

application fee in excess of the fee specified above, but not to exceed \$250 for each application, in accordance with a schedule of fees adopted by rules promulgated in the manner provided by section 16A.128, ~~which fee schedule shall be based upon the project's costs and the complexity of the permit applied for.~~

For projects requiring a mandatory environmental assessment pursuant to chapter 116D, projects undertaken without a permit or application as required by sections 105.37 to 105.64, and projects undertaken in excess of limitations established in an issued permit, the commissioner may charge an additional field inspection fee of not less than \$25 nor more than \$750 to cover actual costs for each permit applied for under sections 105.37 to 105.64 and for each project undertaken without proper authorization. The commissioner shall establish pursuant to rules adopted in the manner provided by section 16A.128, a schedule for field inspection fees which shall include actual costs related to field inspection such as investigations of the area affected by the proposed activity, analysis of the proposed activity, consultant services, and subsequent monitoring, if any, of the activity authorized by the permit.

Except as provided below, the commissioner may not issue a permit until all fees required by this section relating to the issuance of a permit have been paid. The time limits prescribed by subdivision 4, do not apply to an application for which the appropriate fee has not been paid. Field inspection fees relating to monitoring of an activity authorized by a permit may be charged and collected as necessary at any time after the issuance of the permit. No permit application or field inspection fee may be refunded for any reason, even if the application is denied or withdrawn. No permit application or field inspection fee may be imposed on any state agency, as defined in section 16B.01, or federal governmental agency applying for a permit.

Approved May 30, 1985

CHAPTER 265 — S.F.No. 1362

An act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; expanding the mandatory free distribution of Minnesota Rules; amending Minnesota Statutes 1984, section 14.47, subdivision 8; chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980,

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chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9; repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

REVISOR'S BILL

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

ARTICLE 1

Section 1. Minnesota Statutes 1984, chapter 35, is amended to read:

35.01 DEFINITIONS.

Subdivision 1. **TERMS SCOPE.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in this section shall for the purposes of as used in this chapter ~~be given~~ have the meanings ascribed to given them.

Subd. 2. ~~THE BOARD OR THE;~~ **STATE BOARD.** "The board" or "the state board" means the board of animal health.

Subd. & 3. **LIVESTOCK, DOMESTIC ANIMALS.** "Livestock" and "domestic animals" as used in chapter 35 ~~includes~~ "include poultry."

Subd. 4. **PERSON.** "Person" means an individual, firm, or corporation.

35.02 BOARD OF ANIMAL HEALTH.

Subdivision 1. **MEMBERS; OFFICERS.** The board shall consist of has five members appointed by the governor with the advice and consent of the senate, ~~three shall be persons engaged in the production of whom are producers~~ of livestock in the state, ~~and the other two of whom are practicing veterinarians licensed in Minnesota.~~ The dean of the college of veterinary medicine of the University of Minnesota may serve as consultant to the board without vote. Appointments to fill unexpired terms shall must be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among this number; ~~also its members and~~ a veterinarian licensed in Minnesota, who is not a member, to be its executive secretary and executive officer for a term of one year and until his a successor qualifies. The board shall set the duties of the secretary ~~shall be prescribed by the board.~~

Subd. 2. **TERMS; COMPENSATION; REMOVAL; VACANCIES.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in ~~are governed by~~ section 15.0575.

35.03 POWERS, DUTIES, AND REPORTS.

The board shall protect the health of the Minnesota domestic animals of the state, and carry out the provisions of this chapter, ~~making rules it may deem~~

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considers expedient to that end those ends. It shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July, and October. Officers shall must be elected at the April meeting. On or before October 1 of each year the board shall issue publish an annual report which shall be published.

35.04 DUTY OF LOCAL BOARDS OF HEALTH.

All Local boards of health shall assist the board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals when directed ~~so~~ to do so by the secretary or any member thereof of the board. Two or more local boards may be required in emergencies to cooperate in rendering such giving assistance. ~~When~~ The rules of any local board conflict with those of the state board, ~~the latter shall prevail over conflicting local board rules.~~

35.05 AUTHORITY OF STATE BOARD.

The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, ~~any a~~ a contagious and infectious dangerous disease.

The board may regulate or prohibit the arrival in, and departure from, the state of infected or exposed animals ~~so infected or exposed,~~ and, in case of violation of any rule or prohibition, may detain any animal at its owner's cost expense. The board may regulate or prohibit the bringing importation of domestic animals ~~into the state~~ which, in its opinion, ~~for any reason,~~ may injure the health of Minnesota livestock ~~therein~~.

All Rules adopted by the board under authority of this chapter shall must be published in the state register.

35.06 REPORTING DISEASE; COMPELLING TESTIMONY.

Every A person who knows, or has reason to suspect, reasonably suspects that a contagious or infectious disease exists in ~~any a~~ a domestic animal shall immediately notify the board. The board, or any member or authorized agent thereof of the board, may examine, under oath, all persons believed to have knowledge of the existence or threatening threat of disease among domestic animals and, for this purpose, may take depositions and compel witnesses to attend and testify.

35.063 QUARANTINE MAINTAINED.

The board is ~~authorized and empowered to~~ may establish and maintain, at the owner's expense, a quarantine of ~~any or all~~ domestic animals ~~or poultry, or both,~~ imported into the state when, in its judgment, a quarantine is necessary to protect the health of ~~the Minnesota~~ domestic animals ~~or poultry of the state~~. The quarantine shall must specify ~~the~~ its terms, conditions, scope, and application thereof.

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

35.065 MAY NOT BREAK QUARANTINE.

Upon the establishment of the quarantine, It shall be is unlawful for the owner or the person having the custody or control of the domestic animals or poultry subject to the a quarantine to remove them, or any of them, from the premises where they their first come to rest location within the state after the interstate shipment or transportation is completed, until they are released by authority of the board.

35.069 PENALTY.

Any A person removing any who removes a domestic animal or any poultry while subject to quarantine, as provided in sections 35.063 and 35.065, in violation of the provisions thereof, shall be quarantine is guilty of a misdemeanor.

35.08 KILLING OF DISEASED ANIMALS.

When If the board shall decide decides upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision and when, in the judgment of, If the board, through its executive secretary, orders that an animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the meat inspection division of the United States department of agriculture maintains inspection, or where the animal disease eradication division and plant health inspection service of the United States department of agriculture or the board may establish establishes field post-mortem inspection, the owner shall must receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board shall must agree, in writing, with the owner in writing as to the value of the animal_s. In the absence of an agreement, there shall be appointed three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, to shall appraise the animal at its full replacement cost-value cost taking into consideration the purpose and use of the animal.

The appraisal made under this section shall must be in writing, signed by the appraisers, and certified by the board to the commissioner of finance, who shall draw a warrant on the state treasurer for the amount due the owner.

35.09 INSPECTION BEFORE KILLING; OWNER'S INDEMNITY.

Subdivision 1. **GENERAL RULE.** Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, or brucellosis shall may not be killed as such for that reason until they have been inspected by a veterinarian appointed by the board, and are pre-announced determined by him the veterinarian to be so diseased have one of those diseases.

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For each animal slaughtered because of tuberculosis, paratuberculosis, or brucellosis, the value of the net salvage of the carcass shall must be deducted from the appraised value of the living animal. Two-thirds of the remainder shall must be paid to the owner by the state, ~~except that in all cases where.~~ If the animal disease eradication division and plant health inspection service of the United States department of agriculture compensates the owner for the animal, in whole or in part, ~~then~~ the amount of the compensation so received from the federal government shall must be deducted from the amount of indemnity payable by the state; ~~provided, that in.~~ No case shall any payment may be more than \$37.50 for a grade females female or more than \$75 for ~~any~~ a registered purebred animal, and ~~that~~ no payment shall may be made unless the owner has complied with all lawful rules of the board.

Subd. 2. **EXCEPTIONS.** The owner of an animal shall be is entitled to the indemnity as ~~herein~~ provided in subdivision 1, except in the following cases:

- (1) Indemnity shall ~~not be paid~~ for steers;
- (2) animals which have not been kept in good faith for one year, or since their birth, in good faith, in the state;
- (3) animals brought into the state, contrary to ~~any provision~~ of law or rules of the board;
- (4) animals diseased at the time of on arrival in this the state;
- (5) animals belonging to the United States;
- (6) animals belonging to institutions maintained by the state, a county, or a municipality;
- (7) animals which the owner or claimant knew ~~to be~~ or should have known were diseased ~~or had notice thereof~~ at the time they ~~came into his possession,~~ or when the owner shall have been guilty of negligence by wilfully exposing his animal or were acquired;
- (8) animals exposed to brucellosis, ~~or if the~~ through the owner's negli-
gence;
- (9) animals which have been injected with brucellosis vaccine, bacterin, or other preparations made from or through the agency of Brucella Micro-organisms unless it was done in compliance with the rules of the board;
- (8) ~~When the owner~~ (10) animals belonging to a person who has received indemnity as a result of a former inspection or tests and has ~~hereafter then~~ introduced into his the same herd any animals which ~~therefore had~~ have not passed the tuberculin or brucellosis test;

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~~(9) Where (11) animals if the owner, agent, or person in possession of the animal them has not complied with the rules of the board with respect to animals condemned animals;~~

~~(10) When the (12) condemned animals which are not destroyed within 15 days after the date of appraisal, or when for which the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases and at the discretion of the executive secretary and executive officer of the board the time limit of 15 days may be extended an additional 15 days; provided, that if the owner receives permission to do so from the executive secretary and executive officer within 15 days of the date of appraisal;~~

~~(11) No indemnity or compensation shall be paid for the destruction of any (13) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the entire herd of which the affected livestock is a part, or from which the affected livestock has originated, shall be is examined and tested under the supervision of the board, in order to determine if they are free from the disease;~~

~~(12) No indemnity or compensation shall be paid for the destruction of any (14) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the owner has carried out the instructions of the board relating to the cleaning, disinfection, and rendering the stables and premises in a sanitary condition within 15 days from of the time of removal of these the animals from the premises, except when, because of inclement weather or other extenuating circumstances, the time may be is extended by the executive officer secretary of the board;~~

~~(13) No indemnity or compensation shall be paid for the destruction of any (15) livestock affected with tuberculosis, paratuberculosis, or brucellosis, if the owner has fed milk or milk products derived from creameries and which have was not been pasteurized, as required by state laws; and~~

~~(14) (16) animals owned by a nonresident if neither the owner nor the owner's agent breed livestock in Minnesota.~~

If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the board shall discontinue making further official tests or to authorize authorizing tests, with the exception that, if unless an owner signs a waiver, on blanks to be furnished by the board, for of payment of indemnity for any animals that may be condemned as the result of a test and inspection, and releasing which releases the state from any obligation to pay indemnity from any future appropriations;

~~(15) When the owner is a nonresident and neither he nor his duly authorized agent or agents are engaged in breeding livestock in this state.~~

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Subd. 2a. **NONREACTORS; CATTLE INELIGIBLE FOR TEST.**

The board may condemn and appraise nonreactors to the brucellosis test and exposed cattle not eligible for test to be tested from herds affected with brucellosis and may pay the owner the difference between the appraisal value and the salvage value ~~not to exceed up to~~ \$300 for grade animals or \$600 for purebred registered animals, ~~provided if~~ the board through its executive secretary and executive officer has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity payable by the state ~~shall~~ must be reduced by the amount paid by the United States department of agriculture. No indemnity ~~shall~~ may be paid for steers.

Subd. 3. **EMERGENCIES.** When it is determined by the board that it is necessary to eradicate any dangerous, infectious, communicable disease among domestic animals in the state, the presence of which constitutes an emergency so declared by resolution of the board or by the United States department of agriculture, the board may take reasonable and necessary steps to suppress and eradicate the disease. If the emergency is declared by the United States department of agriculture, the board may cooperate with the animal disease eradication division and plant health inspection service of the United States department of agriculture in the suppression and eradication of the disease.

When an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to the disease, and appraise and destroy property in order to remove the infection and complete the cleaning and disinfection of the premises, and do any act and incur any other expense reasonably necessary to suppress the disease. The board may accept, on behalf of the state, the rules adopted by the animal disease eradication division and plant health inspection service of the United States department of agriculture pertaining to the disease, authorized under an act of Congress, or the portion thereof of the regulations deemed necessary, suitable, or applicable, and to cooperate with the animal disease eradication division and plant health inspection service of the United States department of agriculture, in the enforcement of the those rules so accepted; or it. Alternatively, the board may follow the procedure only as to quarantine ~~or~~, inspection ~~or~~, condemnation ~~or~~, appraisal ~~or~~, destruction ~~or~~, burial of animals, disinfection, and ~~or~~ other acts deemed by it the board considers reasonably necessary in for the suppression of the disease, as may be agreed upon and adopted by the board and representatives or authorized agents of the animal disease eradication division and plant health inspection service of the United States department of agriculture, ~~provided when.~~ If the procedures have been followed under an emergency declared by the United States department of agriculture, the total expense ~~shall~~ must be shared equally between the state and federal governments.

Appraisals of animals affected with, or exposed to, the disease, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of the premises where the animals are found, ~~shall~~ must

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be made by an appraisal board consisting of a representative of the board, a representative of the animal disease ~~eradication division~~ and plant health inspection service of the United States department of agriculture, and the owner of the animals, or his authorized owner's representative. Appraisals ~~shall~~ must be in writing, and ~~shall be~~ signed by the appraisers, and ~~shall~~ must be made at the true market value of all animals and property appraised.

Upon destruction of the animals or property, or both, and burial or other disposition of the carcasses of the animals in accordance with the law and rules of the board and the animal disease ~~eradication division~~ and plant health inspection service of the United States department of agriculture, and the completion of the cleaning and disinfection of the premises, the board shall certify the appraisal to the commissioner of finance, who shall draw a warrant on the state treasurer for the proper amount ~~thereof~~, payable to the owner. If the appraisal is made in respect to animals or other property ~~or both~~ destroyed under an emergency declared by the United States department of agriculture, the commissioner of finance shall draw a warrant on the state treasurer for one-half of the amount ~~thereof of the appraisal~~ payable to the owner, and the remaining one-half of the appraisal ~~to~~ must be paid by the federal government under the cooperative arrangement; ~~provided that~~. If the disease is of a nature that any part of the carcasses of the diseased or exposed animals, ~~or any part thereof~~, may be salvaged for human food or other purposes, the net amount of the salvage paid to the owner ~~shall~~ must be deducted from the appraisal, and the remainder ~~shall~~ must be paid to the owner by the state or by the state and federal government ~~in the manner heretofore provided pursuant to this section~~.

35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.

When any If an animal is condemned and killed by the state pursuant to law, and indemnity is provided, and the animal is subject to a mortgage or other lien, and written notice of the lien is given by the lienholder to the board or officer whose duty it is to order payment of the indemnity, before the indemnity is ordered paid, then the lien ~~shall attach~~ attaches to the indemnity to the same extent it attached to the animal and the indemnity ~~shall be~~ is payable to the owner and the lienholder.

If the owner and lienholder ~~shall~~ execute and deliver to the board or officer, on blanks ~~to be~~ furnished by the board or officer, a written agreement providing for the distribution and payment of an indemnity, payment ~~shall~~ must be made as specified and directed in the agreement, a copy of which ~~shall~~ must be transmitted by the board or officer to the officer by whom payment is to be made; otherwise the indemnity ~~shall~~ must be placed in the custody of the district court of the county in which the animal was condemned, in the manner provided by the rules of civil procedure for the deposit of ~~moneys~~ money claimed adversely by

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two or more persons, and the state ~~shall be~~ is relieved from further liability ~~on account thereof for the indemnity.~~

35.11 EXPENSES OF AUTOPSIES AND APPRAISALS.

The expense of autopsies and appraisals ~~shall~~ must be defrayed by the state, except that, in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by ~~him~~ the owner. The compensation of experts and appraisers ~~shall~~ must be fixed by the board, which ~~shall~~ must approve, before payment all claims made under this chapter. No employee of the board ~~shall~~ may receive any fee for acting as an expert or appraiser.

35.12 EXPENSES OF KILLING, BURIAL, AND QUARANTINE; LIEN.

The expense of killing and burial or destruction of a diseased animal, ~~when if~~ the killing was ordered by the board, ~~shall~~ must be borne by the board. The expense of quarantine, ~~when if~~ the animal is taken from the possession of its owner, ~~shall~~ must be defrayed by the state. ~~When If~~ a quarantined animal is left upon the premises of its owner or keeper, ~~he~~ that person shall bear the expense. ~~When If~~ an animal is quarantined while being shipped into the state, the expense ~~shall~~ must be borne by the owner or keeper. ~~When If~~ the owner or keeper of any animal becomes liable for an expense incurred by the board under this chapter, the board ~~shall have~~ has a lien on the animal, and may also maintain an action for the amount.

35.13 ENTRY TO PREMISES FORBIDDEN.

During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of these animals may post upon the premises a notice forbidding all persons to enter any building or enclosure in which animals are kept; ~~and thereafter.~~ No person ~~shall~~ may ~~then~~ enter, except a member or agent of the board.

35.14 LIVESTOCK DETECTIVES FROM OTHER STATES.

Any person duly commissioned by the governor, or the livestock commission, or any other proper authority of another state ~~to~~ may act as a livestock detective, ~~may exercise his powers as such in this state, consistently in accordance with the laws thereof, Minnesota law~~ upon paying a fee of \$5 and filing with the department of agriculture:

- (1) ~~His~~ a commission or a certified copy ~~thereof~~ of it;
- (2) a bond to the state in the penal sum of \$2,000, approved by the commissioner of agriculture, and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property or other unlawful

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act within the state, or other unlawful act done therein by him the person or by any of his the person's deputies; and

(3) a stipulation that service upon the commissioner of agriculture of any summons, order, notice, or process in a civil action upon such the bond shall be a sufficient service upon him the person or his the person's deputies.

~~Thereupon~~ The commissioner of agriculture shall issue certificates to him, the person and ~~to not exceeding no more than three of the person's deputies appointed by him, and for whose acts he shall be the person is~~ responsible, authorizing the holder to perform the duties ~~herein referred to in this section~~ while ~~such the~~ commission is in force; ~~and~~. Each certificate holder may seize and hold any animal which ~~he may know, the person knows or have has~~ reason to believe, has strayed or been stolen from the state ~~whence by which~~ the commission issued.

35.15 TRANSPORTATION OF LIVESTOCK; COMPLIANCE WITH RULES.

Subdivision 1. **IMPORTATION OF ANIMALS AND POULTRY.** ~~It shall be unlawful for any transportation company, owner or driver of any truck for hire, or a private truck, or person, to bring into the state, or drive or lead over the highways into the state, any Animals or poultry may not be brought into the state for work, feeding, breeding, dairy purposes, or sale or resale except in compliance with the rules now or hereafter adopted by of the board.~~

Subd. 2. **ENFORCEMENT.** ~~Any A~~ law compliance representative of the board who believes, upon with reasonable cause, that the law is being violated, shall have the authority to may stop a truck on the public ways and to require the driver to permit the inspection of inspect the health certificates or permits for ~~the any~~ livestock being transported.

When engaged in stopping a truck hauling livestock the compliance representative of the board shall be identified by a lighted red signal with "Stop" printed on its face mounted on the right front fender or hood of his the representative's automobile, ~~which signal shall have printed on its face the word: "Stop".~~ The automobile ~~shall must~~ also be equipped with a flashing amber light of the type used by the Minnesota state patrol ~~and the light shall be~~ mounted on the inside rear deck of the automobile ~~and shall which must~~ be used when stopping a truck. The automobile ~~shall must~~ have the words "Board of Animal Health" clearly printed on the right front door.

A driver who fails or refuses to, or refuses to, stop for ~~this~~ inspection when ~~so~~ directed to stop by a compliance representative ~~shall be is~~ guilty of a misdemeanor.

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

35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY.

In any case where the If rules of the board have not been complied with, transportation companies shall notify the board and shall hold the animals or poultry at the first station within Minnesota where there are suitable facilities for holding animals or poultry for inspection by the board. The inspection ~~to~~ must be made at the owner's expense of the ~~owner~~.

35.245 CATTLE; SALE, LEASE, LOAN.

Subdivision 1. **LIMITATION ON SALE.** No person shall may sell or offer for sale any cattle over six months of age, ~~except steers and spayed heifers and calves of beef type and breed under eight months of age, not known to be affected with brucellosis,~~ at public auction, livestock auction markets, private stockyards or concentration points, mortgage foreclosure ~~sale sales~~ or sale by order of any court court-ordered sales, or lease or loan cattle for breeding purposes ~~except under in violation of the board's rules as may be prescribed by the board, and.~~ This subdivision does not apply to steers, spayed heifers, or calves of beef type and breed which are under eight months of age and not known to have brucellosis.

Subd. 1a. UNTESTED; UNVACCINATED CATTLE. No person shall may sell or offer for sale ~~except for immediate slaughter, or consigned to a public stockyards under supervision of the United States department of agriculture,~~ cattle which have not been tested and found free of brucellosis and unless for which a certificate of test is furnished or posted as provided in subdivision 2, unless the cattle have been vaccinated against brucellosis in accordance with the rules of the board and a certificate of vaccination is exhibited as provided in subdivision 2, ~~excepting.~~ This subdivision does not apply to cattle under 18 months of age of beef type sold for feeding purposes as provided in subdivision 3, or to cattle sold for immediate slaughter or consigned to a public stockyard under supervision of the United States department of agriculture.

Subd. 2. **TESTS AND VACCINATION.** The ~~A~~ test and vaccination shall must be made at the time and in the manner prescribed by the board and a certificate of the test and vaccination or both, approved by the board, shall must be furnished to the purchaser by the vendor at the time of sale, ~~excepting.~~ When cattle are sold at public auction and, a certificate of test or vaccination or both is may be posted in a place plainly visible to the purchasers at the sale, and the auctioneer or other person conducting the sale shall publicly announce prior to conducting the sale, that the certificate of the test, or vaccination or both, approved by the board, has been posted and is available for inspection. No auctioneer or other person conducting a sale shall may conduct any public sale in this state unless a certificate of the test or vaccination or both, approved by the board ~~shall be,~~ is posted by the vendor of the cattle at the time of the sale.

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

Subd. 3. **FEMALE CATTLE; SALE WITHOUT TEST OR VACCINATION.** Female cattle under 18 months of age of beef type and breed may be sold in quarantine for feeding purposes without a test for, or vaccination against brucellosis, pursuant to in compliance with board rules prescribed by the board provided, if the purchaser of the cattle furnishes the seller an affidavit certifying the cattle are purchased for feeding purposes, and will be maintained separate and kept apart from all other cattle except other quarantined feeding cattle until they are resold under affidavit, resold for immediate slaughter or until, delivered to a public stockyard under supervision of the United States department of agriculture, or tested in accordance with the board rules of the board specifically relating to this the class of cattle. Any person who purchases A purchaser of cattle under the provisions of this section shall must comply with the terms of the affidavit furnished the seller and shall also comply with rules or quarantines prescribed by the board pursuant to under this section.

Subd. 4. **BOARD MAY AUTHORIZE USE OF OTHER IDENTIFICATION OTHER THAN VACCINATION CERTIFICATES.** The board may authorize the use of ear tattoos, brands, or other suitable identification instead of the vaccination certificate required by this section.

