

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

Section 1. **[513.33] CREDIT AGREEMENTS.**

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(1) "credit agreement" means an agreement to lend or forebear repayment of money, goods, or things in action, to otherwise extend credit, or to make any other financial accommodation;

(2) "creditor" means a person who extends credit under a credit agreement with a debtor; and

(3) "debtor" means a person who obtains credit or seeks a credit agreement with a creditor or who owes money to a creditor.

Subd. 2. **CREDIT AGREEMENTS TO BE IN WRITING.** A debtor may not maintain an action on a credit agreement unless the agreement is in writing, expresses consideration, sets forth the relevant terms and conditions, and is signed by the creditor and the debtor.

Subd. 3. **ACTIONS NOT CONSIDERED AGREEMENTS.** (a) The following actions do not give rise to a claim that a new credit agreement is created, unless the agreement satisfies the requirements of subdivision 2:

(1) the rendering of financial advice by a creditor to a debtor;

(2) the consultation by a creditor with a debtor; or

(3) the agreement by a creditor to take certain actions, such as entering into a new credit agreement, forbearing from exercising remedies under prior credit agreements, or extending installments due under prior credit agreements.

(b) A credit agreement may not be implied from the relationship, fiduciary, or otherwise, of the creditor and the debtor.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day after final enactment and applies to all actions commenced after that date that arise out of a credit agreement or relationship relating to a credit agreement.

Approved May 28, 1985

CHAPTER 246 — S.F.No. 1118

An act relating to agriculture; requiring lender's response for an agricultural production input lien be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

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

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

Section 1. Minnesota Statutes 1984, section 514.952, subdivision 2, is amended to read:

Subd. 2. **LIEN-NOTIFICATION STATEMENT.** The lien-notification statement must be in a form approved by the secretary of state and disclose the following:

(1) the name and business address of ~~any~~ the lender that is to receive notification;

(2) the name and address of the supplier claiming the lien;

(3) a description and the date or anticipated date or dates of the transaction and the retail cost or anticipated costs of the agricultural production input;

(4) the name, residential address, and signature of the person to whom the agricultural production input was furnished;

(5) the name and residential address of the owner and a description of the real estate where the crops to which the lien attaches are growing or are to be grown; or for a lien attaching to livestock, the name and residential address of the owner of the livestock, the location where the livestock will be raised, and a description of the livestock; and

(6) a statement that products and proceeds of the crops or livestock are covered by the agricultural input lien.

Sec. 2. Minnesota Statutes 1984, section 514.952, subdivision 3, is amended to read:

Subd. 3. **RESPONSE OF LENDER TO NOTIFICATION.** (a) Within ten calendar days after receiving a lien-notification statement, the lender must respond to the supplier with either:

(1) a letter of commitment for part or all of the amount in the lien-notification statement; or

(2) a written refusal to issue a letter of commitment.

(b) A copy of the response must be mailed to the person for whom the financing was requested.

Sec. 3. Minnesota Statutes 1984, section 514.952, subdivision 4, is amended to read:

Subd. 4. **EFFECT OF RESPONSE.** (a) If a lender responds with a letter of commitment for part or all of the amount in the lien-notification

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statement, the supplier may not obtain a lien for the amount stated in the letter of credit commitment.

(b) If a lender responds with a refusal to provide a letter of credit commitment the rights of the lender and the supplier are not affected.

Sec. 4. Minnesota Statutes 1984, section 514.952, subdivision 5, is amended to read:

Subd. 5. **EFFECT OF NO RESPONSE.** If a lender does not respond under subdivision 3 to the supplier within ten calendar days after receiving the lien-notification statement, ~~an~~ a perfected agricultural production input lien corresponding to the lien-notification statement has priority over any security interest of the lender in the same crops or livestock or their proceeds for the lesser of:

- (1) the amount stated in the lien-notification statement;
- (2) the unpaid retail cost of the agricultural production input identified in the lien-notification statement; or
- (3) for livestock any limitation in section 514.954, subdivision 2.

Sec. 5. Minnesota Statutes 1984, section 514.954, subdivision 1, is amended to read:

Subdivision 1. **LIEN ON CROPS.** A supplier who furnishes crop production inputs has an agricultural input lien for the unpaid retail cost of the crop production inputs. The lien attaches to: (1) the existing crops upon the land where a furnished agricultural chemical was applied, or if crops are not planted, to the next production crop within 16 months following the last date on which the agricultural chemical was applied; (2) the crops produced from furnished seed; or (3) the crops produced, harvested, or processed using a furnished petroleum product. If the crops are grown on leased land and the lease provides for payment in crops, the lien does not attach to the lessor's portion of the crops. The lien continues in crop products and proceeds, ~~except that the lien does not continue in grain after a cash sale under section 223.16.~~

Sec. 6. Minnesota Statutes 1984, section 514.956, subdivision 3, is amended to read:

Subd. 3. **DUTIES OF FILING OFFICER.** The filing officer shall enter on the lien-notification statement the time of day and date of filing. The filing officer shall file and, amend, terminate, note the filing of a lien-notification statement, and charge the fee for filing under this section in the manner provided by section 336.9-403 for a financing statement. A lien-notification statement is void and may be removed from the filing system 18 months after the date of filing. The lien-notification statement may be physically destroyed after 30 months from the date of filing.

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Sec. 7. Minnesota Statutes, 1984, section 514.956, is amended by adding a subdivision to read:

Subd. 4. RULES. The secretary of state shall adopt rules for the filing, amending, termination, and removal of lien-notification statements.

Sec. 8. **EFFECTIVE DATE.**

This act is effective the day after enactment.

Approved May 28, 1985

CHAPTER 247 — S.F.No. 1130

An act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 155A.08, subdivision 2; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

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

Section 1. Minnesota Statutes 1984, section 147.01, subdivision 1, is amended to read:

Subdivision 1. **CREATION; TERMS.** The board of medical examiners ~~shall consist~~ consists of 11 members, residents of the state of Minnesota, appointed by the governor as hereinafter provided ~~(a)~~. ~~Seven of whom shall board members must~~ hold a degree of doctor of medicine and be licensed to practice medicine under this chapter, ~~(b)~~. ~~One of whom shall board member must~~ hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under this chapter ~~and (c)~~. ~~Three of whom shall board members must~~ be public members as defined by section 214.02. One of the public members must represent a mental health and consumer advocacy organization. A member may serve more than one term but shall not serve more than two terms consecutively. Membership terms, compen-

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