason of hail, flood, drought, fire, or other cause, ~~where such.~~ Qualified residents must own, or hold under contract for deed, land previously under cultivation and cropped and in condition capable of being cropped during the ensuing year, but who are must be unable to procure seed for planting such their land and feed for their teams while doing such work the planting and who are must be in imminent danger of losing their property. ~~In such case,~~ If not less than 25 resident freeholders of the county, before March first next following ~~such the~~ crop failure, shall present to the auditor of ~~such the~~ county a petition signed by them asking that ~~such the~~ county lend money to residents thereof suffering by reason of ~~such the~~ crop failure, for the purpose of purchasing seed and feed, the auditor shall receive and file the petition and at once call a meeting of the county board to consider ~~such the~~ petition ~~and.~~ The county board shall, on or before the second Monday in March, next following, meet and consider the petition and may ~~grant the prayer thereof and~~ enter an order that the county lend, from its general fund, ~~such~~ sums as it deems necessary for the purpose; ~~provided, that however,~~ the amount shall not, with the existing indebtedness of the county, exceed the amount of indebtedness fixed by the laws of this state.

Sec. 26. Minnesota Statutes 1982, section 462.525, subdivision 10, is amended to read:

Subd. 10. **EXCESS LAND.** On or before December 31 of each year, each authority shall make a survey of all lands held, owned or controlled by it to determine what land, including air rights, is in excess of its foreseeable needs. A description of each parcel found to be ~~so~~ in excess of foreseeable needs shall be made a matter of public record. Any low or moderate income citizen resident,

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redevelopment corporation, or nonprofit housing corporation shall upon request be provided with a list of ~~said the~~ parcels without charge. With or without accordance to a redevelopment plan, an authority ~~thereafter~~ may make ~~any such the~~ excess lands available for use as a housing or housing development project by a redevelopment or nonprofit housing corporation by sale, lease, grant, transfer, conveyance or otherwise, at a price which may take into consideration the estimated fair market or rental value of the real property, as determined pursuant to section 462.541 and upon ~~such~~ terms and conditions, notwithstanding any other provisions of law to the contrary, as the authority ~~may deem~~ deems to be best suited to the development of the parcel for housing available to persons and families of low and moderate income.

Sec. 27. Minnesota Statutes 1982, section 617.34, is amended to read:

**617.34 ACTION TO ENJOIN; RESTRAINING ORDER; ANSWER.**

When a nuisance is kept, maintained, or exists, as defined in sections 617.33 to 617.41, the county attorney or any citizen resident of the county may maintain an action in equity in the name of the state of Minnesota, upon the relation of ~~such the~~ county attorney or citizen resident, to perpetually enjoin ~~such the~~ nuisance, the person or persons conducting or maintaining the same nuisance from further conducting or maintaining the same it, and the owner or agent of the building or ground upon which the nuisance exists, from further permitting ~~such the~~ building or ground, or both, to be so used. The defendants shall be served ~~therein as in other actions, and in such action~~ the manner provided by law for service of a summons in a civil action in district court. The court, ~~or judge in vacation,~~ shall, upon the presentation of a verified complaint ~~therefor~~ alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if the existence of ~~such the~~ nuisance ~~shall be~~ is made to appear to the satisfaction of the court ~~or judge~~ by evidence in the form of affidavits, depositions, oral testimony, or otherwise as the complainant may elect, unless the court ~~or judge~~, by previous order, ~~shall have~~ has directed the form and manner in which ~~such the~~ evidence ~~shall must~~ be presented, in which case it shall be so presented. Where a temporary injunction is prayed for, the court, on the application of plaintiff, may issue an ex parte restraining order, restraining the defendants and all other persons from removing or in any manner interfering with the furniture, fixtures, musical instruments, and movable property used in conducting the alleged nuisance, until the decision of the court ~~or judge~~ granting or refusing ~~such the~~ temporary injunction, and until the further order of the court ~~thereon on the temporary injunction~~. The restraining order may be served by handing to and leaving a copy of the order with any person in charge of the property or residing in the premises or apartment ~~wherein where~~ the same nuisance is situated, or by posting a copy ~~thereof of the order~~ in a conspicuous place at or upon one or more of the principal doors or entrances to ~~such the~~ premises or apartment where ~~such the~~ nuisance is alleged to be maintained, or by both ~~such~~ delivery and posting. The officer serving ~~such the~~ restraining order

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shall ~~forthwith~~ immediately make a return into court and inventory of the personal property situated in and used in conducting or maintaining ~~such~~ the nuisance. Any violation of ~~such~~ the restraining order ~~shall be is~~ a contempt of court, ~~and where such order is so posted.~~ Mutilation or removal ~~thereof of a posted order,~~ while the ~~same~~ it remains in force, ~~shall be is~~ a contempt of court; ~~provided, such if the~~ posted order contains ~~thereon or therein~~ a notice to that effect. Three days' notice, in writing, shall be given the defendants of the hearing of the application for temporary injunction and, if then continued at the instance of defendant, the temporary writ as prayed shall be granted as a matter of course. Each defendant ~~so~~ notified shall serve upon the complainant or his attorney a verified answer on or before the date fixed in the notice for the hearing, ~~and such.~~ The answer shall be filed with the clerk of the district court of the county ~~wherein where~~ the cause is triable, but the court may allow additional time for ~~so~~ answering, ~~providing such if the~~ extension of time ~~shall does~~ not prevent the issuing of the temporary writ as prayed for. The allegations of the answer ~~shall be~~ are deemed to be traversed without further pleading. When an injunction ~~has been is~~ granted, it shall be binding on the defendants throughout the judicial district in which it was issued, and any violation of the provisions of the injunction ~~herein provided shall be is~~ a contempt, as hereinafter provided.

Sec. 28. Minnesota Statutes 1982, section 617.35, is amended to read:

**617.35 TRIAL; LIMITATION OR DISMISSAL.**

The action when brought shall be noticed for and triable at the first term of the court the same as other actions triable in the district court of ~~such the~~ county, ~~and in such action.~~ Evidence of the general reputation of the place ~~shall be is~~ admissible for the purpose of proving the existence of the nuisance ~~shall be and is~~ prima facie evidence of ~~such the~~ nuisance and of knowledge ~~thereof of it~~ and of acquiescence and participation ~~therein in it~~ on the part of the owners, lessors, lessees, users, and all those in possession of or having charge of, as agent or otherwise, or having any interest in any form of property used in conducting or maintaining the nuisance. If the complaint is filed by a ~~citizen resident,~~ it shall not be dismissed except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the ~~dismissal approved upon approval~~ by the county attorney, in writing or in open court. If the court is of the opinion that the action ~~ought should~~ not ~~to~~ be dismissed, he may direct the county attorney to prosecute the action to judgment at the expense of the county, ~~and.~~ If the action is continued more than one term of court, any ~~citizen resident~~ of the county or the county attorney may be substituted for the complaining party and prosecute the action to judgment. If the action is brought by a ~~citizen resident~~ and the court finds there was no reasonable grounds or cause for the action, the cost may be taxed to ~~such citizen the resident.~~

Approved May 2, 1984

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