Subd. 5. **PENALTY.** Any person violating the provisions A violation of this section or rules or quarantines of the board adopted pursuant hereto shall be guilty of under this section is a gross misdemeanor, and any auctioneer convicted of knowingly conducting a sale of cattle in violation of this section, shall upon conviction, forfeit his the auctioneer's license as an auctioneer until the time its renewal is approved by the authority which issued the license.

35.251 ANAPLASMOSIS TESTING.

All Breeding cattle entering Minnesota shall must have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry. Cattle not so certified shall without a certificate must be immediately quarantined and tested for anaplasmosis at the expense of the cattle owner. Cattle having a positive reaction to the anaplasmosis test shall must remain quarantined until testing they test free of anaplasmosis or be slaughtered. An anaplasmosis test shall is not be required of steers, cattle shipped directly to a slaughtering establishment, cattle sent to a quarantine feed lot, and other cattle excepted by board rule of the board of animal health. The board is authorized to may adopt rules to implement the provisions of this section.

35.255 PSEUDORABIES PROGRAM; RULES.

The board of animal health shall adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and restricted movement of feeder pigs.

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

35.67 RABIES; BOARD, HEALTH OFFICERS; DUTIES INVESTIGATION.

It shall be the duty of ~~If the executive officer~~ secretary of the board, the chief health officer of ~~each a~~ city, the executive officer of ~~each a~~ town board of health, and ~~or~~ the board of health of a statutory city, when receives a written complaint, in writing, shall have been made to him that rabies exists in any a town, or city over which his in the officer's or board's jurisdiction extends, and for the purposes of sections 35.67 to 35.69 the jurisdiction of the state officer herein named shall extend to any town, or city in this state, to, the officer or board shall investigate, either personally or through the agency of subordinate officers under his jurisdiction, as to the truth of any the complaint, and determine whether or not rabies does exist in any town or city. Any An officer may, on his own motion, and without a complaint, likewise also make an investigation and determination independently, without having received a complaint. The fact that an executive officer of a town or city has investigated and determined that rabies does not exist in the territory over which he has a jurisdiction, shall does not deprive the executive officer secretary of the board of jurisdiction or authority to make an investigation and determination with reference to the territory. For the purposes of sections 35.67 to 35.69, the jurisdiction of the executive secretary of the board is the entire state.

35.68 RABIES; PROCLAMATION; PUBLICATION.

If on investigation any An officer who investigates and finds and determines that rabies does exist in any a town or city, he shall forthwith and thereupon make and file, as hereinbefore provided, a proclamation, setting forth the fact of the investigation and determination, and also in and by the proclamation prohibit which prohibits the owner or custodian of any dog from permitting or allowing the dog to be at large within the town or city designating it, unless the dog shall be so is effectively muzzled so that it cannot bite any other animal or any person.

When ~~If~~ the executive secretary and executive officer of the board, after investigation, has determined that rabies exists in any territory in the state, similar proclamations shall must be issued in all towns and cities within the territory or area in which it is necessary to control the outbreak and prevent the spread of the disease; and. The proclamation, when filed as hereinafter provided, shall must prohibit the owner or custodian of any dog within the designated territory from permitting or allowing the dog to be at large within the territory unless the dog shall be so is effectively muzzled so that it cannot bite any other animal or any person.

It shall be the duty of All local peace officers and all health officers to shall enforce the provisions of sections 35.67 to 35.69 and any person violating any. A violation of their provisions shall be guilty of sections 35.67 to 35.69 is a misdemeanor.

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

A proclamation, ~~when~~ issued by the executive officer of a town board of health, shall must be filed with the town clerk; ~~when~~. One issued by the chief health officer of a city, it shall must be filed with the city clerk; ~~when~~. One issued by the state official hereinbefore named, it shall executive secretary of the board must be filed with the clerk of each town and city within the territory specified therein it covers.

~~It shall be the duty of~~ Each officer with whom the proclamation is filed, to shall publish a copy thereof of it in one issue, at the expense of his municipality, ~~in of~~ a legal newspaper published in the clerk's town or city of which he is clerk, if a newspaper one is published therein, and there. If no newspaper is published therein, then to there, the clerk must post a copy of the proclamation in three public places. Publication is at the expense of the municipality.

Proof of publication shall must be made by affidavit of the publisher, in the one case, and proof of posting, in the other, must be by the person doing the posting the same, which. The affidavit shall must be filed with the proclamation. The proclamation shall be deemed is effective and in full force five days after the publication or posting of copies thereof and shall remain in full force and effect remains effective for a the period of time therein designated, not exceeding six months, as shall be determined specified in it by the officer making the proclamation.

35.69 UNMUZZLED DOGS NOT PERMITTED AT LARGE.

~~It shall be unlawful for~~ The owner or custodian of any a dog to suffer or may not permit it to be at large, either on the premises of the owner or elsewhere, within any city or town wherein and as to which any such covered by a proclamation shall have been made under section 35.68, during the time such the proclamation is in force, unless such the dog shall be is effectively muzzled so that it cannot bite any other animal or any person.

~~It shall be lawful for~~ Any person to may kill any a dog running at large on the public streets or roads in violation of the provisions of sections 35.67 to 35.69, and. The owner or owners of any the dog so killed shall have has no claim against the person so killing any such who kills the dog.

~~It shall be the duty of~~ all Peace officers and all health officers to make complaint of shall file a complaint concerning any known violation of these sections 35.67 to 35.69.

35.70 VIOLATIONS; PENALTIES.

Subdivision 1. **VIOLATION OF THIS CHAPTER.** ~~Every person violating any provision A violation~~ of this chapter, except as provided in subdivision 4, or any board rule made hereunder by the board or any order made under the authority of this chapter, shall be guilty of is a misdemeanor.

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

Subd. 3. **INFLUENCING A SALE.** ~~It shall be unlawful for any A veterinarian, who is an agent or representative of the board, or any other public official, to may not suggest, recommend, or in any manner endeavor try to influence or seek to persuade the owner of any animal affected with any disease set forth listed in section 35.08, directly or indirectly, to sell, barter, exchange, ship, or otherwise dispose of the animal to any particular person, firm, association, or corporation, or any combination thereof; and any person violating any of the provisions. A violation of sections section 35.08 and or 35.09 shall be guilty of is a gross misdemeanor.~~

Subd. 4. **TRANSPORTING LIVESTOCK.** ~~Any A transportation company, or corporation, or its agent thereof, or the owner or driver of any truck for hire, any or private truck, or any person or persons violating any of the provisions of sections section 35.15 and or 35.16 shall be is guilty of a gross misdemeanor. A transportation company, corporation, or agent, or owner or driver of a truck for hire, a private truck, or a person or persons shall be and is liable in a civil action to any person injured for the full amount of damages that may result from the violation of sections section 35.15 and or 35.16. Action may be brought in any county in the state in which the cattle are sold, offered for sale, or delivered to a purchaser, or anywhere they may be are detained in transit.~~

Subd. 7. **RABIES.** ~~Any person violating any of the provisions A violation of sections 35.67 to 35.69 shall be guilty of is a misdemeanor.~~

35.71 UNCLAIMED AND UNREDEEMED ANIMALS IMPOUNDED; SCIENTIFIC USE OR OTHER DISPOSITION.

Subdivision 1. **INSTITUTION DEFINED DEFINITIONS.** As used in this section, "establishment" means any public or private agency, person, society, or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state and "institution" means any a school or college of agriculture, veterinary medicine, medicine, pharmacy, or dentistry, or other an educational or scientific establishment properly concerned with the investigation of, or instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

Subd. 2. **APPLICATION FOR LICENSE.** ~~Such institutions An institution may apply to the board for a license to obtain animals from establishments as defined in subdivision 3. If, after investigation, the board finds that the institution making request for requesting a license is a fit and proper agency within the meaning of this section, to receive a license, and that the public interest will be served thereby by granting it a license, it the board may issue a license to such the institution authorizing it to obtain animals hereunder, subject to the restrictions and limitations herein provided under this section.~~

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Subd. 3. **ESTABLISHMENT DEFINED, POWERS, STRAY ANIMALS; SEIZURE, DISPOSITION.** "Establishment" shall include any public or private agency, person, society or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall must be held for redemption by the owner for a period ~~not less than~~ at least five regular business days of the impounding agency, or for a longer period of time specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means ~~any~~ a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These Establishments shall must maintain the following records of the animals in custody, and preserve the records for a ~~minimum~~ of at least six months:

- (a) the description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) the location at which the animal was seized;
- (c) the date of seizure;
- (d) the name and address of the person from whom any animal three months of age or over was received; and
- (e) the name and address of the person to whom any animal three months of age or over was transferred.

The records shall must be maintained in a form permitting easy perusal by the public. A person may view the records and ~~may view any~~ and all animals in custody at any time during which the establishment is open to the public. At the end of ~~this the~~ the five-day period, all animals which remain unredeemed by their owners or any other person entitled to do so shall must be made available to any licensed institution ~~licensed hereunder~~ which has submitted a prior request for the numbers which the institution requests requested that number of animals. However, if a tag affixed to the animal, or a statement by the animal's owner after the animal's seizure, specifies that ~~an the~~ the animal shall may not be used for research, the animal shall must not be made available to any institution ~~but~~ and may, in the discretion of the establishment, be destroyed after the expiration of the five-day period. If a request is made by a licensed institution to an establishment for a ~~larger number of~~ more animals than are available at the time of the request, the establishment shall must withhold from destruction, all unclaimed and unredeemed animals until the request has been filled, ~~provided that~~. The actual expense of holding animals beyond the time of notice to the institution of their availability, shall must be borne by the institution receiving them. ~~Any An~~ An establishment which fails or refuses to comply with these provisions shall ~~become immediately this section is~~ be ineligible for any further public funds from any county or municipality. Upon receipt of a sworn

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statement by an authorized officer or employee of any a licensed institution licensed hereunder of noncompliance by any establishment with these provisions this section, it shall be unlawful for the treasurer of any municipality or other political subdivision of the state to may not pay any public funds to an the establishment until the complainant withdraws its statement of noncompliance or until the board shall either determine determines that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of the municipality or other political subdivision has been notified of the determination in writing. If it appears upon the a person's complaint of any person that any an officer, agent, or employee of an establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state of Minnesota against any the establishment, officer, agent, or employee thereof to enjoin compliance with this section.

Subd. 4. **TRANSPORTATION OF ANIMALS.** The A licensed institution shall must provide, at its own expense, for the transportation of such animals from the establishment to the institution and shall must use them only in the conduct of its scientific and educational activities and for no other purpose.

Subd. 5. **ANNUAL LICENSE FEE.** Each licensed institution licensed under this section shall must pay an annual to the board a license fee of \$50 for each calendar year, or part thereof, to the board of a calendar year. All such License fees shall must be deposited in the general fund of the state of Minnesota treasury.

Subd. 6. **REVOCAION OF LICENSE.** The board upon After 15 days days' written notice and an opportunity to be heard, the board may revoke the license granted any institution (4) if the institution has (1) violated any provisions of this section, or (2) has failed to comply with the conditions required by of the board in respect to the issuance of such its license.

Subd. 7. **RULES.** The board shall have the power to may adopt rules, not inconsistent consistent with this section, necessary to carry out the provisions of this section, and shall have the right whenever it deems may, if the board considers it advisable, or in the public interest, to inspect or investigate any institution which has applied for a license or has been granted a license hereunder under this section.

Subd. 8. **VIOLATIONS, PENALTIES PENALTY.** It shall be is a misdemeanor for any person or corporation to violate any of the provisions of this section.

35.72 MILK OR CREAM; TESTING BY BOARD.

Subdivision 1. **ESTABLISHMENT DEFINED.** As used in this section "establishment" means any a creamery, milk or cream collecting station, or any

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place of business where milk or cream is purchased or assembled for processing or sale.

Subd. 2. **RIGHT OF ENTRY ON PREMISES.** The board or its authorized agents shall have the right to may enter the premises or buildings of any establishment or buildings located thereon for the purpose of collecting to collect samples of milk or cream delivered to such the establishment.

Subd. 3. **SAMPLES, PROCUREMENT.** Upon demand of the board or its authorized agents, the operator of any an establishment shall submit any or all containers of milk or cream delivered to such the establishment to the board or agents of said board before any milk or cream is removed therefrom, or any substance or thing is added thereto, and shall allow such the board or agent to procure take a sample of one ounce in weight or less of such milk or cream from each container, such sample not to exceed one ounce in weight, for the purpose of applying any recognized test to determine the existence of disease in the cattle which produced such the milk or cream.

Subd. 4. **NAMES, ADDRESSES.** The operator of the establishment shall furnish the board or agents of the board, the name and address of the person delivering each container of milk or cream to the establishment, and the name and address of the owner or caretaker of the cattle which produced such the milk and or cream.

Subd. 5. **CONTAMINATION, PREVENTION.** The board or agent of the board shall use due diligence to prevent contamination of the milk or cream while procuring said samples, and to delay as little as possible, the normal operation of the establishment.

Subd. 6. **VIOLATION, PENALTY.** Any person violating any provision A violation of this section shall be guilty of is a misdemeanor.

35.73 DEFINITIONS.

Subdivision 1. **TERMS.** For the purposes of sections 35.73 to 35.80 the terms defined in this section have the meanings ascribed to them given.

Subd. 3. **PERSON.** "Person" means an individual, firm, partnership, company, or corporation, including the state of Minnesota, its public institutions and agencies, and all political subdivisions of the state.

Subd. 4. **GARBAGE.** "Garbage" means refuse matter, animal or vegetable, and includes refuse, including all waste material, by-products of a kitchen, restaurant, or slaughter house, and refuse accumulation of animal, fruit, or vegetable matter, liquid or solid, but shall does not mean any vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables.

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35.74 EXCEPTIONS.

Nothing in Sections 35.73 to 35.80 ~~applies do not apply~~ to a person who feeds his own or her animals or poultry garbage obtained only from his own or her private household.

35.75 LICENSES.

Subdivision 1. **REQUIREMENT, RENEWAL.** ~~Except as provided in section 35.74,~~ No person shall feed garbage to ~~any~~ livestock or poultry without first securing a license ~~therefor~~ from the board, and no person shall transport garbage over the public highways of this state for the purpose of feeding ~~the same~~ it to livestock or poultry unless ~~such~~ the person has ~~secured~~ such a license. ~~Such~~ A license ~~shall~~ must be renewed on or before the first day of July each year.

Subd. 2. **APPLICATION.** Any A person desiring to ~~obtain~~ a license or a the renewal ~~thereof~~ of a license to feed garbage to livestock and poultry shall make written application ~~therefor~~ to the board, in accordance with its rules.

Subd. 3. **REVOCAION; REFUSAL TO ISSUE.** Upon determination that ~~any~~ a person ~~having~~ who ~~has~~ or ~~has~~ applied for a license issued under sections 35.73 to 35.80, or ~~who~~ has ~~applied~~ for a license ~~thereunder,~~ has violated or failed to comply with ~~any of the provisions of these sections 35.73 to 35.80 or any of the rules promulgated thereunder made under those sections,~~ the board may revoke ~~such~~ the license or refuse to issue a license to ~~an~~ the applicant ~~therefor.~~

35.76 GARBAGE, TREATMENT.

No person ~~may~~ feed garbage ~~shall~~ be fed to livestock or poultry until it has been thoroughly heated to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes unless it ~~is~~ treated in some other manner which ~~shall~~ be is approved in writing by the board as being equally effective for the protection of public health and the control of livestock diseases, and no person ~~shall~~ may knowingly permit livestock or poultry owned or ~~controlled~~ by him or ~~in~~ his charge her to have access to any garbage which has not been ~~so~~ heated or otherwise treated as ~~above~~ provided pursuant to this section.

35.77 QUARANTINE, PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY.

~~Except as provided in section 35.74,~~ All premises on which garbage is fed to livestock or poultry ~~shall~~ be are under quarantine, ~~shall~~ and ~~must~~ be maintained in a reasonably sanitary condition, ~~and~~ no. Livestock or poultry to which garbage has been fed ~~shall~~ may ~~not~~ be removed from ~~such~~ the premises except under a permit from the board.

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35.78 INSPECTION AND INVESTIGATION OF PREMISES, RECORDS.

~~Any An~~ authorized representative of the board may enter ~~at reasonable times upon~~ any property at reasonable times for the purpose of inspecting and investigating conditions relating to the feeding and treating of garbage to be fed to livestock and poultry. ~~Any An~~ authorized representative of the board may examine ~~any~~ records or memoranda pertaining to the feeding of garbage to livestock and poultry, or pertaining to the acquisition and sale of garbage-fed livestock and poultry. The board may require the maintenance of records relating to the operation of equipment for a procedure of treating garbage to be fed to swine. Copies of ~~such the~~ records ~~shall~~ must be submitted to the board on request.

35.79 ENFORCEMENT.

The board shall administer and enforce sections 35.73 to 35.80 and may make and enforce ~~such~~ reasonable rules as it ~~deems~~ considers necessary to carry out ~~the their~~ provisions ~~thereof~~.

35.80 VIOLATIONS.

~~Any A~~ person who violates ~~any provision~~ of sections 35.73 to 35.80 ~~or~~, fails to perform any duties imposed ~~thereby~~ by those sections, or violates any rule ~~promulgated thereunder made under those sections~~ is guilty of a misdemeanor. Each day upon which violation occurs ~~constitutes~~ is a separate violation.

35.81 TRANSPORTATION OF ANIMALS AND POULTRY, RULES.

The board is ~~authorized to~~ may make reasonable rules for the cleaning and disinfection of railroad cars, ~~the~~ automobiles, trucks, and other vehicles used as public carriers for the transportation of live animals and poultry over the public highways and railroads within the state.

35.82 RENDERING PLANT PERMITS; DISPOSITION OF CARCASSES.

Subdivision 1. **PERMIT REQUIRED.** No person ~~shall~~ may engage in the business of rendering ~~all or parts of~~ animals, poultry, ~~or fish or parts thereof~~, including scraps and grease, without first obtaining a permit from the board in accordance with the rules adopted by the board relative to transportation, rendering, and ~~all other provisions deemed by that the~~ board ~~to be~~ considers necessary to prevent the spread of disease.

Subd. 1b. **CARCASSES FOR PET OR MINK FOOD.** (a) The board, through its ~~executive~~ secretary and ~~executive~~ officer, may issue a permit to the owner or operator of a pet food processing establishment ~~or~~, a mink rancher, or a supplier of an establishment, located within the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed

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otherwise, other than by being slaughtered for human consumption, over the public highways to the establishment for pet food or mink food purposes only. The owners and operators of pet food processing establishments or their suppliers of ~~the establishments~~ and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect, as provided in under subdivision 3 are not required to possess a permit issued pursuant to under this subdivision. The permit shall be is valid for one year following the date of issue unless it is revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. ~~If the A~~ A veterinarian named in the permit application who is accepted by the board to act as the official veterinarian, ~~he shall be is~~ authorized by ~~the board~~ to act as its representative.

(c) Carcasses collected by owners or operators under permit may be utilized used for pet food or mink food purposes ~~provided that if~~ the official veterinarian examines the carcass them and in his opinion the carcass is finds them suitable for pet food or mink food purposes.

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes shall must be disposed of by a rendering plant operating under permit from the board.

(e) ~~Provided however that~~ The board shall must require pet food processing establishments and, owners and operators of mink ranches, and suppliers of these establishments to conform to rules of the board applicable to rendering plants within the state of Minnesota.

Subd. 2. **DISPOSITION OF CARCASSES.** (a) Except as provided in subdivision 1b, every person owning or having in charge controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at least three feet deep in the ground, or cause the same to be consumed by fire; provided, however, that thoroughly burn it. The board, through its executive secretary and executive officer, may issue a permit permits to owners of rendering plants, located within the boundaries of in Minnesota, provided the rendering plants which are operated and conducted as required by law, to remove transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules adopted by the board relative to transportation, rendering, and all other provisions deemed by that the board to be considers necessary to prevent the spread of disease; and. The board may issue permits to owners of rendering plants located in any an adjacent state with which a reciprocal agreement is in effect, as provided in under subdivision 3.

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(b) Carcasses collected by rendering plants under permit may be utilized used for pet food or mink food purposes provided that if the owner or operator employs an official veterinarian. If the veterinarian named in the application is accepted by the board to act as the official veterinarian, the veterinarian shall be authorized by is the board to act as its board's authorized representative.

(c) Carcasses may be utilized used for pet food or mink food purposes provided that if the official veterinarian examines each carcass and in his opinion determines that the carcass is suitable for pet food or mink food purposes. Carcasses not passed by the official veterinarian for pet food or mink food purposes shall must be disposed of by rendering.

(d) Any An authorized employee or agent of the board shall have the authority to may enter upon any private or public property and to inspect the carcass of any domestic animal that has died or has been killed otherwise other than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action so commenced shall under this paragraph does not preclude a criminal prosecution under the provisions of this section. No person shall may sell or, offer to sell, or give away a, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed otherwise other than by being slaughtered for human or animal consumption, nor convey the same along any public road or upon any land not his own; unless in accordance it is done with a special permit, as provided in pursuant to this section of Minnesota Statutes; provided, however, that. The carcass or parts of a domestic animal that has died or has been killed otherwise other than by being slaughtered for human or animal consumption, or parts thereof, may, be transported along any a public road for a medical or scientific purpose, provided that if the carcass of any domestic animal so transported shall be is enclosed in a leak proof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose, and further provided that. A carcass situated on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person shall negligently or wilfully permit diseased animals owned or controlled by him or her to escape his or her control or to run at large. Every A violation of any provision of this section shall be is a misdemeanor.

Subd. 3. **RECIPROCITY.** The executive secretary and executive officer of the board is authorized to may enter into a reciprocal agreements in agreement on behalf of this state with any one or more of the states an adjacent to this state, providing which provides for permits to be issued to rendering plants, pet food processing establishments or suppliers of establishments, and mink ranch opera-

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tors located in either state to transport carcasses to their plants, establishments, or ranches over the public highways of this state and the reciprocating state.

Subd. 3a. ~~The provisions of Laws 1974, Chapter 159 relating to reciprocal agreements with an adjacent state only apply~~ This subdivision applies if the adjacent state has in effect standards and requirements which are the equivalent of the standards and requirements of this state as established by the board.

Subd. 4. **DOMESTIC ANIMALS.** The term "domestic animal" as used in this section does not include any species of domestic animal which in common practice is maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death. ~~Nothing contained in this section shall be construed to limit~~ limits the authority of local governmental units to regulate the disposition of carcasses of domestic animals excluded from the provisions of this section by this subdivision.

35.821 DEFINITIONS.

Subdivision 1. **SCOPE.** Unless the context clearly indicates otherwise, for the purposes of sections 35.821 to 35.831 the terms defined in this section have the meanings given them.

Subd. 3. **BRAND.** "Brand," except as otherwise provided in this section, means a permanent identification mark, of which the letters, numbers, and figures used are each four inches or more in length or diameter and are burned into the hide of a live animal with a hot iron, ~~and~~ which is to be considered in relation to its location on ~~such~~ the animal; ~~and such.~~ The term relates to both the mark burned into the hide and ~~the~~ its location of ~~this~~ mark. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Subd. 4. **MARK.** "Mark" means a permanent identification cut from the ear or ears of a live animal.

Subd. 5. **ANIMAL.** The term "animal" means any cattle, horse, sheep, or mule.

35.822 REGISTRATION OF MARKS OR BRANDS WITH BOARD.

The board shall approve marks or brands for registration, issue certificates of approval, and administer ~~the provisions of~~ sections 35.821 to 35.831. The board shall publish a state brand book ~~which shall contain~~ containing a facsimile of each ~~and every~~ mark or brand that is registered with it, showing the owner's name and address ~~together with~~ and the pertinent laws and rules pertaining to brand registrations and reregistrations.

35.824 APPLICATION FOR REGISTRATION; PENALTIES, DUPLICATE BRANDS.

The board shall prepare standard forms and ~~shall supply these~~ the forms for distribution to those who desire to apply for a brand. The application ~~shall~~

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must show a left and right side view of the animals upon which a mark or brand will be eligible for registry. The mark or brand location shall must be designated to the following body regions: head, bregma, ~~and~~ right and left jaw, neck, shoulder, rib, hip, and breech. The applicant shall must select ~~not less than at least~~ three distinct marks or brands and list them listed in preferred order, and ~~he shall likewise select~~ three locations on the animal and list them listed in preferred order. The application shall must be properly signed and notarized and accompanied by a fee of \$10. The mark or brand, if approved and accepted by the board, ~~shall be of good standing is valid~~ during the ten-year period in which it is recorded. ~~Any A~~ person who knowingly places ~~upon any on an~~ animal a mark or brand which has not been registered with the board and which is in duplication of a mark or brand that is registered with the board is guilty of a felony. "Duplication" ~~constitutes means~~ the use of a similar mark or brand, used in any position on the animal designated for the use of a registered mark or brand, such as the head, bregma, jaw, neck, shoulder, rib, hip, or breech. ~~Any A~~ person who alters or defaces a brand or mark on any animal to prevent its identification by its owner, is guilty of a felony.

35.825 CHECKING OF APPLICATIONS; CONFLICTS.

~~After April 30, 1965,~~ all Marks or brands received by the board shall must be held and listed by the board, which shall immediately ~~proceed to~~ check the mark or brand applications for conflicts; ~~and should any be.~~ If a conflict is found, the fee ~~so advanced along with~~ and the conflicting application shall must be returned to the person making the application.

35.826 STATE BRAND BOOKS; REREGISTRATION OF MARKS, BRANDS.

All approved mark or brand applications ~~approved shall must~~ be sorted in a systematic manner and published in the state brand book. Supplements and revised brand books shall must be published at the discretion of the board. At least six months before expiration, all registered mark or brand owners and assignees shall must be notified in writing that their ~~mark marks or brand brands~~ will terminate in six months and that ~~the mark or brand they~~ must be renewed. A reregistration fee of \$10 shall must be charged for the ensuing ten-year period or ~~fraction thereof part of ten years~~. Failure to renew a mark or brand on or before the time specified, in accordance with the ~~provisions of~~ sections 35.821 to 35.831, is considered an absolute abandonment to the state of the mark or brand. The board may not reissue a mark or brand ~~so abandoned under this section~~ except to the original owner or, after a period of two years, to another applicant upon proper application.

35.827 SALE OF BRAND BOOKS.

The state brand book, and all supplements ~~thereto~~ for the ten-year period, shall must be sold to the public at a price which ~~shall include~~ includes the costs

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of printing, handling, and mailing. The board shall distribute ~~to the sheriff of each county~~ all brand books and supplements ~~thereto~~ to the sheriff of each county without cost.

35.828 EVIDENCE.

Marks or brands appearing which appear in the current edition of the state brand book, or its supplements thereto, or which are registered with the board, shall be ~~are~~ prima facie evidence of ownership and take precedence over similar marks or brands of like kind, should if the question of ownership arise ~~arises~~. The owner whose mark or brand does not appear in the state brand book, or its supplement thereto, or and which is not registered with the board, shall must produce evidence to establish his title to the property in the event of controversy.

35.829 TRANSFER OF BRANDS.

Only brands registered with the board or appearing in the current edition of the state brand book or a its supplement thereto ~~shall be~~ are subject to sale, assignment, transfer, devise, or bequest, the same as other personal property. The board shall prescribe forms for the sale or assignment of a brand. A transferred brand shall must be recorded with the board and. The fee for recording ~~the same shall be~~ it is \$10.

35.830 SALE OF BRANDED LIVESTOCK; WRITTEN BILL OF SALE; PENALTY.

All Persons selling animals marked or branded with their mark or brand recorded in a current state brand book, or its supplement thereto, or registered with the board, shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale shall must be kept by the purchaser for two years and for as long ~~thereafter~~ afterwards as ~~he~~ the purchaser owns any of the animals described in the bill of sale. A copy of the bill of sale shall must be given to each hauler of the animals, other than railroads, and shall must accompany the shipment of animals while in transit. The bill of sale or a copy shall must be shown by the possessor on demand to any peace officer or compliance representative of the board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale. A person who violates ~~violates~~ violation of this section is guilty of a misdemeanor.

35.831 RULES.

The board may ~~promulgate~~ make rules it considers necessary to carry out the purposes of sections 35.821 to 35.831.

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

35.84 FEES FOR SERVICES TO STATE FAIR.

The board of animal health shall charge fees to cover all direct and indirect costs of services rendered to the state agricultural society in connection with the state fair. ~~Fee receipts shall~~ Fees received must be deposited in the state treasury and credited to the general fund.

ARTICLE 2

Section 1. Minnesota Statutes 1984, chapter 37, is amended to read:

37.01 PUBLIC CORPORATION.

The state agricultural society as it now exists is confirmed and established as a public corporation. The conveyance to the state of the land in Ramsey County described as Southeast Quarter (SE 1/4) of Section Twenty-one (21) and East half (E 1/2) of East half (E 1/2) of Southwest Quarter (SW 1/4), Section Twenty-one (21), Township Twenty-nine (29), Range Twenty-three (23), is confirmed, and. Anything in that conveyance to the contrary notwithstanding, the state holds that land and any other property known and used as the "state fairgrounds" ~~shall be held by the state~~ forever for the following public purposes: ~~(a) for (1) exhibiting under the management and control of the society, at annual fairs and at other times determined by the society, the agricultural, stock-breeding, horticultural, mining, mechanical, industrial, and other products and resources of the state, including proper exhibits and expositions of the arts, human skills, and sciences; and (b) for (2) other uses and purposes determined by the state agricultural society, including the leasing of parts of the state fairgrounds, determined by the state agricultural society from time to time.~~ The society shall not lease any part of the state fairgrounds if the lessee is going to compete with an existing established business of auto racing within a radius of 40 miles, except during the operation of the state fair and all other public exhibitions pertinent to expositions of human art, industry, or skill. Neither the state nor the society shall ever charge or encumber this property. Any part of the state fairgrounds which ~~may be embraced~~ is within the boundaries of a city or other political subdivision of the state is detached from the city or political subdivision. Nothing in this section exempts otherwise taxable property on the fairgrounds or the fairgrounds itself, ~~which are otherwise taxable,~~ from being subject to real and personal property taxes pursuant to chapters 272 to 275 and chapter 471.

37.02 BUDGET; BUILDING RESTRICTIONS; EXEMPTIONS.

The state agricultural society ~~shall continue to be~~ is subject to and shall ~~continue to have and possess~~ has all powers, rights, and privileges granted by any and all laws applicable thereto, ~~now in force, subject to law,~~ with the following exceptions:

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

(1) (a) The society ~~shall need~~ not comply with the provisions of Laws 1939, chapter 431, relating to budgets, allotments, and encumbering of funds.

(2) (b) The society ~~shall is~~ not be subject to the supervision of the commissioner of administration in the erection and construction of any new building.

(3) (c) The books and accounts of the society ~~shall be~~ are subject to examination by the legislative auditor at any time, as in case of other state agencies.

37.03 MEMBERSHIP.

Its membership shall be confined to Subdivision 1. MEMBERS. Members of the state agricultural society must be citizens of this state and shall be composed. The membership is as follows:

(1) (a) Three delegates to be chosen annually by each agricultural society or association in the state which ~~shall maintain~~ maintains an active existence, ~~hold~~ holds annual fairs, and ~~be is~~ entitled to share in the state appropriation under the provisions of section 38.02. If any such society or association one of those societies or associations fails to choose delegates, then the its president, secretary, and treasurer thereof shall, by virtue of their offices, be the are its delegates from such society or association. If two fairs receiving state aid are operating in one county, each delegate from such a each society or association shall be is entitled to one-half vote at the regular or special meetings, ~~where two fairs now established and receiving state aid are in operation in one county of the state society.~~

(2) (b) ~~One delegate from appointed by the county board of each county in the state in which no county or district agricultural society exists to be appointed by the county board of the county.~~

(3) (c) ~~Individuals, who by reason of elected by the society as honorary members for having performed eminent services in agriculture, horticulture, or in the related arts and sciences connected therewith, or of long and faithful service in or benefits to the society, or of benefits conferred upon it, may. Honorary members must be elected by two-thirds vote at any annual meeting, be elected as honorary members. The number of these honorary members shall may not, at any time, exceed its present the society's membership; provided, that not more than and only one honorary member shall may be elected annually. Each honorary member shall be is~~ entitled to one vote.

(4) (d) ~~Two elected delegates elected by, and the president ex officio of, may represent each of the following societies and associations: the Minnesota State Horticultural Society, the State Dairyman's Association, the State Beekeepers' Minnesota Honey Producers Association, Inc., the Minnesota Livestock Breeders' Association, the Minnesota Crop Improvement Association, the Min-~~

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nesota Swine Breeders' Pork Producers Association, the Minnesota Sheep Breeders' Lamb and Wool Producers Association, the Minnesota Horse Breeders' Association, the Minnesota Veterinary Medical Association, the Minnesota Cattle Breeders' Association, the Central Livestock Association Incorporated of Minnesota, the Minnesota State Poultry Association, the Minnesota Implement Dealers' Farm Equipment Association, the Minnesota Florists North Central Florist Association, the Minnesota Garden Flower Association Society, the Minnesota County State Fair Exhibitors' Associations Organization, the Minnesota Federation of County Fairs, the State Forestry Association, the Minnesota Saddle Horse Owners' and Breeders' Association Council, Minnesota State Nurserymen's Association, Minnesota Fruit Apple Growers' Association, Minnesota State Grange Association of Minnesota, Minnesota Farmers' Union, Minnesota American Dairy Industry Committee Association of Minnesota, and the Minnesota Farm Bureau Federation.

(e) The following societies and associations ~~shall be~~ are entitled to one ~~vote~~ delegate each: Minneapolis Market Gardeners' Central Minnesota Vegetable Growers Association of Minnesota, the State Minnesota Fruit and Vegetable Growers' Association, Minnesota Shorthorn Breeders' Association, the Minnesota Milking Shorthorn Association, Minnesota Guernsey Breeders' Association, Minnesota Jersey Cattle Club, Minnesota Holstein-Friesian Breeders' Holstein Association, Minnesota Hereford Breeders' Association, Minnesota Aberdeen Angus Breeders' Association, Minnesota Red Polled Breeders' Association, Minnesota Ayreshire Breeders' Association, Minnesota Brown Swiss Breeders' Association, Minnesota Poland China Breeders' Association, Minnesota Duroc Jersey Breeders' Association, Minnesota Chester White Breeders' Association, Minnesota Turkey Growers' Association, Minnesota Gladiolus Society, and the Minnesota Berkshire Breeders' Association; provided, that. All of these societies and associations shall must be active and statewide in their scope and operation, hold annual meetings, and be incorporated under the laws of the state, before being they are entitled to select such delegates a delegate. The societies and associations named in this clause shall must file with the secretary of state, on or before December 20, each year, a report showing that the society or association has held a regular annual meeting for that year, a summary of its financial transactions for the current year, and an affidavit of the president and secretary that it has a paid-up membership of at least 25. On or before December 31, each year, the secretary of state shall certify to the secretary of the state agricultural society the names of the societies or associations that have complied with these provisions.

(5) (f) The members of the governing board of managers of the state agricultural society shall, by virtue of their offices as such, be are members of the society and entitled to one vote each.

(6) Subd. 2. ELIGIBILITY TO VOTE. On all questions arising for determination by the state agricultural society, including the election of members of the governing board of managers, each delegate present shall be is entitled to

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one vote, and no proxies. The society shall be recognized by the society not recognize proxies except that when less than three delegates of any a county or district agricultural society shall attend the annual meeting, those present may cast the full vote of the that society. All delegates shall must be accredited, in writing, and their credentials shall must be signed by the president and secretary of the society or association represented.

37.04 BOARD OF MANAGERS, MEETINGS, SELECTION, VACANCIES, QUORUM.

Subdivision 1. **MEMBERSHIP; QUORUM.** The management and control of the affairs of the Minnesota state agricultural society shall be vested in A board of managers which shall consist manage and control the state agricultural society. The board consists of a president and nine other members, two of whom shall be are vice-presidents, Each member to represent represents one of nine regional districts, any. Six of whom shall members constitute a quorum for the purposes of any board meeting of the board.

Subd. 2. **REGIONAL DISTRICTS.** The regional districts For purposes of electing members of the board of managers of the Minnesota state agricultural society shall be, the regional districts are identical with the nine congressional districts as established by Laws 1933, chapter 185, and shall be accordingly are numbered accordingly.

Subd. 3. **ANNUAL MEETING.** The annual meeting of the society shall must be held upon at the state fairgrounds or at any other place in Minnesota selected by the board of managers may select. The meeting shall must be held annually during a three-day period selected by the board of managers, to commence commencing no earlier than January 2, and no later than January 31 in each year. At least 30 days' written notice of the time and place of the annual meeting shall must be given to all members of the society at least 30 days prior to the time of the annual meeting.

Subd. 4. **ELECTIONS.** At the annual meeting of, the members of the society shall elect, a president from the then current membership among the members of the board of managers, a president for a term of one year, who shall. The president may not be a resident of the fourth or the fifth regional districts. In addition, The members shall also elect seven managers shall be elected, as follows:

(1) at the annual meeting in 1963, and on each third year thereafter after 1963, one manager from each of the first, third, and sixth regional districts;

(2) at the annual meeting in 1964, and on each third year thereafter after 1964, one manager from each of the seventh and ninth regional districts;

(3) at the annual meeting in 1965, and on each third year thereafter after 1965, one manager from each of the second and eighth regional districts.

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In addition, At the annual meeting in 1964 and every other year thereafter, each even-numbered year a vice-president shall must be elected from the fifth regional district, and in 1965 and in every other year thereafter, each odd-numbered year a vice-president shall must be elected from the fourth regional district.

Subd. 5. **REGIONAL REPRESENTATIVES.** At no time shall more than Only one member of the governing board of managers, exclusive of the president, may be a resident of any one regional district. On the day preceding before the last day of the annual meeting, the duly accredited delegates to the meeting from each regional district, the whose manager's term of whose member of the board of managers expires in that year, shall meet together at the place for holding of the annual meeting and nominate and certify to the annual meeting the choice of that district for manager, and,. At the time fixed by law for the election of the president of the society and after the nominations have been so certified, presented, and read to the annual meeting, the annual meeting shall proceed to elect such managers to fill all expiring terms.

Subd. 6. **VACANCIES.** Any A vacancy, prior to which occurs before the expiration of any term of office of a member of the board of managers, may be filled by the remaining members of the board. Any person so appointed to fill a vacancy shall hold holds office only until the next annual meeting of the society, at which shall elect a successor must be elected in the manner provided, to serve the balance of the unexpired term.

37.05 OFFICERS; COMPENSATION; EXPENSES.

The annual honorarium of the president of the governing board shall be of managers is \$1,400, and that of the other members is \$1,000 each, which honorarium shall be in full for all their services commencing January 1, 1965.

On the final day of each annual meeting of the society the board shall elect a secretary, who shall to hold office for one year and until his a successor is elected and qualified. The board shall set the compensation of the secretary shall be fixed by the board. The board may also appoint a treasurer for the term of one year and fix his the treasurer's compensation. The treasurer shall keep all accounts and fiscal records of the society. The board may designate the secretary as the treasurer of the society.

In addition, The board may allow the traveling expenses of its members and of the secretary and treasurer or other employees while in the performance of their official duties, the. Claims for which shall in all cases traveling expenses must be itemized in full and verified before allowance.

37.06 SECRETARY; LEGISLATIVE AUDITOR; DUTIES; REPORT.

The secretary shall keep a complete record of the proceedings of the annual meetings of the state agricultural society and all meetings of the governing

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board of managers and any committee of the board, keep all accounts of the society other than those kept by the treasurer of the society, and perform ~~such~~ other duties as directed by the governing board ~~may direct~~ of managers. On or before December 31 each year, the secretary shall ~~make a~~ report to the governor for the fiscal year ending October 31 ~~each year~~ showing all the proceedings of the society during the current year and its financial condition as appears from ~~the~~ its books of the ~~society~~. This report shall must contain a full, detailed statement of all receipts and expenditures during the year.

The books and accounts of the society for the fiscal year shall must be examined and audited annually by the legislative auditor. The cost of the examination shall must be paid by the society to the state and credited to the legislative auditor's revolving fund.

A summary of this examination, duly certified by the legislative auditor, together must be appended to the secretary's report, along with ~~his~~ the legislative auditor's recommendations and the proceedings of the first annual meeting of the society first held following the secretary's report, including addresses made at the meeting as directed by the governing board, shall be appended to the secretary's report and of managers. The summary, recommendations, and proceedings must be printed in the same manner as the reports of state officers. Copies of the report shall must be printed annually and distributed as follows: to each society or association entitled to membership in the society, to each newspaper in the state, and the remaining copies as directed by the governing board of managers.

37.07 MONTHLY STATEMENTS BY SECRETARY; PURCHASES, EXPENDITURES.

The secretary of the state agricultural society shall prepare monthly statements a signed statement each month summarizing receipts and expenditures for the preceding month, which shall must be signed by him and approved by the president or a vice-president of the governing board of managers. The secretary shall ~~attach to this statement~~ his secretary's affidavit must be attached to this statement. The affidavit must state:

(1) that all articles were purchased by him, or under his the secretary's direction, and that to his the secretary's best information and belief, all articles purchased by the governing board of managers were purchased at a fair cash market value and received by the society, and that all services charged for were actually rendered provided;

(2) that neither ~~he~~ the secretary nor any person in his the secretary's behalf, or the governing board of managers, to his the secretary's best information and belief, had any pecuniary or other interest in any purchase made or services rendered, or received any pecuniary or other benefit therefrom from the purchases or services, directly or indirectly, by commission, percentage, deduction, or otherwise; and

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(3) that the articles specified conformed in every respect to the goods ordered, in both quality and quantity.

~~This~~ The report shall must also show the amount of money in the hands of the treasurer of the society.

Copies of the secretary's monthly report shall must be furnished to the commissioner of finance, and the office of the legislative auditor and to each member of the board of managers, no later than the tenth of the month following the ~~months'~~ month's activities ~~encompassed within such report reported.~~

The board of managers shall, ~~from time to time,~~ designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for the society's money of the society, and ~~thereupon shall then~~ require the treasurer to deposit all or part of ~~such that~~ money in ~~such the~~ designated bank or banks. Such ~~The~~ designation shall must be in writing and must set forth all the terms and conditions upon which the deposits are made, and ~~shall it must~~ be signed by the president and secretary, and made a part of the minutes of the board. Any bank or trust company so designated shall must qualify as a depository by furnishing a corporate surety bond or collateral as required by section 118.01, and ~~shall thereafter must,~~ as long as any of the society's money of the society is on deposit therein with it, maintain such the bond or collateral in the amounts required by ~~said that~~ section. ~~However,~~ No bond or collateral shall ~~be is~~ required to secure any deposit, ~~insofar as if~~ it is insured under federal law, as provided in section 118.10.

37.13 TITLE TO PROPERTY VESTED IN STATE.

~~The title to state owns~~ all money and other property of the society shall vest in the state in the name of the society and there shall may be no division of its assets among its society members. ~~All moneys~~ Money received by the society shall must be used ~~in the for~~ holding of its annual fair, and for ~~such other~~ exhibitions or expositions ~~held from time to time as the society shall determine the society holds,~~ for the improvement of the fairgrounds, ~~for the payment of~~ expenses, premiums, and purses, ~~for the acquisition of properties, both real and personal property,~~ for the use and benefit of the society, and for ~~the~~ furnishing of ~~such attractions and amusements as the governing board shall deem of managers considers necessary for the success of its fairs, and other exhibitions and expositions.~~

37.14 MANAGEMENT OF PROPERTY; GENERAL OFFICES.

The custody, management, and control of the fairgrounds and all fair-grounds structures ~~thereon shall be are~~ vested in the society as a department of the state, and its general offices, containing its property and records, shall must be maintained upon the fairgrounds.

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

37.15 EXHIBITIONS.

The society shall hold upon the fairgrounds an annual fair and may invite the cooperation of any other states or countries ~~therein in that fair.~~ It ~~The~~ society shall provide for and pay premiums, and ~~all moneys expended money spent~~ for premiums, exhibits, or other displays ~~shall must~~ be for the purpose of encouraging agriculture, horticulture, stock-breeding, manufactures, and the mining, mechanical, and industrial arts and sciences.

37.16 RULES AND REGULATIONS; VIOLATION.

The society may make all bylaws, ordinances, and rules, ~~not inconsistent~~ consistent with law, which it ~~may deem~~ considers necessary or proper for the government of the fairgrounds and all fairs to be held ~~thereon on them,~~ and for the protection, health, safety, and comfort of the public ~~thereon; the same to be in effect from the time of filing on the fairgrounds.~~ The bylaws, ordinances, and rules are effective when filed with the secretary of the society. The violation of a bylaw, rule, or ordinance ~~promulgated by~~ of the society is a misdemeanor.

37.17 SHOWS, EXHIBITIONS, PERFORMANCES, PRIVILEGES.

Subdivision 1. **LICENSE, REGULATION.** The society may license and regulate all shows, exhibitions, performances, and privileges on the fairgrounds, revoke any licenses, and prohibit, remove, and summarily stop all exhibitions, performances, or privileges which violate society rules or ~~which are otherwise~~ contrary to other law.

Subd. 2. **SERVICE OF PROCESS.** The acceptance of any license given pursuant to subdivision 1 by a nonresident of Minnesota is an appointment by the nonresident of the secretary of state to be ~~his a~~ his a lawful agent upon whom may be served all legal processes in any action or proceeding against ~~him the nonresident~~ resulting from the operation of the licensed show, exhibition, performance, or privilege. The acceptance of a license by the nonresident ~~is a signification of his signifies~~ agreement that service of process upon the secretary of state ~~shall be of has~~ the same ~~force and effect as if served service~~ upon ~~him the nonresident~~ personally. Publication of summons need not be made upon the nonresident. In all cases under this subdivision, service of process or service of any writ or notice in an action or proceedings ~~shall must~~ be made upon the secretary of state in the manner provided by law for service upon residents of the state, and has the same effect as personal service within the state upon the nonresident. ~~If the~~ After a nonresident appears in ~~the an~~ action or proceeding by an attorney residing in Minnesota, ~~the service of papers shall thereafter must be made served~~ upon the attorney.

Subd. 4. **SOLICITATION.** No person may solicit money or sell or distribute any merchandise or material of any kind without a license issued by the society authorizing the solicitation, sale, or distribution from a fixed location on the fairgrounds.

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

37.18 UNLICENSED OR IMPROPER EXHIBITION.

A person who engages in any a play, game, concert, or theatrical or other performance, or who exhibits a show of any kind on the fairgrounds without a license from the society is guilty of a misdemeanor and shall must be removed from the fairgrounds.

A person who sells, distributes, or exhibits obscene materials or performances is guilty of a misdemeanor and the governing board of managers of the society shall suspend that person's license and cause require the forfeiture of all money paid to the society in connection with the performance or exhibit.

37.19 CONTRACTS.

The society may contract in its own name, and through its duly appointed officers and agents without the necessity of advertising for, or publicly requesting bids, and the provisions of. This chapter, and all ordinances, bylaws, and rules adopted by its governing the society's board of managers are a part of every contract entered into with any exhibitor, privilege holder, lessee, licensee, or other person. The society may contract for the purchase of services from any business, municipality, county, state agency, or department. The society may purchase, sell, lease, or otherwise engage in transactions respecting real property in its own name, and with terms and conditions acceptable to its board of managers. The provisions of section 37.01 shall apply to the specific properties described therein in it, excepting except space rental contracts and ground leases for a term of one year or less. The society shall submit to the state executive council of the state of Minnesota for its approval, as provided by chapter 9, all its transactions involving real properties for the approval of the executive council, and no transaction involving real property shall be is final until it is approved by the executive council. All transactions involving real property heretofore previously made by the society are ratified, confirmed, and approved.

37.20 SPECIAL PEACE OFFICERS.

The secretary or the president of the society may appoint, in a writing signed by either of them, as many peace officers, as defined in section 626.84, subdivision 1, clause (c), as are necessary, both during the time of holding the annual fair and throughout the year for the regulation of the Minnesota state fairgrounds. These peace officers, before entering upon their duties, shall take and subscribe the usual oath of office, endorsed upon their appointment, and shall. They have and exercise upon the grounds of the society, fairgrounds all the power and authority of peace officers and may, within these limits, without warrant, arrest any person found violating any state law of the state, or any rule, bylaw, or ordinance of the society, and. They may summarily remove the persons and property of the offenders from the grounds, and take them before any court of competent jurisdiction to be dealt with according to law. Each peace officer shall wear an appropriate badge of office while acting as a peace

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officer. The society may also contract with the state, any county, or any municipality for police service and protection on the fairgrounds.

37.21 SALE OF LIQUORS.

No person shall may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one-half mile of the state fairgrounds, or aid and abet ~~in so doing, and any of those acts.~~ The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits, is ~~declared~~ a public nuisance, and ~~shall be is~~ prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

37.22 LOCKUP; SEIZURE OF LIQUORS.

The society may provide and maintain a watchhouse or lockup on the fairgrounds for the confinement of offenders and the temporary detention of suspected persons. The society's peace officers shall, without warrant, seize and destroy any intoxicating liquors found upon the fairgrounds.

37.24 UNLAWFUL ADMISSIONS.

Any person who shall ~~steal steals~~ or unlawfully ~~obtain any obtains~~ a ticket, paper, or other writing entitling, or purporting to entitle, the holder to admission to any part of the state fairgrounds, ~~or any part thereof,~~ or who shall ~~sell sells~~ or ~~dispose disposes~~ of any such a ticket which upon its face appears to be nontransferable and to have been issued to another ~~and not transferable,~~ without informing the purchaser of its character, ~~shall be is~~ guilty of a misdemeanor.

37.25 MISDEMEANORS.

In addition to other misdemeanors specified ~~in and made punishable~~ by a statute, during the ~~period of~~ the annual state fair or during any period when fees as may be ~~determined by~~ the board of managers ~~are required requires~~ fees for admission to the fairgrounds, every person who shall ~~trespass trespasses on, enter enters,~~ or ~~attempt attempts~~ to enter the fairgrounds in any manner, except through the entrance gates provided therefor, without payment of the required fees provided therefor, or who shall likewise ~~so trespass trespasses on, enter enters,~~ or ~~attempt attempts~~ to enter any reserved enclosure ~~thereon on the fairgrounds,~~ or who shall ~~obtain obtains~~ permission to do so by impersonating another, or by any misrepresentation or false pretense, ~~shall be is~~ guilty of a misdemeanor. Any A person who shall ~~be is~~ found lurking, lying in wait, or loitering in the immediate vicinity of, or concealed in any building, yard, or premises upon the fairgrounds, ~~or loitering about the immediate vicinity thereof,~~ with intent to commit any offense or mischief, ~~shall be is~~ guilty of a misdemeanor.

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

37.26 CIRCUSES PROHIBITED, STATE FAIR SEASON; EXCEPTIONS.

Subdivision 1. **PROHIBITION.** It ~~shall be~~ is unlawful for any person, firm, or corporation to conduct any circus in any city or within a radius of six miles of any city, within a period of 18 days immediately preceding the dates of the annual Minnesota state fair, or during the time of holding such fair. Any such A circus may be exhibited during this period of time, however, if and when the circus it is engaged or contracted by an accredited agricultural society to form a part of the entertainment program of the annual fair of the accredited agricultural society. Nothing ~~herein contained~~ shall exempt in this subdivision exempts a circus from obtaining a proper license or permit as provided by law.

Subd. 2. **PENALTY.** Any A person, firm, or corporation violating the provisions of subdivision 1 shall be is guilty of a gross misdemeanor; and upon conviction punished, punishable by a fine of not more than \$3,000 or by imprisonment in the county jail for a period of not to exceed not more than one year or by both such fine and imprisonment.

ARTICLE 3 .

Section 1. Minnesota Statutes 1984, chapter 92, is amended to read:

92.01 STATE PUBLIC LANDS OR STATE LANDS.

The term "State public lands" or "state lands" means school, swamp, university, internal improvement, and other lands granted to the state by acts of congress.

92.02 AUTHORITY.

All Sales ~~made pursuant to~~ under this chapter shall must be conducted by the commissioner ~~in person, his a deputy of the commissioner,~~ or by a competent person employed by the commissioner and bonded in a sum of not less than at least \$10,000.

92.03 MINIMUM PRICE OF LANDS.

Subdivision 1. **SCHOOL LANDS.** The ~~minimum~~ price of school lands shall must be including the value of timber reproduction not less than at least \$5 per an acre, and including the value of timber reproduction. All Sales ~~thereof~~ shall of school lands must be within the county in which containing the lands are situated. ~~Not~~ No more than 100,000 acres of school lands shall may be sold in one year. Where If a patent has been issued by the federal government to any school land, as above defined, previous to land before 1864, and the taxes thereon on it have been paid for a period of at least 35 years, then and in such event, the commissioner of finance may in his discretion cause such amount of such taxes to

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be applied upon ~~reduce~~ the minimum price of \$5 per ~~an~~ acre as above provided as he may deem proper in order that the ~~minimum~~ sales price of the land may be so reduced as by the taxes paid to make it the land salable.

Subd. 2. **UNIVERSITY LANDS.** The ~~minimum~~ price of all lands donated to the state by the United States by act of congress entitled "An act donating to the states of Minnesota and Oregon certain lands reserved by congress for the territories of Minnesota and Oregon, for university purposes," approved March 2, 1861, and by an act of congress entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, shall must be at least \$5 an acre, including the value of timber reproduction ~~not less than \$5 per acre~~. The director shall ~~cause~~ appraise these lands or any part of them to be appraised and sold sell them in accordance with ~~the provisions~~ of this chapter.

Subd. 4. **INTERNAL IMPROVEMENT LANDS.** All Lands donated to the state under the eighth section of an act of congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved September 4, 1841, shall must be appraised and sold, and the ~~minimum price shall be the same~~, and the ~~moneys~~ money derived from ~~the its~~ sale thereof shall be invested, as provided by the Minnesota Constitution of the state of Minnesota, article II XI, section 8.

92.04 MINIMUM PRICE OF CERTAIN STATE LANDS.

All Lands selected for state institutions under an act of the legislature entitled "An act to appropriate swamp lands to certain educational and charitable institutions and for the purpose of creating a state prison," approved February 13, 1865, and all lands known as state capitol lands, shall must be appraised and sold as school lands are sold. The ~~minimum~~ price of all lands belonging to the state by virtue of the various congressional acts set forth in sections 92.03 and 92.04 shall must be including the value of timber reproduction ~~not less than at least \$5 per an acre~~, and including the value of timber reproduction. The terms of payment and conditions of sale shall must be the same as now provided by law. ~~Where~~ When state lands have been benefited by and assessments paid for drainage, such the drainage improvements shall must be duly considered by the state land examiner in making appraisals. When such the drained lands are sold, the principal and interest paid ~~thereon shall on it must~~ be credited by the director to the proper fund to which the land belongs.

92.05 SALT LANDS, BY WHOM SOLD.

The board of regents of the University of Minnesota shall have charge and ~~supervision~~ of the state salt lands donated by the United States to aid in the development of the brines in the state, and. The board of regents may sell these lands in such manner and amounts as it may deem expedient, and shall hold. The proceeds thereof from the sales must be held in trust, and shall only disburse

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the same must be disbursed in accordance with the law providing for a geological and natural history survey. The university may execute, in its name, deeds of conveyance of these lands. The proceeds of the sale of ~~such~~ the lands when invested ~~shall~~ constitute a permanent fund, called the university fund.

92.06 PAYMENTS; INTEREST.

Subdivision 1. **TERMS.** The terms of payment on the sale of all state public lands ~~shall~~ must be as follows: The purchaser shall pay in cash at the time of sale the appraised value of all timber. At least 15 percent of the purchase price of the land exclusive of timber ~~shall~~ must be paid in cash at the time of sale ~~and~~. The balance must be paid in not to exceed no more than 20 equal annual installments, ~~payable on~~. Payments must be made by June 1 each year following ~~that~~ the year in which the purchase was made, with interest at a rate equal to the rate in effect at the time under section 549.09 on the unpaid balances ~~remaining unpaid, payable with the instalments or principal~~. Any installment of principal or interest may be paid in advance, but part payment of an installment ~~shall~~ will not be accepted. For the purpose of computing interest, any installment of principal not paid on June 1 shall be credited as of on the following June 1.

Subd. 2. **BUILDINGS OR IMPROVEMENTS.** ~~In case~~ If there are ~~any~~ buildings or other improvements upon the land ~~the~~ their value thereof ~~shall~~ must be appraised separately and included in the purchase price. ~~No~~ A person ~~shall~~ must ~~not~~ remove, injure, or destroy ~~any such~~ a building or other improvement until an amount equal to ~~such~~ its appraised value has been paid on the purchase price of the premises, in addition to ~~the~~ any payment required for timber, ~~if any~~. Violation of this provision ~~shall be~~ is a gross misdemeanor.

Subd. 3. **DEFAULT.** ~~Failure~~ A person who fails to make ~~any~~ a payment required under ~~any~~ a certificate of sale within 60 days from the date ~~on which~~ such payment it becomes due shall constitute is in default and ~~thereupon~~. On default, the certificate of sale shall be deemed canceled, and all right, title, and interest of the purchaser, his ~~or her~~ heirs, representatives, or assigns, in the premises shall terminate without the doing by the state of any act or thing. A record of ~~such~~ the default ~~shall~~ must be made in the state land records ~~kept by or under the direction of the commissioner and a certificate of such default may be made by or under the direction of the commissioner and filed~~. The commissioner may prepare a certificate of default and file it with the county treasurer or ~~recorded record~~ it in the office of the county recorder of the county ~~in which~~ containing the premises are situated property. Any such ~~The~~ record or certificate ~~shall be~~ is prima facie evidence of the facts ~~therein stated in it~~, but the making of ~~such record or certificate shall not be essential to the taking effect of such cancellation and termination are effective without it~~. The provisions of This subdivision ~~shall~~ does not apply to ~~any~~ a sale made before May 1, 1941.

Subd. 4. **IMPROVEMENTS, WHEN PAYMENT NOT NECESSARY.** If there are any improvements upon the land made by ~~one who in the~~

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opinion of the commissioner settled upon the land in good faith believing it to be land subject to homestead entry under the laws of the United States, and such settlement was made before the land was certified to the state, or if the improvements were made in good faith by a lessee of the state under a proper permit or other lawful authority, If a person has made improvements to the land and if the commissioner believes that person settled the land in good faith as homestead land under the laws of the United States before it was certified to the state, or if the improvements were lawfully made by that person as a lessee of the state, then the value of such the improvements shall must be appraised separately appraised and, if at the sale of such land such the settler or lessee shall be the purchaser purchases the land, he shall or she is not be required to pay for such the improvements. If a another person other than such settler or lessee shall purchase purchases the land, such purchaser shall that person must pay to the state at the time of the sale, in addition to all other required payments, the full amount for which appraised amount for the improvements were appraised, and. The amount so received by the state for such the improvements shall must be paid over to such the settler or lessee, his or her heirs, representatives, or assigns. Payment must be made by warrant drawn by the commissioner of finance upon the state treasurer. All Amounts received for such the improvements are hereby appropriated for making such the payments.

The provisions of This subdivision shall does not apply unless the person seeking the its benefit thereof shall make makes a verified application to the commissioner showing that he or she is entitled thereto to it before the first state public sale at which the land is offered for sale and. The applicant must appear at such the sale and offer to purchase the land for at least the its appraised value thereof and including all timber thereon on it, and make such the purchase if no higher bid be is received, nor unless all. Actions or other proceedings involving the land in question instituted prior to begun before the sale shall must have been determined completed.

Subd. 5. **FURTHER SECURITY.** The director when in his opinion the interests of the state will not be secured by the terms of payment so provided for shall may require of the purchaser such further security for the payment of the deferred installments as he may deem necessary; and in all cases where security is taken. The director may recover the money and enforce such any security by action brought in his or her name.

92.07 SALES BY SUBDIVISIONS.

All Sales of land by the commissioner shall must be made according to the subdivisions thereof by the United States surveys, unless the same have land has been subdivided into smaller parcels or lots, as provided in this chapter; but no. The land shall may not be sold in larger quantity than one quarter section.

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92.08 SURVEYS AND RESURVEYS.

When it appears to the commissioner necessary in order to ascertain the boundaries of any tract of land in his charge or to enable him to describe or dispose of the same in convenient parcels he The commissioner may cause have surveys to be made to determine the correct boundaries or description of the land or to dispose of it in convenient parcels. When a tract of land has been sold by the state of Minnesota according to the United States survey and the commissioner is of the opinion believes that an injustice has been done the purchaser because of an incorrect United States survey, he or she may cause have a resurvey thereof to be made by a competent surveyor, who shall thereafter. The surveyor shall prepare a plat showing the correct acreage of each subdivision so resurveyed, to be filed in the office of and file it with the commissioner and in the office of with the county recorder of the proper county and. The commissioner is hereby authorized to may call in such the land certificates as are affected by the resurvey and to issue new ones in lieu thereof showing. The certificates must show the correct acreage, giving and give full credit for all payments of principal and interest which had previously been made.

92.09 LAND SUBDIVIDED, APPRAISED, REAPPRAISED.

Subdivision 1. **SUBDIVISION INTO LOTS.** When the interest of the state will be promoted in the opinion of the commissioner by subdividing any of the, he or she may subdivide land under his or her control into small parcels or city lots. He The commissioner shall cause the same to be done and have the land to be appraised. When a petition signed by At least ten legal voters of the county in which containing the land therein described is situated is presented to may petition the commissioner requesting him to have such subdivide the land so subdivided he. The commissioner shall grant or refuse the petition. If the request be is granted, the commissioner shall subdivide the land accordingly and cause the same to be have it appraised.

Subd. 2. **APPRAISEMENT APPRAISAL OF LOTS.** For the purpose of making the appraisement required by subdivision 1, The commissioner shall designate therefor one or more of the regularly appointed and qualified state appraisers to make the appraisal required under subdivision 1. Each appraiser before entering upon the duties of his office shall take and subscribe sign an oath that he will to faithfully and impartially discharge his the duties as of appraiser according to the best of his or her ability and that he or she is not interested directly or indirectly in any of the lands or improvements thereon on them and has entered into no combination to purchase the same land or any part thereof, which of it. The oath shall must be attached to their the appraisal report given the commissioner. They shall then appraise the lands and make report thereof to the commissioner.

Subd. 3. **REAPPRAISEMENT REAPPRAISAL.** All Parcels or lots so appraised shall be subject to sale in the same manner as may be sold like other

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lands in charge of the commissioner, and. The lands must be sold at not less than for at least the prices at which they were severally appraised, until a new appraisal is made, which. The commissioner in his or her discretion may cause to be made in the manner aforesaid have lands appraised as under subdivision 2 and with like effect; but no. Parcels or lots so appraised shall must be sold for less than at least the minimum price of the lands established by this chapter.

92.10 MAPS AND PLATS.

Subdivision 1. **MAP RECORDED.** When the commissioner shall subdivide any subdivides land into small parcels or city lots, he or she shall cause record a map of the same to be filed for record subdivision with the county recorder of the county in which containing the land is situated.

Subd. 2. **PREPARATION.** It shall be the duty of The commissioner to shall prepare suitable maps or plats having designated thereon these designating school or other state lands owned by the state which have been duly appraised and are subject to sale, which. The maps or plats shall must be printed and distributed with other printed matter in sufficient quantities to properly advertise the sales provided by this chapter.

92.11 LANDS APPRAISED.

When in the opinion of the commissioner it shall be for the interest of the state that any of the lands in his charge, or the improvements thereon, be appraised he shall designate therefor one or more of the regularly appointed and qualified state appraisers who shall qualify and report The commissioner may have any real estate under his or her jurisdiction appraised. The appraisal must be made and reported as in the case of school or other state lands. The appraisers shall must report the value of the lands and the improvements thereon on them, if any, separately; and if any of such the lands, are valuable for the merchantable timber thereon on them the value of such the merchantable timber shall must also be separately stated. The appraised value shall be is the minimum price for such the lands until changed by a subsequent later appraisal.

92.12 APPRAISAL OF SCHOOL AND OTHER STATE LANDS.

Subdivision 1. **APPRAISERS.** When in the opinion of the commissioner it will be for the public interest that an appraisal of The commissioner may have any of the school or other state lands should be made he shall designate therefor one or more of the appraised. The appraisals must be made by regularly appointed and qualified state appraisers. Each appraiser shall before entering upon the duties of his office take and subscribe sign an oath that he will to faithfully and impartially discharge his the duties as of appraiser according to the best of his or her ability and that he or she is not interested directly or indirectly in any of the state lands to be appraised, or the timber or improvements thereon on them or in the their purchase thereof and has entered into no combination to

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purchase the same or any part thereof, which. The oath shall must be attached to the report of such appraisal report.

Subd. 2. **VALUATION AND APPRAISAL.** The appraiser ~~after taking oath of office shall proceed to view and appraise such~~ the lands and, including the merchantable timber and improvements thereon on them, and make a report thereof to the commissioner as he may direct. The valuation of ~~such the lands and the merchantable timber and improvements thereon shall on them~~ must each be made and stated separately in the ~~appraisement and appraisal.~~ The minimum price established by ~~such the appraisal shall be is~~ the minimum price for ~~such the lands until changed by subsequent later appraisal.~~ No school or other state lands ~~shall may be sold until so appraised, nor for a less price.~~ The price may not be less than \$5 per an acre. In the appraisal the ~~basic value of the land before the addition of the value of merchantable timber and improvements shall~~ must include the value of timber reproduction.

Subd. 4. **SALES.** The commissioner shall hold frequent sales of school and other state lands. The time and place of ~~such the sales to~~ must be publicly posted on the front door of the courthouse in the county in ~~which where~~ the sale is to take place at least 30 days in advance of ~~such sale,~~ in addition to the regular notice of sale provided by law. At this sale the commissioner shall sell ~~such lands as he or she considers best~~ for the public interest.

Subd. 5. **SALE OF LAND AND TIMBER.** ~~Where~~ When the appraisal and other reports show that the land is mainly valuable for agricultural purposes as shown by the ~~appraisement and other reports in the office of the commissioner and contains only small quantities of timber,~~ the commissioner may in his discretion either sell the timber separately in the ~~manner as~~ provided by law for state timber sales or ~~he may sell the land as agricultural land, requiring.~~ If the land is sold as agricultural land the purchaser to must pay down as first payment an amount equal to the value of the timber, in addition to the first payment required on the land. ~~Where such appraisement~~ If the appraisal and other reports show land should be sold for continuous forest production or other conservation purpose, and the commissioner so determines, then may require that the full appraised value of land and timber shall must be paid by the purchaser at the time of purchase.

Subd. 6. **DRAINAGE.** It shall be the duty of The appraisers to must report to the commissioner ~~such lands as in their opinion that they believe should be drained.~~ After the state has constructed or has been assessed for ~~any a~~ public ditch or drain, the lands assessed or improved shall ~~thereafter~~ must be reappraised before being offered for sale.

92.13 STATE LANDS, DATE OF SALE.

It shall be the duty of The commissioner to shall hold public sales of school and other state lands in these counties ~~where school and other state lands~~

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are situate at such times as will be containing them when it is advantageous to the state and to intending buyers and settlers.

92.14 SALE, NOTICE.

Subdivision 1. **TIME.** Before any sale is made, the commissioner shall ~~cause give~~ give four weeks' published notice of the time and place of sale ~~to be given~~ at St. Paul and in each county ~~in which~~ containing land to be sold is situated. The notice ~~shall contain a description of~~ must describe each parcel of land to be sold. If there ~~be is~~ is no newspaper published in ~~any such~~ the county, four weeks' posted notice shall must be given therein. On or before the day of sale, the commissioner, ~~on or before the day of sale~~, may withdraw any lands ~~which may have been so advertised~~.

Subd. 2. **CONTENTS.** It ~~shall be the duty of~~ The commissioner ~~to shall~~ give public notice of each sale referred to in section 92.13 by four publications in a weekly newspaper printed and published at the county seat ~~wherein of the~~ county containing the lands ~~are situated~~, and by four weekly publications in a daily newspaper published and printed in the capital city of the state St. Paul. ~~This published~~ The notice shall must contain the following information:

- (1) the time and place for the holding of the sales;
- (2) the limitations and requirements provided by law ~~as to~~ for purchasers of such the lands;
- (3) the terms and conditions of payments as required by law; and
- (4) the place where lists of lands to be offered for sale may be obtained.

92.15 APPLICATION.

All other requirements and provisions relating to the sale of school and other state lands ~~shall apply with full force~~ to sales made under sections 92.02, 92.10, 92.13, and 92.14.

92.16 CERTIFICATE OF SALE.

Subdivision 1. **CONTENTS; DEFAULT, RESALE.** At the time of the sale the commissioner shall execute, acknowledge, and deliver to the purchaser a certificate of sale ~~in which he shall certify, numbered and made assignable,~~ certifying the description of the land sold, ~~the its quantity thereof,~~ the price per acre, the consideration paid and to be paid, and the time and terms of payment, ~~and which shall be numbered and made assignable.~~ No A certificate shall must ~~not~~ be delivered until the sum required by law to be paid at the time of the sale is paid to the treasurer of the county where ~~such the~~ the sale takes place ~~and in case,~~ If the purchaser fails to pay ~~such the~~ the sum, the commissioner may immediately reoffer the land for sale, but no bid ~~shall may~~ may be received from the person so failing.

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Subd. 2. **DEFAULT IN PAYMENT OF INTEREST; RESALE.** Upon cancellation of any certificate of sale the commissioner may without notice take possession of the lands ~~therein~~ described in the certificate and resell ~~the same them~~ at public auction in the same manner and under the same rules as provided for the first sale. When the commissioner ~~shall have~~ has reappraised and, advertised, and publicly offered the lands for sale ~~such lands~~, a ~~reentry shall be~~ the state is deemed to have been ~~made on the part of the state~~ reentered the lands without any other act or deed, but this ~~shall~~ is not be essential to cancellation of the certificate of sale ~~nor and does not~~ extend thereafter any rights of any person claiming under ~~such the~~ the certificate. The purchaser at ~~such the~~ the sale ~~shall be~~ is entitled to immediate possession. If the land is not ~~again~~ again sold after cancellation of a certificate of sale, it ~~shall be deemed to be~~ is unsold land of the state, free and clear of ~~any and all~~ any rights claimed by any person under ~~such the~~ the certificate whether in actual or constructive possession thereof.

Subd. 3. **APPLICATION.** The provisions of Mason's Supplement 1940, section 6285, as ~~the same~~ it existed before the passage of Laws 1941, chapter 374, ~~shall apply~~ applies to all state lands of any kind ~~therein~~ referred to in it sold after the passage of Extra Session Laws 1933-1934, chapter 39, January 5, 1934, and ~~prior to before~~ before May 1, 1941. The provisions of Mason's Minnesota Statutes of 1927, section 6285, as ~~the same~~ it existed ~~prior to before~~ before the passage of chapter 39, ~~shall apply~~ applies to all ~~such~~ state lands sold ~~prior to before~~ before the passage of chapter 39, with like effect as if chapter 39 and Laws 1941, chapter 374, had not been enacted. Section 6285, as amended by Laws 1941, chapter 374, ~~shall apply~~ applies to all state lands sold ~~on or after~~ on or after May 1 April 30, 1941.

Subd. 4. **LANDS REPOSSESSED OR REENTERED.** ~~In any case where any~~ If state lands sold ~~prior to before~~ before the passage of Extra Session Laws 1933-1934, chapter 39, January 5, 1934, have been repossessed or reentered ~~prior to before~~ before the passage of Laws 1941, chapter 374, in accordance with the provisions of Mason's Minnesota Statutes of 1927, section 6285, as ~~the same~~ it existed ~~prior to before~~ before the passage of chapter 39, ~~such the~~ the reentry or repossession ~~shall be~~ is valid and effectual for all purposes, as ~~provided by~~ provided by Section 6285.

92.163 EXTENSION FOR PAYMENT ON STATE LAND CERTIFICATES.

Subdivision 1. **LIMITATION.** The time for payment of the principal of any certificate of sale of state public land sold ~~prior to before~~ before May 1, 1941, which has expired or will expire hereafter, ~~shall be~~ is extended as ~~herein~~ provided in this section.

Subd. 2. **CERTIFICATE HOLDER TO FILE APPLICATION.** Before the expiration of the time for the payment of principal specified in the original certificate of sale, or any lawful extension thereof ~~by law~~, the holder of the certificate shall file with the commissioner of natural resources an application for an extension of time of payment in ~~such the~~ the form as prescribed by the

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commissioner ~~shall prescribe~~. The applicant shall submit to the commissioner the certificate of sale or an affidavit of the circumstances if ~~the same~~ it has been lost or destroyed, or cannot be produced for any other reason, together with ~~such~~ other proof of the applicant's rights as required by the commissioner may require. At least 15 percent of the unpaid principal shall must be paid with the application, together with all unpaid interest and penalties accrued ~~to date~~. The remaining unpaid principal, with interest, shall be is payable in like manner as provided by Mason's Minnesota Statutes 1927, section 6267, as amended by Laws 1941, chapter 374, and. The rights of the certificate holder, and all other proceedings in the matter shall be are subject to the provisions of said that section and other applicable laws, as if the land has been sold ~~thereunder~~ under them on the date of the filing of the application for extension.

Subd. 3. **CERTIFICATE OF EXTENSION.** Thereupon the time for payment shall be is extended and. The commissioner shall issue ^a certificate of extension in form is approved by the attorney general, and the original certificate shall be deemed modified in accordance with the provisions of such extension certificate it. The duplicate of the certificate shall must be attached to the duplicate original certificate of sale on record in the office of the commissioner of natural resources.

Subd. 4. **APPLICATION OF SECTION 92.163.** ~~The provisions of This section shall does not apply in any case where if the certificate of sale has heretofore been absolutely terminated and made void, without right of redemption, nor in any case where or if the land has become forfeited to the state for delinquent taxes.~~

92.165 CERTIFICATE OF RELEASE.

Subdivision 1. **RELEASE BY COMMISSIONER.** Whenever it shall ~~appear~~ appears (1) that the terms of a certificate of sale of state public lands have been fully complied with ~~so as to have entitled~~ entitling the owner to a patent under the terms of the certificate; (2) that ~~such the~~ the patent has not been issued; and (3) that after ~~such~~ such compliance, ~~such the~~ the lands were forfeited to the state for nonpayment of taxes accruing after ~~such~~ such compliance, the commissioner shall, upon resolution of the county board of county commissioners of the county in which ~~said the~~ the lands lie, issue a certificate reciting that there was compliance with the terms of the certificate of sale ~~prior to such before the~~ prior to such before the forfeiture, and releasing ~~such the~~ the lands from the trust attached ~~thereto prior to before~~ thereto prior to before their sale as state public lands.

Subd. 2. **DELIVERY OF CERTIFICATE.** ~~Such~~ The certificate shall must be delivered to the county auditor ~~and be by him placed on~~. The county auditor must record it with the county recorder without payment of any recording fee.

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Subd. 3. **STATUS OF OTHER TAX FORFEITED LANDS.** ~~Thereafter~~ From the date of forfeiture, the title and status of such the lands ~~from the date of forfeiture shall be~~ is the same as that of other tax forfeited lands.

92.17 EFFECT OF CERTIFICATE; RECORD.

A certificate of sale entitles the holder to ~~the~~ possession of the land ~~therein~~ described in it, but the fee ~~shall remain~~ remains in the state until a patent is issued ~~therefor~~. ~~These~~ The certificates, assignments, and patents may be filed for record with the county recorder.

92.18 CERTIFICATES, DIVIDED.

When the holder of ~~any a~~ certificate ~~shall surrender the same~~ surrenders it to the commissioner, with a request to have divide the land ~~therein~~ described divided in it, and ~~two or more certificates issued therefor~~, it ~~shall be lawful for the commissioner so to do~~ may issue two or more certificates. No new certificate ~~shall issue~~ may be issued while any interest is delinquent or if the commissioner ~~shall be of the opinion~~ believes that the security of the state would be impaired or endangered ~~thereby~~. If the An applicant ~~shall desire~~ who requests a division by boundaries other than regular government or state subdivisions, ~~he shall~~ must file with ~~his~~ the application a plat and survey showing the lines of, and the quantity of land in, each subdivision.

92.19 ASSIGNMENT; EXTENSIONS OF PAYMENT.

When ~~any a~~ certificate is assigned, the assignment ~~shall~~ must be executed ~~in the same manner as like~~ a deed of land and acknowledged by the assignor. When ~~any an~~ extension of the time of payment is agreed upon ~~such~~, the agreement ~~shall~~ must be in writing, executed ~~in like manner~~ like a deed, and a record thereof ~~preserved~~ recorded in the office of the commissioner.

92.20 VOID SALES; REFUND.

~~Any A~~ sale made by mistake, or not in accordance with law, or obtained by fraud, ~~shall be~~ is void, and the certificate issued ~~thereon~~ shall be of no effect; and ~~on it is~~ void. The holder of ~~such a~~ void certificate ~~shall be required to~~ must surrender ~~the same~~ it to the commissioner who, except in cases of fraud on the part of the purchaser, shall ~~cause~~ refund to the holder the money paid on ~~such the~~ sale ~~to be refunded to the holder~~.

92.21 REDEMPTION OF FORFEITED STATE LANDS.

Subdivision 1. **CONDITIONS OF REDEMPTION.** ~~In any case where the rights of the~~ If the holder of a certificate of sale of any state public land sold before January 6, 1934, ~~have become forfeited by a~~ forfeits rights for failure to pay the amount of interest due under the certificate, ~~if the certificate holder he or she may redeem the rights as follows~~. Before resale at public auction of the lands described in the certificate, ~~the holder~~ shall pay to the state treasurer the amount

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of interest then due and payable on such the certificate, with interest ~~thereon~~ at four percent from the time when ~~the same it~~ became due at four percent, such. The payment shall operate as is a redemption of the rights of the certificate holder, and ~~reinstate the certificate in full force, provided, as follows is reinstated, if the following conditions are met:~~

(1) If the default in payment occurred before July 1, 1941, the amount required for redemption shall must be paid not later than December 31, 1941~~;~~.

(2) If the default in payment occurred on or after July 1, 1941, the amount required for redemption shall must be paid within six months after the ~~occurrence of the default;~~

(3) If the time for payment of the principal specified in the certificate has expired but an extension of time by law has not expired, the ~~full~~ amount due on the principal ~~together with interest, has herein provided,~~ and all other sums due the state on the land shall must be paid, ~~and thereupon.~~ After payment, a patent for the land shall must be issued to the certificate holder as provided by law~~;~~.

(4) No ~~such~~ redemption shall be is permitted in any case where ~~if~~ the time for payment of the principal as specified in the certificate and ~~all its lawful~~ extensions ~~thereof provided by law~~ have expired, ~~nor in any case where or if~~ the certificate of sale has been absolutely terminated and made void without right of redemption under any prior or existing law, ~~nor in any case where or if~~ the land has become absolutely forfeited to the state for delinquent taxes~~;~~.

(5) ~~The provisions of This section shall does not suspend or otherwise affect any proceedings for the resale of state public land unless redemption is made before sale of the land to an actual purchaser.~~

Subd. 2. **CERTIFICATE VOID WHEN LAND NOT REDEEMED.** ~~In every case where~~ If a certificate of sale of state public land sold before January 6, 1934, ~~has been or shall be is~~ canceled after default by reappraisal and reoffer of the land for sale, and ~~where the default shall is not be~~ redeemed and the certificate reinstated, as provided by this section, the certificate shall be deemed is absolutely canceled and void, and all right, title, and interest of the purchaser, his or her heirs, representatives, or assigns, in the land shall terminate terminate without further act ~~on the part of the state; provided, that. This shall subdivision does~~ not preclude any other method of termination prescribed by law.

92.211 TIME OF PAYMENT EXTENDED.

Subdivision 1. **EXTENSION ON CERTIFICATES EXPIRING BEFORE JULY 1, 1943.** The time for payment of the principal on every certificate of sale of state public land which has expired ~~or will expire~~ before July 1, 1943, is ~~hereby~~ extended to December 31, 1943, subject to payment of interest as provided by law and to all other conditions of the certificate, ~~and.~~ Upon payment of ~~such the~~ principal and interest and all other sums due the state upon the land within

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the extended time, a patent for the land shall must be issued to the holder of the certificate as provided by law.

Subd. 2. **EXTENSION FOR SIX MONTHS ON CERTIFICATES EXPIRING AFTER JUNE 30, 1943.** The time for payment of the principal on every certificate of sale of state public land sold before May 1, 1941, which expires ~~on or after July 1~~ June 30, 1943, is ~~hereby~~ extended for a period of six months after the time specified in the certificate, subject to the payment of interest as provided by law and to all other conditions of the certificate, ~~and~~. Upon payment of ~~such~~ the principal and interest and all other sums due the state upon the land within the extended time, a patent for the land shall must be issued to the holder of the certificate as provided by law.

Subd. 3. **NO EXTENSIONS ON VOID CERTIFICATES.** ~~The provisions of This section shall does not apply in any case where if~~ the certificate of sale has been absolutely terminated and made void without right of redemption under any prior or existing law, ~~nor in any case where or if~~ the land has become absolutely forfeited to the state for delinquent taxes.

Subd. 4. **FAILURE TO PAY WHEN DUE.** ~~In every case where If~~ the full amount of principal with interest and all other sums required for ~~obtaining to obtain~~ a patent under a certificate of sale of state public land sold before May 1, 1941, ~~are is~~ not paid before the expiration of the time allowed by law for payment of the principal, the certificate shall be deemed is absolutely canceled and void, and all right, title, and interest of the purchaser, his or her heirs, representatives, or assigns, in the land shall terminate without further act ~~on the part of the state; provided, that.~~ This shall subdivision does not preclude any other method of termination provided by law.

92.212 CERTAIN LANDS PRESUMED ABANDONED.

~~In any case where If~~ full payment of the amount due the state for any state public land sold before May 1, 1941, shall is not ~~have been~~ made before the expiration of the time prescribed in the certificate for full payment of the principal or any extension of ~~such~~ time provided by law, it shall be is presumed that the purchaser and all persons claiming under ~~him~~ have left and the purchaser abandoned the land and all right, title, and interest ~~therein in~~ and claim ~~thereto to it~~, and have released ~~the same it~~ absolutely to the state and its assigns.

92.213 LIMITATION OF ACTIONS.

~~In any case where If~~ full payment of the amount due the state for any state public land sold before May 1, 1941, shall is not ~~have been~~ made before the expiration of the time prescribed in the certificate for full payment of the principal or any lawful extension of ~~such~~ time provided by law, no action for the recovery or possession of the land or for the enforcement of any right, title, or interest ~~therein in~~, or claim ~~thereto shall to it may~~ be maintained by the

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purchaser or any one claiming under ~~him~~ the purchaser unless ~~such~~ the action is commenced within one year after the expiration of ~~such prescribed~~ the time or extension.

92.214 CERTIFICATES DEEMED CANCELED IN CERTAIN CASES.

In every case where If the interest of the purchaser of a tract of state public land as heretofore or shall hereafter become becomes forfeited to the state for delinquent taxes, the certificates shall be deemed are canceled and terminated, and the land shall be held by the state as unsold public land, free from any right, title, interest, or claim of the purchaser, his or her heirs, representatives, or assigns, and free from any trust in favor of any a taxing district.

92.215 TAXES CANCELED.

In every case where If the rights of a purchaser of state public land, his or her heirs, representatives, or assigns, have been or shall hereafter be absolutely terminated in any manner, all unpaid taxes and assessments against the land at the date of such the termination shall be are canceled and the county auditor shall make entry thereof upon his records of such lands must record the termination.

92.22 ~~REFUNDMENT~~ REFUNDS OF TAX CERTIFICATES UPON CERTAIN ON REFORM SCHOOL LANDS.

Any holder of If (1) a tax certificate of sale or state assignment certificate, who became the owner thereof prior to the adoption of Laws 1902, Extra Session, Chapter 2, which describes reform school lands, so-called, or any tract, lot, or subdivision thereof of them, and which (2) the certificate was sold by the state upon contract prior to before 1902, to a purchaser who has since defaulted in the performance of the conditions thereof, on the contract so that the land is now owned in fee simple by the state, and (3) the holder of the certificate became holder before the adoption of Laws 1902, Extra Session, chapter 2, the holder may petition the ~~board of county commissioners~~ board of the county wherein such where the lands are situated, setting forth fully and fairly all the facts pertaining thereto and to the certificate. The board of county commissioners shall thereupon inquire into the truth of the facts alleged in the petition and, If it is satisfied that the facts are fully and fairly stated therein, it shall so certify to the director; and.

If ~~he~~ the director is satisfied that a refundment refund should be made to the holder of the certificate or certificates, or any of them, for the amount thereof, of the certificate without interest, he or she shall authorize the refundment refund of the amount paid therefor, together with for it, plus the amount of other subsequent taxes upon on the property paid by the holder thereof, but without. The refund must not include interest upon on any of these amounts and. Upon the surrender of the proper assignment of these certificates, the

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county auditor shall draw an order upon the county treasurer of the county for the sum so ~~authorized to be refunded, the same to of the refund.~~ The order must be countersigned and paid like other county orders. ~~The several funds, state, county, town, city, school, and other funds, shall be charged with their several proportions of the amount thus refunded.~~

92.23 PAYMENTS; RECEIPTS; LIABILITY OF OFFICIALS.

The holder of any a certificate of sale may pay ~~to the treasurer of the county in which containing the land therein described is situated~~ any amount due on ~~such the~~ certificate. ~~For the amount so paid~~ The treasurer shall issue quadruplicate receipts specifying the date, the name and address of the person making the payment and the date and amount thereof, the amount paid, whether for principal or interest, the fund to which it is applicable, and the number of the certificate, ~~which receipt shall.~~ The receipt must be countersigned by the auditor of the county, and ~~shall have~~ has the same ~~force and effect~~ as if given by the state treasurer. The county treasurer shall deliver one copy to the holder of the certificate, one to the county auditor, one to the commissioner, and retain one copy.

The liability under the official bonds of county treasurers and of their deputies and employees ~~shall include~~ includes liability for the faithful performance of ~~the their~~ duties of ~~such treasurers, deputies, and employees,~~ under this section.

92.24 MONEYS PAID TO STATE TREASURER.

~~Each~~ The county treasurer ~~shall must~~ hold all ~~moneys~~ money received by ~~him~~ on account of ~~such~~ certificates of sale subject to the order of the state treasurer ~~and as of.~~ On June 30 and December 31 each year and at other times when requested by the state treasurer ~~he,~~ the county treasurer shall pay into the state treasury ~~all such moneys the~~ money received since the last payment made.

92.25 FEES OF TREASURER; STANDING APPROPRIATION.

County treasurers ~~shall be~~ are entitled to fees of one percent on each dollar received by them in payment of principal or interest on account of ~~such~~ certificates of sale, ~~which.~~ The fees shall must be paid by the state from the current fund of the class of lands on which the payment is made ~~and shall.~~ They ~~are not be~~ payable to the county under any provision requiring county treasurers to pay fees into the treasuries of their respective counties; ~~and.~~ The necessary sums for the payment of these fees are ~~hereby~~ annually appropriated from the several interest funds.

There is ~~hereby~~ appropriated ~~out of any moneys in the state treasury not otherwise appropriated, such sums as may be from the general fund the amount necessary, from time to time, to pay such amounts as are necessary~~ the fees under this section.

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92.26 STATEMENT OF SALES.

~~On or~~ Before May 1 2 each year the director shall transmit to each county treasurer who has executed and returned his bond a statement showing the lands sold in that county, the classes to which ~~the same~~ they belong, the numbers of the certificates of sale, the ~~names~~ name of the persons to whom ~~they were,~~ respectively, ~~each~~ was issued, and the amount of principal and interest due on each certificate on June 1, ~~together with such.~~ The director shall provide instructions and ~~blanks as shall~~ forms to enable the treasurer to carry out ~~the provisions of~~ this chapter.

92.27 COUNTY AUDITORS; DUTIES AND POWERS.

~~Each county auditor,~~ At the time ~~he is~~ required by law to return abstracts of settlement to the commissioner or at any other time requested by the commissioner, ~~the county auditor shall forward to the commissioner~~ all duplicate receipts of principal, interest, or penalties delivered to ~~him~~ the auditor, with a certified statement of ~~such~~ collections by the county treasurer, ~~specifying.~~ The certified statement must specify the amount of each item, ~~and make such return at any other time when requested by the commissioner.~~ The county auditor shall act as clerk of land sales made by the commissioner and may make ~~such~~ sales when authorized by ~~him~~ the commissioner, in which case ~~his~~ the auditor's deputy shall act as clerk. Immediately after the close of all sales, the county auditor shall report to the commissioner the description of each tract sold, the amount for which it was sold, and the amount paid. For each day while so engaged the county auditor shall be ~~allowed the sum of paid \$3, to be paid.~~ Payment must be made out of any appropriation for the appraisal and sale of these lands.

92.28 PROCEEDS OF SALES; DISTRIBUTION.

The principal sums accruing from all sales by the commissioner of school, university, internal improvement, or other state lands, or of pine timber upon ~~the same,~~ shall become a part of state lands must be deposited in the several permanent funds to which they, respectively, belong ~~and shall.~~ The sums may not be reduced by any costs or charges of officers, by fees, or any other means. ~~All Moneys received as interest on such~~ the funds, ~~or as penalties, or as rents of such~~ the lands, shall become part of must be deposited in the current or general funds to which they, respectively, belong. ~~All Interest and penalties on the internal improvement land fund, and rents of such~~ the land, shall must be compounded with the permanent fund.

92.29 LAND PATENTS.

The governor shall sign and issue, under the seal of the state, attested by the commissioner, a patent for the land described in any certificate of sale when ~~the same~~ it is presented to him endorsed with the certificate of the commissioner ~~endorsed thereon~~ (1) that the principal and interest specified therein in it and all taxes due on this land have been paid and (2) that the patent should issue to the

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named patentee; and such. The patentee shall be the purchaser named in such the certificate of sale, or his the purchaser's successor in interest by execution, judicial, mortgage or tax sale, or his or her assignee, vendee, heir or devisee, as shown by a properly certified abstract of title or other evidence if the named patentee is any person other than the original purchaser. If the certificate of sale has become lost or destroyed, an affidavit stating that fact shall must be submitted by the applicant for a patent.

92.30 STATE TO SELL CERTAIN LANDS.

The department is hereby authorized and directed to take the proper and necessary proceedings, under laws relative to the sale of state swamp lands and state school lands, to may sell any and all state-owned lands, including any lands set apart as school forests or other state forests, lying within the general boundaries of the Superior national forest and the Chippewa national forest, in the state of Minnesota, as such the boundaries now exist or may hereafter be extended, which to the United States may desire to acquire to be included as a part of either of these forests, and which shall. The lands must be designated by the executive council, upon the recommendation of the commissioner, for disposal to the United States for such that purpose, and at such sale these lands shall be purchased for the state by the commissioner at a price not exceeding. The purchase price paid at the sale by the commissioner for the state may not exceed a maximum fixed by the executive council. All laws relating to the sale of state swamp lands and state school lands apply to sales under this section.

92.31 STATE MAY EXCHANGE LAND.

The executive council is hereby authorized and empowered to may exchange any or all of the lands which may be acquired by the state by purchase, as set forth in section 92.30, for lands of the United States of the same general character and of substantially the same value as that in its judgment will promote the best interests of the state upon such. The council may set the terms and conditions as it shall deem proper and to that end of the sale. It may accept or pay out of any available funds such any cash differences as will affect needed to effect an equitable exchange of lands. The executive council is hereby authorized to cause may have any lands so acquired to be under this section appraised by such competent authority as it shall appoint or direct.

92.32 GOVERNOR TO EXECUTE CONVEYANCES.

For the purpose of carrying To carry out the objects of sections 92.30 and 92.31 the governor is hereby authorized and empowered to may execute proper instruments of conveyance in the name and under the seal of the state.

92.321 SALE FOR FORESTRY PURPOSES.

Subdivision 1. **COMMISSIONER MAY SELL LANDS.** Any state public land, except as otherwise reserved, which in the opinion of the commis-

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sioner of natural resources is appropriate and suitable for private forest management, to be used exclusively for the growing of continuous forest crops in accordance with accepted sustained yield practice, may be appraised and offered at public sale, subject to the approval of the executive council, in the same manner as other state land. The commissioner of natural resources may appraise and sell any unreserved state public land which in his or her opinion is suitable for private forest management.

Subd. 2. **CONDITIONS OF SALE.** Sales under this section must be public in the same manner as other state land, after approval by the executive council. Land sold under this section must be used exclusively for growing continuous forest crops in accordance with accepted sustained yield practice. Not more than 1280 acres of such land will may be offered in one parcel nor sold on any other terms than. The sale must be for cash.

92.34 COUNTY LAND CLASSIFICATION COMMITTEE.

There must be a land classification committee in each county of the state having 25 percent or more of its land area delinquent for non-payment of taxes, or where 25 percent or more of its land area is owned by the state or the United States, there shall be a committee of land classification. The committee is composed of the county auditor, the chairman chair of the board of county commissioners, the county treasurer, the county surveyor, and the county superintendent of schools. The chairman chair of the board of county commissioners shall be chairman is chair of the county land classification committee. In any such county having a county agricultural agent, this the agent shall meet and advise with the committee. The committee shall must meet at the office of the county auditor as often as may be necessary upon call of the county auditor.

92.35 DUTIES AND POWERS.

It shall be the duty of The commissioner of energy, planning and development, to must classify all public and private lands in the state with reference to by the use to which the lands are adapted, but principally as to adaptability to present known uses, such as agriculture and forestry. This classification shall must be based upon a on consideration of the known physical and economic factors affecting the use of the land. The commissioner of energy, planning and development shall must consult with private, state, and federal agencies concerned with land use, and. The commissioner may appoint such advisory committees as the commissioner may deem necessary and advisable, made up of residents of the state concerned with and interested in land use. The advisory committees to shall serve without pay, at the pleasure of the commissioner of energy, planning and development, and to. The advisory committee must consider and report upon on land use problems submitted by the commissioner of energy, planning and development. The work of the commissioner of energy, planning and development shall first classification must be done first in the counties having land classification committees. In determining the land

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classification, the commissioner of energy, planning and development shall must consult, advise with, and cooperate with the land classification committee in each county in obtaining and considering the facts upon which to determine the commissioner's land classification; the land classification committee in each county shall consult, advise with, and cooperate with the commissioner of energy, planning and development in like manner, but. The determination of the land classification committee shall be is final.

92.36 LANDS CLASSIFIED.

Upon the basis of all of the facts concerning land use now obtainable and in the manner as provided in sections 92.34 to 92.37 the commissioner of energy, planning and development, shall make and determine a temporary land classification of temporarily classify land areas with reference to the known uses to which the areas are adapted or adaptable. A certified copy of the temporary classification, together with a brief statement of the reasons therefor for it, shall must be recorded in the office of the county recorder in each county in which containing the lands classified are located. No fees shall need be paid for this recording. When After the temporary classification has been adopted by the commissioner of energy, planning and development, none of the lands classified as nonagricultural shall thereafter may be sold or leased by the state for agricultural purposes.

92.37 REPORT TO LEGISLATURE.

The commissioner of energy, planning and development, shall report the results of its the land classification to the legislature with such any recommendations as it may deem deemed advisable.

92.45 STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE; EXCEPTION.

All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses and, with the live timber growing or being thereon hereby on them, are withdrawn from sale except as hereinafter provided in this section. The commissioner of natural resources may sell any such the timber as otherwise provided by law for cutting and removal under such conditions as he shall prescribe or she prescribes. The conditions must be in accordance with approved, sustained-yield forestry practices. He shall The commissioner must reserve such the timber and impose such other conditions as he or she deems necessary for the protection of to protect watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930, (46 Stat. 1020), the timber on state lands shall be is subject to like restrictions as are like those now imposed by said the act on federal lands.

The following land is reserved for public travel: of all such land bordering on or adjacent to meandered lakes and other public waters and watercourses and

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so withdrawn from sale, a strip two rods in width wide, the ordinary high-water mark being ~~the~~ its water side boundary ~~thereof~~, and ~~the~~ its land-side boundary ~~thereof~~ being a line drawn parallel to the ordinary high-water mark and two rods distant landward ~~therefrom~~, hereby is reserved for public travel ~~thereon~~, and ~~from it~~. Wherever the conformation of the shore line or conditions require, the commissioner shall must reserve a wider strip for such purposes.

~~Any such~~ The commissioner may sell state lands bordering on or adjacent to the Mississippi River or any ~~such~~ lakes, waters, and watercourses in ~~the~~ its bottom lands ~~thereof~~, desired or needed by the United States government for, or in connection with, any project heretofore authorized by congress ~~for the improvement of~~, to improve navigation in the Mississippi River, may be sold by ~~the commissioner~~ at public sale according to law, as in other cases, upon application by a fully an authorized United States official, ~~setting forth a description of~~. The application must describe the land and ~~transmitted with include~~ a map showing its location with reference to adjoining properties.

92.46 LANDS AS CAMP GROUNDS.

Subdivision 1. **PUBLIC CAMP GROUNDS.** The director may designate suitable portions of the state lands so withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public camp grounds ~~and cause the same to be~~. The director may have the land surveyed and platted into lots of convenient size, and ~~may lease and let such lots them~~ for cottage and camp purposes under ~~such~~ terms and conditions as he ~~may prescribe or she prescribes~~. No lease shall ~~may~~ be made for a ~~longer term more than ten years, with the privilege of~~. The lease may allow renewal, from time to time, for additional terms of ~~not to exceed no longer than~~ ten years each. All ~~moneys money~~ received from these leases of state lands so withdrawn from sale shall must be credited to the fund to which the proceeds of the land belong.

Subd. 1a. **TERMINATION OF LEASING.** Effective May 22, 1973, no new leases shall may be made pursuant to subdivision 1. ~~In any case where~~ If substantial improvements have been made to land leased pursuant to subdivision 1, the commissioner shall must require the lessee to comply with applicable county ordinances for ~~the~~ management of shoreland areas and shall must cancel any lease for noncompliance with these standards ~~except those unless the~~ substandard uses use is authorized by the county ordinance.

92.461 PEAT LANDS.

Subdivision 1. **PEAT LANDS WITHDRAWN FROM SALE.** All lands now or hereafter owned by the state which are chiefly valuable by reason of deposits of peat in commercial quantities are ~~hereby~~ withdrawn from sale.

Subd. 2. **EXAMINATION BY COMMISSIONER OF NATURAL RESOURCES.** Before any state land is offered for sale the commissioner of natural resources shall ~~cause such land to be examined~~ must examine it to

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determine whether the land is chiefly valuable by reason of deposits of peat in commercial quantities.

92.50 UNSOLD LANDS SUBJECT TO SALE MAY BE LEASED.

Subdivision 1. **LEASE TERMS.** The commissioner of natural resources may lease, at public or private vendue and at the prices and under the terms and conditions as he or she may prescribe, ~~may lease~~ any state-owned lands under his or her jurisdiction and control for the purpose of taking and removing sand, gravel, clay, rock, marl, peat, and black dirt, for storing ore, waste materials from mines, or rock and tailings from ore milling plants, for roads or railroads, or for any other uses ~~not inconsistent~~ consistent with the interests of the state. Except as otherwise provided in this subdivision, the term of the lease ~~shall~~ may not exceed ten years. Leases of lands for storage sites for ore, waste materials from mines, or rock and tailings from ore milling plants, for the removal of peat, or for the use of peat lands for agricultural purposes ~~may be made for~~ not exceed a term ~~not exceeding~~ of 25 years. Leases for the removal of peat ~~shall~~ must be approved by the executive council.

All leases ~~shall be made~~ must be subject to sale and leasing of the land for mineral purposes ~~under legal provisions~~ and contain a provision for their cancellation at any time by the commissioner upon three months' written notice. A longer notice period, not exceeding three years, may be provided in leases for storing ore, waste materials from mines or rock or tailings from ore milling plants. The commissioner may determine the terms and conditions, including the notice period, for cancellation of a lease for the removal of peat. All Money received from leases under this section ~~shall~~ must be credited to the fund to which the land belongs.

Subd. 2. **LEASES FOR TAILINGS DEPOSITS.** The commissioner may grant leases and licenses for ~~terms not exceeding 25 years, subject to cancellation at any time upon three years' notice,~~ to deposit tailings from any iron ore beneficiation plant in any public lake not exceeding 160 acres in area, ~~upon first~~ after holding a public hearing in the manner and under the procedure provided in Laws 1937, chapter 468, as amended; and ~~upon finding in pursuance of such public the hearing:~~

(a) that such use of each lake is necessary and in the best interests of the public; and

(b) that the proposed use will not result in pollution or sedimentation of any outlet stream;

Provided, further, that The lease or license may not exceed a term of 25 years and must be subject to cancellation on three years' notice. The commissioner may ~~impose further conditions and restrictions with respect to restrict~~ use of ~~said the~~ lake to safeguard the public interest, including the requirement and may require that the lessee or licensee acquire suitable permits or easements from

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the owners of all lands riparian to such the lake. Any Money received therefrom shall from the leases or licenses must be deposited in the permanent school fund.

92.51 LANDS SOLD ARE TAXABLE TAXATION; REDEMPTION; SPECIAL CERTIFICATE.

State lands sold by the director shall ~~thereupon~~ become taxable and. A description of ~~each~~ the tract so sold, with the name of the purchaser, shall must be transmitted to the proper county auditor, ~~who shall~~. The auditor must extend the same land for taxation like other land. The interest in the land to be sold for the enforcement of delinquent taxes shall be such Only as is the interest in the land vested by the land sale certificate in the its holder and owner thereof may be sold for delinquent taxes. Upon production to the county treasurer of the tax certificate given upon tax sale, in case the lands have not been redeemed, the tax purchaser shall ~~have~~ has the right to ~~make any payment of pay~~ the principal and interest then in default upon such the land sale certificate as the its assignee thereof. In order To redeem from any such a tax sale, the person redeeming must pay the county treasurer, for the holder and owner of the tax sale certificate, in addition to all sums required to be paid in other cases, all amounts paid by ~~such~~ the holder and owner for interest and principal upon ~~such~~ the land sale certificate, with interest at 12 percent per annum year. When the director, upon receipt of receives the tax certificate to which is attached with the county auditor's certificate of the county auditor of the expiration of the time for redemption, and the county treasurer's receipt of the county treasurer for all delinquent interest and penalty on the land sale certificate, he or she shall issue to the holder and owner of the tax certificate a special certificate embodying with the same terms and ~~conditions and with like force and the same effect,~~ as the original land sale certificate, ~~and in lieu thereof.~~

ARTICLE 4

Section 1. Minnesota Statutes 1984, chapter 219, is amended to read:

219.01 CONSTRUCTION OF RAILROADS TRACK SAFETY STANDARDS.

The track safety standards of the United States department of transportation and federal railroad administration ~~track safety standards shall~~ apply to all railroad trackage and ~~shall be standard are~~ the standards for the determination of unsafe trackage within the state.

219.06 SIGNS AT CROSSINGS.

Every A railroad company shall maintain, wherever any of its lines ~~crosses~~ cross a public road, a proper and conspicuous sign indicating ~~such crossings the crossing.~~ Any such A railroad company failing to comply with ~~any requirement~~

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of this section shall forfeit to the town or municipality having charge of ~~such~~ the road \$10 for each day ~~such~~ the failure continues.

219.071 MAINTENANCE OF GRADE-CROSSING SURFACES.

Subdivision 1. **STANDARDS.** It is the primary responsibility of the owner or lessee of railroad track ~~in Minnesota~~ to ~~maintain~~ keep grade-crossing surfaces over public highways ~~in a safe and passable condition~~ for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces ~~shall~~ must extend the full width of the public highway within the railroad track structure.

Subd. 2. **COST PAYMENT OF COSTS.** If a grade-crossing surface, as defined in section 219.16, ~~is in need of~~ needs repair or maintenance, the cost for the repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds ~~that may be~~ available to the department for grade-crossing surfaces from the following sources:

(1) ~~Moneys~~ money appropriated to the department in the future for the purposes of this section;

(2) available federal funds allocated ~~to this state~~ for the grade-crossing program established by this section; and

(3) ~~Moneys~~ money acquired by the department ~~from any~~ by gift, grant, or contributions contribution from any source for purposes of this section.

Subd. 3. **COST ALLOCATION AGREEMENT.** If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade-crossing surface, a copy of the agreement ~~shall~~ must be filed with the commissioner. If the parties to the negotiations contemplate ~~the use in whole or in part of the~~ using funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.

Subd. 4. **COMMISSIONER DETERMINATION.** (a) If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade-crossing surface, either party may invoke the jurisdiction of the department by (1) filing with the commissioner a statement setting forth the status of negotiations and (2) requesting the commissioner to make a final determination of the dispute.

(b) The commissioner, after ~~written notice to~~ notifying in writing the parties involved in the negotiations and ~~after~~ providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the

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grade-crossing surface within a reasonable time as is needed to comply with the standards set forth in subdivision 1 above.

(c) The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project (1) by the road authority or, (2) from the funds available to the department in subdivision 2 above, or (3) through other formulas as may be practical and reasonable under the circumstances.

(d) A party failing to comply with an order of the commissioner ~~shall be~~ is subject to a penalty of \$50 for each day of noncompliance ~~and each day shall constitute a separate offense,~~ to be recovered for the state in a civil action instituted by the department. Each day of noncompliance constitutes a separate offense.

Subd. 5. **APPEAL.** A party subject to an order issued ~~pursuant to~~ under subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located; ~~and,~~ In case of appeal, the same proceedings ~~shall~~ must be conducted as are now provided by law for an appeal from orders of the commissioner. ~~All~~ Orders of the commissioner ~~shall~~ must be enforced by the attorney general.

219.072 ESTABLISHMENT OF NEW GRADE CROSSINGS.

The establishment of all new grade crossings ~~shall~~ must be approved by the commissioner. ~~When its establishment of a new grade crossing is desired, either by the public officials having the necessary authority or by the railroad company, to establish a new grade crossing and an agreement cannot be reached between the public officials and the railroad company, either cannot agree as to need, location, or type of warning devices required, either party may file a petition with the commissioner setting forth the facts and submitting the matter for determination. The commissioner, after notice as she or he shall deem deems reasonable, shall conduct a hearing and issue his an order determining the matters so submitted.~~

219.08 CROSSINGS; CHANGE OF GRADE.

When ~~any~~ a railroad company changes or raises the grade of its tracks at ~~any~~ a crossing, it shall also grade the approaches on each side so as to make the approach and crossing of the tracks safe for vehicles.

219.09 ~~WHERE MORE THAN ONE TRACK CROSSES HIGHWAY~~ MULTIPLE TRACKS ACROSS ROAD; RAILROAD DUTY OF RAILROAD.

When ~~any such a~~ any such a railroad ~~companies have~~ company has more than one track crossing ~~such highways~~ a highway, it ~~shall be~~ is unlawful to raise or maintain one such track at a higher grade than the other tracks; ~~and if the company shall cause all~~ raise or lower such tracks ~~to be raised or lowered to~~

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about the same level so as not to endanger the safe passage of teams and other vehicles over ~~such~~ the tracks at ~~such~~ those crossings.

219.10 PENALTY FOR VIOLATION.

Subdivision 1. **NONCOMPLIANCE, PENALTY.** Every A railroad company who shall ~~refuse~~ refuses or ~~neglect~~ neglects to comply with the provisions of sections 219.08 and 219.09 for the space of within 30 days after ~~having been being~~ notified to ~~comply~~ comply in writing to comply by any a road authority shall be is guilty of a violation of sections 219.08 and 219.09 and shall be subject to a fine of \$50 for each day thereafter that ~~such~~ the crossing is left in ~~such~~ dangerous and unsafe condition and. Each ~~such~~ day shall constitute of violation constitutes a separate offense.

Subd. 2. **DUTY OF COUNTY ATTORNEY.** The A county attorney of any county may institute court proceedings for the collection of the to collect fines, together with all costs and disbursements on the part of the road authority making the complaint, together with and \$100 attorney's fees for each prosecution.

219.13 FARM CROSSING.

Any A railroad company constructing a railroad so as to leave parts of any a farm on different sides of ~~such~~ the road shall construct a proper farm crossing at some place convenient for ~~such~~ that farm.

219.14 RAILROAD CROSSINGS PROTECTED.

Subdivision 1. **INVESTIGATION.** The board on its own motion may investigate and determine whether any a railroad crossing over any a street or public highway ~~now or hereafter established and traveled or to be traveled in this state, that is or will be opened to public travel,~~ is or will be when opened to public travel dangerous to life and or property, ~~or either, and.~~ The board may order the same crossing protected in any manner it ~~may find~~ finds reasonable and proper, including requiring the company to separate the grades.

Subd. 2. **HEARING.** The board shall give the interested railroad company and road authority ~~such~~ notice of the investigation as it deems reasonable, and an opportunity to be heard before any an order is made.

219.16 GRADE CROSSING DEFINED.

~~When~~ The term "grade crossing" is as used in this chapter it means the intersection of a public highway and of the tracks of any a railroad, however operated, on the same plane or level, except street railways within city limits.

219.17 UNIFORM WARNING SIGNS.

The commissioner by rule shall require that uniform warning signs be placed at grade crossings ~~in this state.~~ There shall must be at least three distinct

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types of such uniform warning signs: a home crossing sign, for use in the immediate vicinity of the crossing; an approach crossing sign, to indicate the approach to a grade crossing; and, when deemed necessary, a stop sign when deemed necessary, which shall have with the word "stop" plainly appearing thereon on it, to indicate the necessity to that persons on the highway approaching the crossing, whether in vehicles or otherwise, to must come to a stop before proceeding over the grade crossing.

219.18 RAILROAD TO ERECT SIGNS.

At each grade crossing in this state hereafter established after April 23, 1925 and at each grade crossing where and when the existing crossing signs existing as of April 24, 1925 are replaced, the railway company operating the railroad thereat at that crossing shall erect and maintain on the highway on each side of the railroad track or tracks and within a distance of 75 feet from the nearest rail, one or more of such uniform home crossing signs. The signs must be on each side of the railroad tracks and within 75 feet from the nearest rail.

219.19 ADDITIONAL WARNING SIGNS; ROAD AUTHORITY TO PROVIDE PROVIDED.

At each grade crossing where, because of the conditions surrounding the same it, the reasonable protection to life and property makes it necessary for necessitates placing additional warning signs to be placed on the highway at a greater distance farther from the crossing than the home crossing signs, approach warning signs shall must be installed. The commissioner may designate any grade crossings requiring additional signs on either or both sides of the crossing. When any the commissioner designates a crossing is designated by the commissioner as requiring additional protection, she or he shall notify the road authority having the care of the highway. The road authority shall, within 30 days after notification, shall furnish and maintain uniform signs in the appropriate places on the highway on either or both sides of the grade crossings.

219.20 STOP SIGNS.

Subdivision 1. **WHEN INSTALLATION REQUIRED; PROCEDURE.** At each grade crossing where, because of the dangers attendant upon its use, the reasonable protection of life and property makes it necessary for all persons approaching the same crossing to stop before crossing the railroad tracks thereat, such stop signs shall must be installed. The commissioner may designate any such a crossing requiring such this additional protection as a stop crossing, and shall notify the railway company operating the railroad thereat at the crossing of such this designation. Within 30 days after such notification it shall be, the duty of such railway company to shall erect such the uniform stop crossing signs in conspicuous places on each side of the crossing.

Subd. 2. **STOPPING DISTANCES.** When a stop sign has been erected at a railroad crossing, the driver of any a vehicle shall stop within 50 feet, but not

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less than ten feet, from the nearest track of the crossing and shall proceed only upon exercising due care.

219.22 STOP, LOOK, AND LISTEN.

Before proceeding across the railroad track at ~~any~~ a crossing marked with such a stop sign, it shall be the duty of all persons controlling the movement of vehicles to drivers shall bring such their vehicles to a full stop and to ascertain whether or not trains are approaching such the crossing.

219.23 WATCHMEN CROSSING GUARD; RAILROADS TO PROVIDE.

If the board finds in ~~any an~~ investigation instituted by the commissioner or upon complaint and after opportunity for hearing, the board finds that a watchman crossing guard is necessary for the protection of to protect life and property at any a grade crossing, it shall order the railway company operating the railroad ~~thereat at~~ the crossing to provide a watchman crossing guard and shall specify in the order the hours during which when the presence of the same guard is required. It shall ~~thereupon be the duty of~~ The railway company to shall then provide a watchman crossing guard during that time. The watchman crossing guard shall have full control over the traffic at this crossing.

219.24 ADDITIONAL SAFEGUARDS.

If the board finds in ~~any an~~ investigation instituted upon the commissioner's own motion or upon complaint and after notice and hearing, the board finds that conditions exist at any a grade crossing which in its opinion require any additional safeguards for the protection of to protect life and property, such as crossing gates or other suitable devices, the board shall specify the nature of the devices required and may order the railway company operating the railroad at such the crossing to install the same them.

219.26 GRADE CROSSINGS PROTECTIVE CROSSING DEVICES; UNIFORMITY OF DEVICES FOR PROTECTION.

It shall be the duty of The commissioner, so far as practicable, to shall secure uniformity in the devices used to protect grade crossings. No such devices shall may be installed until the same they have been approved by the commissioner. All such devices which are now in use or which may be hereafter installed, which, in the opinion of the commissioner, conflict with the devices approved by the commissioner, either in their design or method of operation, so as to create a hazardous condition hazard to the travel at such the crossing, shall must be immediately modified by the railroad company controlling the same so as crossing to conform to those devices approved by the commissioner.

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219.27 VACATING OR RELOCATING CROSSINGS; HEARINGS.

When it is ~~desired~~, either by the public officials having the necessary authority or by the railway company operating the railroad, desires to vacate or relocate ~~any~~ a crossing of a public highway and a railroad, ~~and an agreement cannot be reached between such public officials and the railway company, then~~ either as to ~~such~~ the vacation or relocation, or as to the place, manner of construction, or a reasonable division of expense in the case of a relocation, either party may file a petition with the board, setting forth the facts and submitting the matter to it for determination; ~~whereupon~~. The board shall then conduct a hearing and shall issue its order determining the matters ~~so~~ submitted; ~~and~~. Unless the board finds that the interests and safety of the public require the continued existence of ~~such~~ the crossing, it may order the ~~same to be~~ crossing vacated or relocated, ~~as the case may be~~.

219.28 OVERHEAD OR UNDERGROUND APPROVAL OF CROSSINGS; AND SEPARATE GRADES.

The board shall approve the establishment of all overhead or underground crossings or separation of grades.

219.29 OBSTRUCTING PROHIBITED SIGNS.

Subdivision 1. OBSTRUCTING SIGNS. No person, firm, or corporation shall place or maintain any advertising sign or other similar obstruction upon, over, or adjacent to any a highway between any such an approach sign and the grade crossing which it marks, ~~nor shall any~~.

Subd. 2. RESEMBLING SIGNS. No person, firm, or corporation shall place or maintain, upon, over, or adjacent to any a public highway in this state any sign or symbol in any manner resembling the signs provided for in sections 219.16 to 219.30.

219.30 INJURING, DESTROYING SIGNS.

It shall be is unlawful for any a person to maliciously injure, remove, displace, deface, or destroy any of the signs or signals provided for in sections 219.16 to 219.30.

219.31 BUILDING FENCES AND CATTLE GUARDS.

Subdivision 1. DUTY. Every railroad company shall build and maintain good and substantial fences on each side of all lines of its railroad owned and operated by it, good and substantial fences, and build and maintain good and sufficient cattle guards at all road and street crossings and other openings, except at station and depot grounds, and other places which the necessary business of the road or public convenience requires to be open.

When the a person's land of any person lying along the a railroad right-of-way of any railroad is enclosed on three sides by a woven wire fence,

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~~such~~ the railroad company shall erect and maintain a woven wire fence of like character and quality along the right-of-way enclosing the remaining side of the land. In the ~~building and maintenance~~ of these fences and cattle guards, every ~~such~~

Subd. 2. STANDARD OF CARE. The ~~railroad~~ company shall be is held to the exercise of ordinary diligence and care ~~and to such ordinary diligence and care in building and maintaining fences and cattle guards and~~ in keeping ~~such~~ cattle guards free from ice and snow.

219.32 FAILURE TO FENCE; LIABILITY AND DAMAGES.

~~Any A~~ railroad company failing to comply with the requirements of section 219.31 shall be is liable for all resulting damages, including domestic animals killed or injured by its negligence. If it fails to pay the actual damages caused by the killing or injury within 30 days after the damage occurs, the plaintiff shall recover double costs. The company, before the commencement of an action, may make tender for the injury. If the amount recovered, exclusive of interest, does not exceed the tender, the plaintiff shall not recover costs or disbursements.

219.33 FENCES; CROSSINGS; CATTLE GUARDS; LANDOWNER RECOURSE.

Subdivision 1. LIABILITY. ~~Any A~~ railroad company operating a line of railroad in this state, which has failed or neglected to fence the road and to erect crossings and cattle guards, shall be is liable for all damages sustained by ~~any a~~ person ~~in~~ as a consequence of ~~such that~~ failure or neglect.

Subd. 2. MEASURE OF DAMAGES. The measure of damages for failure to construct or maintain ~~such a~~ fence shall be is as follows: the owner of ~~any~~ land abutting on the line of railway of ~~such the~~ railroad company may serve notice on any of its station agents between April 1 and October 1 of any year, requiring the construction of a fence on the line between ~~his the~~ person's land and ~~its the~~ company's right-of-way. If ~~such the~~ company shall does not construct the ~~same~~ fence within 40 days after service of ~~such the~~ notice, the landowner may recover ~~of from~~ the company an amount not exceeding twice the cost of ~~such~~ construction, with costs and reasonable attorney's fee, to be allowed by the court, or ~~he the~~ landowner may construct ~~such the~~ fence after the expiration of ~~such that~~ time and receive from the company double the cost of construction, with like costs and attorney's fee.

Subd. 3. DUTY TO MAINTAIN. ~~Such~~ The fence shall must be kept in repair by ~~such the~~ railroad company in like manner and under like penalties as if built by ~~such the~~ company.

Subd. 4. FAILURE TO SERVE NOTICE. Failure to serve ~~such~~ notice shall does not relieve ~~such the~~ railroad company from liability for damages for

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injuries to persons or domestic animals or other property, resulting from failure to fence its road.

219.34 FENCES BETWEEN RAILROAD AND PUBLIC ROAD.

If ~~any a~~ a railroad company shall ~~fail~~ fails to fence its line where ~~the same~~ it adjoins a public road or street, or lies so near ~~thereto~~ there as to render travel ~~thereon~~ on it dangerous, the governing body of the town or municipality having charge of ~~such~~ the road or street, by notice as in ~~the~~ the case of ~~an~~ an abutting landowner, may require ~~such~~ the fence to be built; ~~and,~~ and, In case of failure to build ~~such~~ the fence within the time provided in section 219.33, ~~such~~ the town or municipality shall ~~have~~ has the rights and remedies given by section 219.33 to ~~such~~ an abutting owner.

219.35 CROSSINGS AND DRAINS.

Persons owning lands abutting upon a railroad may construct, at their own expense, crossings under, over, or across ~~such~~ the railroad and drains under and across the ~~same~~ same railroad at ~~such~~ such places and in ~~such~~ such manner as ~~ways that do~~ ways that do not to obstruct or impair the use of ~~such~~ the railroad, ~~which.~~ which. These crossings and drains shall ~~must~~ must be maintained and kept in repair by the railroad company. Before constructing ~~the same~~ them, the owner of the land shall serve on the nearest station agent of the company a notice, stating in detail the work which ~~he~~ the landowner desires to perform, and the company may construct ~~such~~ that work; but the ~~same~~ same shall crossings and drains may not be opened for the use of the landowner until ~~she~~ she or ~~he~~ he pays the reasonable cost of construction.

219.36 GATES AT FARM CROSSINGS.

~~Any~~ A railroad company, which shall ~~erect~~ erects at a farm crossing a gate for the exclusive use of the owner and occupants of ~~such~~ that farm, ~~provide~~ provides a lock for the ~~same~~ same gate, and ~~deliver~~ delivers the key thereof for the lock to ~~such~~ the owner or occupant, shall ~~is~~ is not be liable to ~~such~~ the owner or occupant for ~~any~~ an animal killed or injured by ~~reason~~ reason of ~~such~~ because the gate ~~being~~ was left open without fault of ~~such~~ the company, unless ~~such~~ the killing or injury ~~results~~ resulted from the wanton or malicious act of ~~such~~ the company or its employees.

219.37 DITCHES AND CULVERTS.

It shall be the duty of every A railroad company, or receiver or lessee thereof of a railroad company, operating a line of railroad in the state ~~to,~~ shall keep clean at all times between the first day of April and the first day of November of each year all ditches and culverts constructed by them for the drainage of their roadbed or right-of-way. This section ~~shall~~ does not apply to ditches and culverts not located upon the right-of-way of ~~any~~ a railroad.

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219.383 SAFE OPERATION OF TRAINS OVER STREETS AND HIGHWAYS ROADS; PENALTY.

Subdivision 1. **RATE OF SPEED FOR TRAINS FIXED BY BOARD.** The board, on petition of any a city council or any a railway corporation, may fix and determine after a hearing a reasonable rate of speed for the operation of an engine or train on and over any a railroad crossing of a public highway or street in such that city.

Subd. 2. **MAXIMUM RATE OF SPEED.** Where the board has fixed the rate of speed of an engine or train over a public highway or street crossing in a city as provided in this section, such rate of the fixed speed so fixed shall be is the lawful maximum rate of speed at which an engine or train can may be operated on and over such that public highway or street crossing, until changed by subsequent order of the board.

Subd. 3. **NOT TO BLOCK PUBLIC ROADS OR STREETS.** No railway corporation shall permit any a public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or by a switching movement which continuously blocks a crossing for a longer period than ten minutes, provided, This section shall subdivision does not apply to cities of the first class which regulate obstruction of streets by ordinance.

Subd. 4. **PENALTY.** Any A railway corporation violating any provision of this section shall be is guilty of a misdemeanor and upon conviction therefor shall be is liable for a fine of not less than \$25 nor more than \$100.

219.39 DANGEROUS CROSSINGS; COMPLAINTS; HEARINGS.

Upon written complaint authorized by the governing body of any a city or county, or by the board of supervisors of any a town, or by authorized officers of a subject railroad, alleging that any a railroad crossing with any a street, road, or highway in the city, town, or county is dangerous to life and property, and giving the reasons therefor for the allegations, the commissioner shall investigate the matters contained in the complaint, and, where when necessary, initiate a hearing before the board.

219.40 DETERMINATION; ORDER; FLAGMEN FLAGGER OR SAFETY DEVICE.

Subdivision 1. **BOARD DETERMINATION.** (a) If a complaint is made under section 219.39, the board shall determine, after investigation by the commissioner or after hearing, whether the crossing is hazardous and may require the railroad company to (1) provide flagmen flaggers at the crossing, or to (2) adopt safety devices as the board may deem deems necessary for the proper protection of to protect the crossing properly, or may require the removal of (3) remove any structure, embankment, or other obstruction to the view, or may

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require (4) close the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to, or (5) construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state transportation department interested, on terms and conditions as may seem just and equitable.

(b) The board may require the complaining city, town, or county to remove any an embankment, structure, or other obstruction to the view as may be reasonable and necessary to properly protect the crossing.

Subd. 2. HEARING. If the complainant road authority, or the railroad files exceptions to an order of the board made under this section without a hearing, the board shall convene a hearing on the original complaint.

Subd. 3. ORDER; COSTS ALLOCATED. If the board or its designee after notice and hearing orders (1) the installation of a safety device, or (2) the construction, reconstruction, modernization, or replacement of major parts, as defined by rule of the board, of said the safety device devices, gates, or other type types of special protection, or (3) the removal of a structure, embankment, or other obstruction to the view, or orders (4) the construction, reconstruction, or maintenance of an underground or overhead crossing on any a public road, street, or highway, it may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on the basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the board on the basis of benefit to the users of each; or However, the board may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where

Subd. 4. FUNDS TO PAY COSTS. (a) If a state trunk highway is involved, the state's share of the costs shall must be paid from any funds available to the department of transportation.

(b) In all other cases the public's share of the costs shall must be paid from available funds or from the trunk highway fund, if ordered by the board, or from any combination of the above these funds or other available funds; provided that any a highway, street, or road fund shall must only be expended for the costs on a highway, street, or road within the political subdivision charged with the its maintenance and care thereof and only upon the highways, streets, or roads for which the fund was allocated, or for which the fund was created. Any crossing safety devices or improvements installed or maintained under provisions of this chapter as approved by the board, whether by order or otherwise, shall be deemed adequate and appropriate protection for the crossing.

[219.402] ADEQUATE CROSSING PROTECTION.

Crossing safety devices or improvements installed or maintained under this chapter as approved by the board, whether by order or otherwise, are adequate and appropriate protection for the crossing.

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219.403 NOT TO AFFECT EXISTING LAWS RELATING AS TO MUNICIPALITIES.

Nothing in section 161.20, 219.40, 219.403, or 219.071 shall be construed to ~~change any changes~~ existing law relating to the rights and liabilities of any a city, town, or county in connection with the construction or maintenance of any a railroad crossing, grade separation, or signal system, or ~~to impair~~ impairs the terms or conditions of any an existing arrangement or agreement, or renewals thereof of it, between any a railroad company and any a municipality with ~~reference to for~~ the maintenance of any a railroad crossing, grade separation, or signal system.

219.41 APPEAL; ORDER, HOW ENFORCED.

Any A railroad company, or the city, town, or county making the complaint, may appeal from an order of the board to the district court of the county in which the crossing is located; ~~and, in case of such appeal,~~ The same appeal proceedings ~~shall be had~~ must be held as is now provided by law for an appeal from orders of the board. ~~All~~ Orders of the board ~~shall~~ must be enforced by the attorney general.

219.42 FAILURE TO COMPLY; PENALTY.

Any A railroad company or any city, town, or county failing to comply with any an order of the board that is not appealed from; or, if appealed from, affirmed in whole or in part, ~~shall be~~ is liable to a penalty of \$50 for each ~~and~~ every day of such noncompliance, to be collected in civil action brought by the attorney general.

219.44 CHARTER POWERS NOT ABRIDGED.

Nothing ~~contained~~ in sections 219.39 to 219.44 shall be construed as ~~repealing, abridging, modifying, or in any manner affecting~~ repeals, abridges, modifies, or affects the power contained in the charter of any a city ~~in this state~~ to require railroads to maintain gates, ~~flagmen~~ flaggers, or safety devices at public highway crossings ~~therein in that city,~~ or any ordinance ~~now existing or hereafter enacted pursuant to such~~ that power.

219.45 CLEARANCE BETWEEN STRUCTURE AND CARS.

The provisions of Sections 219.45 to 219.53 shall apply to any a person, corporation, or anyone owning, operating, or maintaining any a structure or obstruction adjacent to any railway tracks and to any a corporation ~~or,~~ receiver thereof of the corporation, or ~~to any persons~~ person while engaged as a common ~~carriers~~ carrier in the transportation by railroad of passengers or property ~~within this state~~ to which the regulative powers of this state extend, except ~~railways a~~ railway operated by the electric trolley system.

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219.46 UNLAWFUL STRUCTURES; CLEARANCES.

Subdivision 1. **STRUCTURES.** (a) On and after the passage of Laws 1913, Chapter 307 April 16, 1913, it shall be ~~is~~ unlawful for any a common carrier, or any other person, to erect or reconstruct and thereafter maintain on any a standard gauge road on its line or on any a standard gauge sidetrack used in connection therewith, for use in any traffic mentioned in section 219.45, any:

(1) to erect or reconstruct and maintain an adjoining warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction, ~~or~~ within eight feet of the centerline of the track or sidetrack;

(2) in excavating, to allow any an adjoining embankment of earth or natural rock to remain upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than within eight feet measured from of the center line of the track, which structure or obstruction adjoins on standard gauge roads; nor shall any or sidetrack; or

(3) to erect or reconstruct overhead wires, bridges, viaduct viaducts or other obstruction obstructions passing over or above its tracks as aforesaid be erected or reconstructed at a less height less than 21 feet, measured from the top of the track rail.

(b) If after May 1, 1943, overhead structures or platforms or any structures designed only to be used in the loading or unloading of cars are rebuilt or remodeled, then such these overhead structures shall must be built with an overhead clearance of not less than 22 feet from the top of the rail and such. These structures or platforms shall must be built with a side clearance of not less than eight 8-1/2 feet six inches from the center line of the track unless by order the commissioner may provide otherwise.

Laws 1913, Chapter 307, shall (c) Sections 219.45 to 219.53 do not be construed to apply to yards and terminals of depot companies or railway companies used only for passenger service. In the event of If personal injury is sustained by any an employee of any such a depot company in this paragraph mentioned or railway company used only for passenger service, by reason of noncompliance with the provisions of Laws 1913, Chapter 307 sections 219.45 to 219.53, such that employee, or in case of his the employee's death, his or her personal representative, shall have all has the rights, privileges, and immunities enumerated in Laws 1913, Chapter 307, section 9 219.53.

(d) On and after May 1, 1943, it shall be ~~is~~ unlawful for any a common carrier, or any other person, to erect or construct on any a standard gauge road on its line or on any a standard gauge sidetrack or spur used in connection therewith, for use in any traffic mentioned in section 219.45, any:

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(1) to erect or construct and maintain an adjoining warehouse, coal chute, stock pen, pole, mail crane, standpipe, hog drencher, or any permanent or fixed structure or obstruction, ~~or~~ within 8-1/2 feet of the centerline of the track;

(2) in hereafter excavating, to allow any an adjoining embankment of earth or natural rock to remain upon its line of railroad, or on any sidetrack used in connection therewith at a distance less than eight within 8-1/2 feet six inches measured from of the center line of the track, which said structure or obstruction adjoins on standard gauge roads, nor shall any or sidetrack; or

(3) to erect or construct overhead wires, bridges, ~~viaduct~~ viaducts, or other ~~obstruction~~ obstructions passing over or above its tracks as ~~aforsaid~~ be erected or constructed at a less height less than 22 feet, measured from the top of the track rail.

Subd. 2. **CLEARANCES ON PARALLEL TRACKS.** (a) On and after May 1, 1943, it ~~shall be is~~ unlawful for any ~~such a~~ common carrier to construct any track used for the ~~purpose of moving any cars engaged in the movement of traffic where if~~ center line of such the track is at a distance of less than within 14 feet from the center line of any other parallel track which it adjoins, provided that.

(b) In addition, no ladder tracks ~~shall may~~ be in closer proximity to any an adjacent ladder track than 19 feet measured from the center line of each track, nor in closer proximity to any other parallel track than 17 feet measured from the center line of each track.

(c) The distance between tracks may be diminished or closed up a necessary distance for track intersections, gauntlet tracks, turnouts, or switch points.

Subd. 3. **MAY MAINTAIN EXISTING STRUCTURE.** It ~~shall not be unlawful for any A~~ common carrier or any other person to may maintain any an overhead structure or structure alongside of a track referred to in sections 219.45 and 219.46 provided that said if the structure was not erected in violation of law.

Subd. 4. **MAY MAINTAIN EXISTING TRACKS.** It ~~shall not be unlawful for any (a) A~~ common carrier or any other person to may:

(1) maintain or reconstruct any presently existing tracks now in existence which were constructed after April 16, 1913, in accordance with the then existing clearance law or to;

(2) maintain or reconstruct tracks which, if constructed prior to said date before April 16, 1913, were constructed with clearances as provided in Laws 1913, chapter 307; or to

(3) maintain or reconstruct tracks built in accordance with the provisions of Laws 1913, chapter 448.

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(b) As to tracks that were constructed with a less clearance less than 13 feet between center lines prior to before April 16, 1913, it is hereby declared that the maintenance of a clearance of less than 13 feet between center lines in railroad switching yards may create a hazard and, The commissioner is hereby authorized may require adequate and safe clearances as rapidly as possible in the yards on petition by an affected party and, after hearing, and where a greater clearance can be reasonably provided, to require adequate and safe clearances as rapidly as possible in such yards.

Subd. 5. **MAY EXTEND EXISTING YARD TRACKS.** It ~~shall~~ is not be unlawful to extend existing yard tracks or other tracks at the clearance which now exists between said tracks ~~provided that said them if the~~ tracks were constructed either before or after April 16, 1913, with clearances as provided in Laws 1913, chapter 307.

Subd. 6. **MAY MAINTAIN ADDITIONAL TRACKS.** It ~~shall~~ is not be unlawful to construct or maintain additional tracks at less than the required clearance on or under existing bridges which were constructed after April 16, 1913, with clearances as provided in Laws 1913, chapter 307.

Subd. 7. **ORDER FOR LESS CLEARANCE.** The board after a hearing may authorize, in the construction and reconstruction of bridges and tunnels, by general order (1) a less clearance less than eight 8-1/2 feet six inches from the center line of the track at a height of not to exceed six feet above the top of the rail, and (2) a clearance of less than eight 8-1/2 feet six inches from the center line of the track at a point ~~which shall not be less than 14~~ 14-1/2 feet 6 inches above the top of the rail.

219.47 CLEARANCE EXCEPTIONS.

Subdivision 1. **PERMANENT.** The board ~~may,~~ upon application made, after a thorough investigation and hearing in any particular case, may permit any a common carrier or any, person, or corporation to which Laws 1913, Chapter 307, as amended, applies sections 219.45 to 219.53 apply, to erect any an overhead or side obstruction at a less distance from closer to the track than ~~herein~~ provided for in section 219.46, and to construct any track or tracks at a less clearance than ~~herein~~ provided for in section 219.46, and to reconstruct and maintain the same ~~them~~ when in the judgment of the commissioner a compliance with the clearance prescribed ~~herein~~ would be in section 219.46 is unreasonable or unnecessary or the erection or construction of ~~such the~~ overhead or side obstruction or tracks or the reconstruction and maintenance of the same ~~them~~ at a less clearance than ~~herein~~ provided would in section 219.46 will not create a condition unduly hazardous to the employees of the ~~that~~ common carrier or any, person, or corporation.

Subd. 2. **TEMPORARY.** The commissioner ~~may,~~ upon application made, may grant temporary clearance variances, with appropriate safeguards and

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without hearing, for statutory encroachments ~~which result~~ resulting from emergency or temporary construction situations.

219.50 OBSTRUCTING SPACE BETWEEN TRACKS.

It shall be is unlawful for ~~any such~~ a common carrier ~~or any~~ person, or corporation subject to which sections 219.44 to 219.52 apply to permit the space between or beside ~~such of its tracks as are that is~~ ordinarily used by yardmen and other employees in the discharge of their duties, and ~~is within eight 8-1/2 feet six inches~~ of the center line of ~~any such~~ the track, to become or remain obstructed by any a foreign obstacle that will interfere with the work of the employees or subject the employees to unnecessary hazard. ~~The~~ This space between or beside the tracks, as aforesaid, and between the rails of the tracks must be kept in a condition as to permit the employees to pass over or between the tracks or to use the same space day or night and under all weather conditions without unnecessary hazard.

219.51 PENALTIES.

Subdivision 1. VIOLATION. ~~Any A~~ common carrier, corporation, or person subject to ~~the provisions of~~ sections 219.45 to 219.53 violating any of the provisions ~~thereof of those sections~~, shall be is liable to a penalty of not more than \$500 for each violation; ~~and.~~

Subd. 2. FAILURE TO CORRECT. If any a common carrier, person, or corporation shall thereafter fail (1) fails to correct any a violation of sections 219.45 to 219.53 when ordered to ~~correct the same~~ by the commissioner or board and has failed to do so within the time provided in the order of ~~the board or commissioner~~, and ~~no~~ (2) does not appeal has been taken from the order, then the failure of such common carrier, person, or corporation to correct the condition causing a violation of sections 219.45 to 219.53 as in the order of ordered by the commissioner or board provided shall ~~constitute~~ constitutes a new and separate offense distinct and separate from the original violation of sections 219.45 to 219.53, ~~such.~~

Subd. 3. DUTIES OF ATTORNEY GENERAL. ~~The~~ penalty to ~~must~~ be recovered in a suit to be brought in the name of the state of Minnesota by the attorney general or under his direction in any a court having jurisdiction thereof in the locality where ~~such the~~ violation shall have been was committed, and it shall be the duty of the attorney general. Under the direction of the commissioner or board to, ~~the~~ attorney general shall bring such suit upon receipt of duly verified information being lodged with him by ~~from~~ any person of ~~such a~~ violation being committed, and it shall also be the duty of. The commissioner or board to shall lodge with the attorney general information of any such violation as may come to their knowledge.

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219.52 WARNING SIGNS; STRUCTURES IN CLEARANCES.

~~Where any~~ If a structure is at a less distance from nearer the track than as provided by sections 219.45 to 219.53, the board shall provide for warning signs to be placed ~~thereon~~ on it of a design and type as the board shall ~~deem~~ considers proper unless the board ~~shall determine~~ determines a sign is unnecessary. ~~It shall be the duty of the Railroad inspectors of the department of labor and industry to shall report to the commissioner and to the attorney general any violation of the provisions of sections 219.45 to 219.53 of which they may obtain knowledge.~~

219.53 CONTRIBUTORY NEGLIGENCE.

~~Any~~ An employee of a common carrier who, while in the performance of his duty performing duties and while engaged in any commerce mentioned in section 219.45, subject to the regulative provisions of sections 219.45 to 219.53, may be is injured or killed by reason of (1) a violation of section 219.50, ~~or by reason of any~~ (2) a structure or obstruction erected or maintained prior to before the passage of or in violation of sections 219.45 to 219.53, ~~or in violation of these provisions, or~~ (3) a structure or obstruction erected or maintained in closer proximity to the rails than provided in sections 219.45 to 219.53 shall not be deemed to have assumed the resultant risk ~~thereby occasioned~~ or to have been guilty of contributory negligence although the ~~employees~~ employee continued in the employ of ~~such~~ the common carrier after becoming aware of the use of ~~such~~ the permanent overhead or side structure or obstruction of any kind or character mentioned in sections 219.45 to 219.53 ~~shall have been brought to his knowledge; and.~~

An exercise of the permission provided for in section 219.47 ~~shall be~~ is at the sole risk of the carrier.

219.54 FREIGHT PLATFORMS.

~~Every railroad company shall provide at all stations in statutory cities containing 250 inhabitants or more Within 30 days after written notice, served in the same manner as a summons in district court, from the city council governing body of such a statutory city requiring such company so to do, containing 250 inhabitants or more, a railroad company shall provide platforms at stations as required by the city and at other stations and sidings when required by the board.~~ These platforms must:

(1) be immediately alongside of its the railroad company's tracks or sidetracks, ~~platforms with;~~

(2) have approaches at each end;

(3) be suitable and convenient for loading upon and unloading from its cars heavy machinery and other freight. ~~The platforms shall~~ upon and from the railroad company's cars;

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(4) be at least 12 feet wide, strongly built, and floored with ~~plank~~ planking at least three inches thick. ~~The platforms, exclusive of approaches, shall;~~

(5) be at least 32 feet long ~~and of,~~ exclusive of approaches;

(6) be the height of the floor of an ordinary boxcar; ~~and the~~

(7) have approaches of such grade that heavily loaded vehicles and equipment can be driven ~~up and down the same~~ on them.

Any company failing to comply with the ~~provisions~~ of this section shall forfeit to the state not less than \$500 nor more than \$1,000 for every 30 days that the failure ~~shall continue~~ continues.

219.55 LOADING PLATFORMS.

When required by the board, ~~every~~ a railroad company shall construct and maintain at each station and siding a suitable platform for the ~~purpose~~ of loading grain, livestock, and other commodities into its cars for shipment. The board may require the enlargement of ~~any the~~ platform ~~so constructed~~ or the construction of additional platforms at ~~any such a~~ station or siding, when it deems it necessary for that purpose. ~~Every such A~~ company which ~~shall fail that fails~~ to construct ~~any such the~~ platform within 60 days after the service ~~on it~~ of the ~~board's~~ order of the board requiring such construction, shall forfeit to the state \$25 for each day thereafter that ~~such the~~ platform remains unconstructed.

219.551 LOCOMOTIVES; WATER AND TOILET FACILITIES.

Subdivision 1. **SCOPE OF DEFINITIONS.** As used in this section, the following words and phrases, unless a different meaning is plainly required, shall have the meanings given them.

Subd. 2. **INITIAL TERMINAL DEFINED.** "Initial terminal" means the terminal within the state of Minnesota from which an operating unit is dispatched and at which regular maintenance forces are available to repair defective water coolers and toilet facilities.

Subd. 3. **OPERATING UNIT DEFINED.** "Operating unit" means a locomotive or one of the locomotives in a consist, but does not include a switch engine.

Subd. 4. **CONSIST DEFINED.** "Consist" means two or more locomotives coupled together and used to propel other railroad rolling stock.

Subd. 5. **WATER.** Each operating unit or a switch engine used as a single unit when put into service from an initial terminal ~~shall~~ must be provided with paper cups and at least one gallon of potable water ~~in an amount of not less than one gallon to be~~ supplied by a water cooler, ~~the same shall~~ which must be in a sanitary, clean, and operating condition.

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Subd. 6. **TOILET.** Each operating unit purchased new, ~~and~~ not reconditioned, ~~and~~ put into service from an initial terminal ~~shall~~ must be equipped with a dry hopper, gas or electric incinerator, or other suitable toilet facility, if ~~such~~ the operating unit is used for a road operation of 50 miles or more away from the initial terminal. After July 1, 1972, each consist used in road operations of 50 miles or more away from the initial terminal ~~shall~~ must have at least one operating unit equipped with a dry hopper, gas or electric incinerator, or other suitable toilet facility; provided, however, in the case of transfer or switching service or emergency or emergency need for additional diesel power equipment, this requirement ~~shall~~ does not apply. When put into service from an initial terminal, ~~all~~ diesel toilet facilities ~~shall~~ must be in a sanitary, clean, and operating condition. Unless otherwise actually required by operating conditions or emergency, the operating unit having the toilet facilities ~~shall~~ must be positioned at the head end of a consist.

Subd. 6a. **FAILURE OF TOILET OR WATER FACILITIES.** The diesel toilet facilities and water cooler facilities required by this section ~~shall~~ must be kept in a sanitary, clean, and operating condition. ~~In the event of~~ When a failure of the required equipment and standards of maintenance occurs after a locomotive has commenced to move in service, the railroad operating that locomotive ~~shall~~ is not be deemed in violation of this section if ~~said~~ the failure of equipment or standards of maintenance is corrected at the next initial terminal.

Subd. 7. **PENALTY.** ~~Any~~ A person, company, corporation, or ~~its~~ receiver thereof, operating ~~any~~ a railroad in the state violating ~~any~~ of the provisions ~~violation~~ of this section ~~shall~~ be ~~is~~ guilty of a misdemeanor; and, upon conviction thereof, ~~shall~~ be ~~is~~ liable for a penalty of not less than \$25 nor more than \$100 for each offense; ~~and,~~ The use of ~~any~~ one ~~an~~ operating unit not equipped as provided in this section ~~shall~~ constitute ~~constitutes~~ a separate offense for every day or part of a day so used. ~~Such~~ The penalty ~~shall~~ must be recovered in a suit brought in the name of the state of Minnesota in any court having jurisdiction thereof in the county in which ~~said~~ the initial terminal is situated, by the attorney general ~~or~~ under his direction or by the county attorney of ~~said~~ that county.

219.56 CABOOSE CARS.

It ~~shall~~ be ~~is~~ unlawful for ~~any~~ a person, corporation, or company operating ~~any~~ a railroad in the state to require or permit the use of any caboose cars unless the caboose cars ~~be~~ (1) are at least 24 feet in length, exclusive of platforms, ~~and~~ ~~be~~ provided ~~with;~~ (2) have a door at each end thereof, ~~and~~ ~~with;~~ (3) have a dry hopper, gas or electric incinerator, or other suitable toilet facilities; (4) have cupolas, ~~or~~ bay windows, platforms, guard rails, grab irons, and steps for the safety of persons in ~~alighting~~ or getting on ~~or~~ off the caboose cars; and the caboose cars ~~shall~~ be (5) are equipped with at least two four-wheeled trucks. Shatterproof glass ~~shall~~ must be used in the ~~door~~ or doors of the caboose when the present glass ~~in~~ the ~~door~~ or doors is replaced. Each caboose, when placed in

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service, shall must be provided with paper cups and at least one gallon of potable water in an amount of not less than one gallon to be supplied by a water cooler, the same to be which is kept in a sanitary, clean, and operating condition. In the event a When failure of the required equipment or standards of maintenance occurs after a caboose has commenced to move in service, the railroad operating that caboose shall is not be deemed in violation of this section if said the failure of equipment or standards of maintenance is corrected at the next initial terminal as defined in section 219.551, subdivision 2. ~~All~~ Caboose cars built or purchased after January 1, 1968, shall must have the underframing and superstructure thereof, constructed of steel or a material of equivalent strength and, after January 1, 1972, shall must also be equipped with a cushioned underframe or cushioned draft gears and shatterproof glass in all doors and windows, and. When said caboose cars are operated at the rear of a train, shall they must be equipped with a marker or markers which may consist of flags, lamps, flashing lights, or reflectorized devices.

219.561 TRACK MOTOR CARS; EQUIPMENT.

Subdivision 1. **LIGHTS.** From and after January 1, 1950, every a person, firm, or corporation operating or controlling any a railroad running through or within the state shall equip each of its track motor cars used during the period from 30 minutes before sunset to 30 minutes after sunrise with:

(1) an electric headlight of such construction and of sufficient candlepower to render plainly visible at a distance of not less than 300 feet in advance of such the track motor car any a track obstruction, landmark, warning sign, or grade crossing; and

(2) a rear electric red light of such construction and of sufficient candlepower as to be plainly visible at a distance of 300 feet.

Subd. 2. **WINDSHIELDS AND TOPS.** Upon request of the section foreman in any section operated by a railroad referred to in subdivision 1 hereof, any a track motor car shall must be equipped within 90 days thereafter with a windshield and top sufficient in width and height wide and high enough to reasonably protect the employees from weather conditions, provided,. However, that no a railroad company shall be is not required in any one year to equip more than an additional 25 such motor cars with the that equipment referred to in this subdivision.

Subd. 3. **PENALTY.** Any A person, firm, or corporation operating or controlling any a railroad running through or within this state and using or permitting to be used on its line in this state a track motor car in violation of the provisions of this section is guilty of a misdemeanor.

219.562 MOTOR VEHICLES DESIGNED FOR HIGHWAY USE; EQUIPMENT.

Subdivision 1. **REQUIREMENTS.** Any A motor vehicle designed for highway use and used by any a railroad company operating in this state for

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transporting employees, tools, and supplies shall must be equipped so as to provide:

(a) (1) adequate heating in all kinds of inclement weather;

(b) (2) adequate, safe seating facilities so that each employee so transported may be seated;

(c) (3) a communication system between the cab and the rear compartment;

(d) (4) suitable and adequate containers or boxes to hold tools, equipment, and supplies, so located and attached to the vehicle that the containers or boxes and the tools, equipment, or supplies will not shift, topple, or roll; and

(e) (5) toilet facilities if the motor vehicle is used to transport more than nine employees to and from headquarters;

(f) ~~In the event of Subd. 1a.~~ **EXCEPTION FOR EMERGENCY.** For an emergency arising from common disaster or adverse weather, such as flooding, washout, excessive snow or icing, or derailment or defect in track requiring prompt repair, motor vehicles which do not meet the above standards in subdivision 1 may be used only for the duration of during the emergency.

Subd. 3. **DISPUTE.** Should ~~any~~ a dispute arise as to the adequacy of the facilities provided for in subdivision 1, it may be submitted for final determination to the board after notice of the hearing to affected parties.

Subd. 4. **PENALTY.** ~~Any~~ A railroad company, or its officer or agent thereof, violating the provisions of this section is guilty of a misdemeanor.

219.565 ENGINEERS WHO CANNOT READ.

~~Every person who, as An officer of a corporation or otherwise, shall is~~ guilty of a gross misdemeanor if that officer knowingly employ employs, as an engineer or engine driver to run locomotives or trains on any a railway, a person who cannot read the timetables and ordinary handwriting, and every.

Also, a person who, being is guilty of a gross misdemeanor if that person is unable to read the timetables of the road and ordinary handwriting, shall act and acts as an engineer or run runs a locomotive or train on any a railway, shall be guilty of a gross misdemeanor.

219.566 INTOXICATION OF EMPLOYEES ON TRAINS OR BOATS.

Every person who, being (1) employed upon any a railway as engineer, conductor, baggage master, ~~brakeman~~ brake tender, switch tender, ~~fireman~~ fire tender, bridge tender, ~~flagman~~ flagger, or ~~signal man~~ signaler; or person (2) having charge of stations, starting, regulating, or running trains upon a railway; or person (3) employed as captain, engineer, or other officer of a vessel propelled

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by steam, shall be who is intoxicated while engaged in the discharge of any such discharging those duties, shall be is guilty of a gross misdemeanor.

219.567 FAILURE TO RING BELL.

Every An engineer driving a locomotive on any a railway, who shall fail fails (1) to ring the bell or sound the whistle upon such on the locomotive, or cause the same to be or have it rung or sounded, at least eighty 80 rods from any a place where such the railway crosses a traveled road or street, on the same level, except in cities, or (2) to continue the ringing of such the bell or sounding of such the whistle at intervals until such the locomotive and the attached train thereto attached shall have completely crossed such the road or street, shall be is guilty of a misdemeanor.

219.568 OTHER VIOLATIONS OF DUTY.

Every An engineer, conductor, brakeman brake tender, switch tender, train dispatcher, or any other officer, agent, or servant of any a railway company, who shall be is guilty of any a willful violation or omission of his duty as such an officer, agent, or servant, by which human life or safety shall be is endangered, and for which no punishment is specially prescribed, shall be is guilty of a misdemeanor.

219.57 PREVENTION OF FIRE.

Subdivision 1. SPARK ARRESTER. Every A company operating a railroad shall use upon each locomotive engine a good and efficient spark arrester, which the master mechanic shall cause to be have examined each time before leaving the roundhouse, and. The master mechanic and the employee making such the examination shall be held are responsible for the good condition of the same, but without relieving spark arrester. However, the company is not relieved from its responsibility hereunder under this section.

Subd. 2. CLEAR RIGHT-OF-WAY. Every such A company shall keep its right-of-way clear of combustible materials, except ties and other materials necessary for the maintenance and operation of the road, from April 15 to December 1, annually.

Subd. 3. FIRES TENDED, REPORTED. No company shall permit any of its employees to leave a deposit of fire, live coals, or ashes in the immediate vicinity of woodland or lands land liable to be overrun by fire, and every. An engineer, conductor, or trainman train crew member discovering fire adjacent to the track shall report the same it promptly at the first telegraph or telephone station reached by him.

Subd. 4. EXTINGUISHMENT AND PREVENTION INSTRUCTION. In dry seasons every such a railroad company shall give instruct its employees particular instructions for in the prevention and extinguishment of fires, and cause have warning placards furnished by the director of the division of

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lands and forestry of the department of natural resources to be conspicuously posted at every station in the vicinity of forest and grass lands, and. When a fire occurs near the line of its road, the railroad company shall concentrate such help and adopt such measures as shall be available for its extinguishment.

Subd. 5. PATROLLER. In dry seasons ~~every such~~ the railroad company shall employ at least one patrolman patroller for each mile of its road through lands liable to be overrun by fire to discover and extinguish fires occurring near the line of the road, by which is meant a distance within which fire could usually be set by sparks from a passing locomotive.

Subd. 6. PENALTY. Any A railroad company violating any provisions of this section shall be deemed is guilty of a misdemeanor; and on conviction thereof fined punishable by a fine of not less than \$50 and not exceeding nor more than \$100 and costs of prosecution for each offense, and any.

A railroad employee violating the same shall be this section is guilty of a misdemeanor and punished punishable by a fine of not less than \$50 nor more than \$100 and costs of prosecution or by imprisonment in the county jail not exceeding 90 days.

219.64 ASSUMPTION OF RISK; CONTRIBUTORY NEGLIGENCE.

Any An employee of any a common carrier who may be is killed or injured due to improperly adjusted and filled frogs, switches, and guardrails or by any a locomotive, tender, car, similar vehicle, or train in use contrary to federal or state railroad safety laws and standards shall not be deemed thereby held to have assumed the risk thereby occasioned, although of death or injury by continuing in the employment of the carrier after obtaining knowledge of the unlawful use of the locomotive, tender, car, similar vehicle, or train has been brought to his knowledge; nor shall may the employee be held to have contributed to his the injury in any case where when the carrier shall have has violated federal or state railroad safety laws and standards when and the violation contributed to the death or injury of the employee.

219.661 SPEEDOMETERS ON LOCOMOTIVES; LEGISLATIVE FINDINGS.

The legislature of the state of Minnesota finds that the safe operation of steam, diesel, electric or otherwise propelled locomotives within the state, requires that all steam, diesel, electric or otherwise propelled locomotives operated by common carriers by rail within the state requires that they be equipped with fully operable speedometers within view of the engineer or operator of such the locomotive.

219.662 SPEEDOMETERS AS REQUIRED EQUIPMENT; REPORTS.

Subdivision 1. REQUIREMENT. No railroad locomotive shall may be operated without a speedometer or speed recorder functioning correctly within

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three miles per hour and within the view of the engineer or operator of ~~such~~ the locomotive.

Subd. 2. **COMPLIANCE.** A railroad shall be deemed to be in ~~compliance~~ complies with the ~~provisions~~ of subdivision 1 if, (1) by the first day of October 1975, it has at least one-third of its locomotives equipped with speed indicators or speed recorders as required in subdivision 1, ~~and if,~~ (2) by the first day of October 1976, an additional one-third of ~~said the~~ locomotives shall be ~~are~~ are so equipped, and ~~if,~~ (3) by the first day of October 1977, ~~the remainder~~ of its ~~remaining~~ locomotives shall be are so equipped.

Subd. 3. **YARD SWITCHING SERVICE.** Locomotives operated or used exclusively within designated yard limits in switching service need not be equipped in accordance with the ~~provisions~~ of this section.

Subd. 4. **FAILURE OF REQUIRED EQUIPMENT.** ~~In the event of the failure of~~ If the required equipment ~~which occurs~~ fails after a locomotive has commenced to move in service, the railroad operating that locomotive ~~shall is~~ is not be deemed in violation of sections 219.661 and 219.662 if ~~said the~~ defect is corrected at the next initial terminal, as defined in section 219.551, subdivision 2, ~~at which initial terminal where~~ regular maintenance forces are available to repair or replace ~~such the~~ equipment.

Subd. 5. **NOTICE OF COMPLIANCE.** ~~Each such~~ A railroad shall notify the commissioner of the date that each ~~such~~ locomotive comes into compliance with the ~~provisions~~ of this section. The notification shall state the serial number or other identification of the locomotive.

Subd. 6. **COMPLIANCE LIST OR SCHEDULE.** ~~Each~~ A railroad affected by the ~~provisions~~ of this section shall maintain at a designated location a list or schedule of the locomotives ~~hereinabove~~ referred to in subdivision 5. It shall set forth, along with other information, the date that the speed indicator or speed recorder ~~referred to herein~~ was calibrated and found to be functioning in accordance with the ~~provisions~~ of this section. It shall advise the commissioner as to ~~such the~~ designated location.

Subd. 7. **ENFORCEMENT.** The commissioner shall enforce the ~~provisions~~ of this section and may issue ~~such order or~~ orders as may be proper to require compliance ~~therewith~~ with it.

219.681 REMOVAL OF RAILROAD TRACKS.

~~No~~ A company operating a line of railroad in this state shall ~~not~~ abandon, close for traffic, or remove ~~any a~~ spur, industrial, team, switching, or side track which has been used directly by the shipping public ~~or any member thereof~~ for the loading or unloading of freight without first ~~having obtained~~ obtaining the approval of the board.

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219.69 RAILROAD SHOPS OR TERMINALS MAY NOT BE ABANDONED.

No A company operating any a line of railway in the state shall not abandon any a shop or terminal located within this state or move any a shop or change the location of any a terminal except as provided in sections 219.70 and 219.71. Any A company violating any ~~provision~~ of sections 219.69 to 219.71 shall forfeit to the state not less than \$200 nor more than \$1,000 for each day such the violation continues.

219.691 VIOLATION; FORFEITURE.

Any A company violating any of the provisions of sections 219.681, 219.692, 219.741, 219.742, 219.743, 219.751, and 219.755 shall forfeit as a penalty to the state the sum of \$1,000 which may be recovered in a civil action.

219.692 TREBLE DAMAGES.

Any A person who has been injured in any manner by a company's violation of sections 219.681, 219.691, 219.741, 219.742, 219.743, 219.751, and 219.755 by any company shall have has a cause of action against such that company for treble the amount of all damages to him the person or his the person's property resulting from such the violation.

219.695 TERMINAL, SHOP.

The word Subdivision 1. TERMINAL DEFINED. "Terminal," as used in sections 219.69 to 219.71, is defined to be any means a city in which 12 or more men persons employed in railroad train and engine service have established a legal residence.

The word Subd. 2. SHOP DEFINED. "Shop," as used in sections 219.69 to 219.71, is defined as means a place (1) in which 12 or more men persons are employed by a railroad as mechanics in the repairing of to repair railroad equipment, and is (2) located in a city in which such men the mechanics have established a legal residence.

219.70 APPLICATION TO ABANDON; POWER OF BOARD.

Any A company desiring to abandon any a shop or terminal or move any shop or to change the location of any a shop or terminal in this state shall first make application apply to the board in writing. Before passing upon the application the board shall order a hearing.

219.71 HEARING; ORDER.

In the hearing on the abandonment or removal of a shop or terminal, if the board determines that the abandonment of any shop or terminal or the change of any shop or terminal removal will result in efficiency in railroad operation and will not substantially injure the public or be detrimental to the

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public welfare, ~~such the~~ petition may be granted; otherwise ~~the same shall it~~ must be denied.

219.741 APPLICATION FOR REMOVAL.

Any A railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first ~~make application~~ apply to the board in writing. Before passing upon the application the board shall provide the opportunity for a hearing after public notice and, if it so determines, shall fix a time and place for hearing, and a serve notice of the hearing ~~shall be served~~ upon all interested persons so far as known to the board.

219.743 EXCEPTIONS.

The foregoing provisions shall Sections 219.681, 219.741, and 219.742 do not apply to:

(1) logging or ore roads constructed and used exclusively for logging or mining purposes, ~~nor to;~~

(2) tracks described herein in section 219.681 which are used exclusively for logging or mining purposes, ~~nor shall it apply to any;~~ or

(3) a railroad which is not a common carrier.

219.751 RESTORATION OF TRACKS FOR SERVICE.

Subdivision 1. **ORDER.** When ~~the commissioner~~ is informed of the abandonment, closing for traffic, or removal of ~~any~~ track in violation of section 219.681, ~~he~~ the commissioner, without delay, shall ~~forthwith~~ order the company which has committed ~~such the~~ violation to restore ~~such the~~ track for service and to resume service ~~thereon on it~~, and if ~~such the~~ track has been removed, to ~~relay~~ such re-lay the track.

Subd. 2. **FAILURE TO OBEY ORDER; DISTRICT COURT POWERS.** When any ~~such~~ If the company shall ~~fail~~ fails to obey an order of the commissioner made pursuant to subdivision 1, the commissioner, upon verified petition alleging ~~such the~~ failure, may apply to the district court of the county in which ~~such the~~ company has a principal office, or into which a line of railroad of ~~such the~~ company extends, for the enforcement of ~~such the~~ order or other appropriate relief. The court, upon such notice as it may direct, shall hear ~~such the~~ matter as in a case of an appeal from an order. ~~On such~~ At the hearing the findings of fact upon which ~~such the~~ order is based ~~shall be~~ are prima facie evidence of the matters therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, and may impose a fine of not more than \$500 for each day's failure to obey any writ, process, or order of the court in addition to all other penalties ~~herein~~ provided in sections 219.691 and 219.692. A temporary manda-

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tory or restraining order may be made in such the proceeding, ~~notwithstanding~~ despite any undetermined issue of fact, upon such terms as the court may direct.

219.753 CRANES OPERATING ON RAILROAD TRACKS; ELECTRICAL LINE DETECTORS; PENALTY.

A crawler crane, a locomotive crane, or a truck crane, as defined in the definitions of occupational safety and health administration standards of the United States department of labor, which operates upon a railroad track, with and has a boom which extends 12 feet or more vertically above the ground or the rails, must be equipped with a warning device able to detect ~~any~~ an electrical line which comes within 15 feet of the boom. When an electrical line is detected, no person is required to operate the crane unless the electricity is shut off or the electrical line is rerouted in a manner to prevent contact with the machine. Violation of this section by any a person or corporation is a misdemeanor.

219.755 SECTION 645.35 NOT TO APPLY.

~~Minnesota Statutes 1941, Section 645.35, shall~~ does not be construed to apply to sections 219.681, 219.691, 219.692, 219.741, 219.742, 219.743, and 219.751.

219.76 FIRE CAUSED BY ENGINE; INSURABLE INTEREST.

Each A railroad corporation owning or operating a railroad in this state ~~shall be~~ is responsible in damages to every person and corporation whose property ~~may be~~ is injured or destroyed by fire communicated directly or indirectly by the locomotive engines in use upon the its railroad ~~owned or operated by such railroad corporation, and line.~~ Each such railroad corporation shall have an insurable interest in the property upon the route of the its railroad ~~owned or operated by it line~~ and may procure insurance ~~thereon~~ in its own behalf for its protection against such the damages.

219.761 EXTINGUISHING LOCOMOTIVE FIRES; REIMBURSEMENT FOR EXTINGUISHMENT.

Subdivision 1. **REIMBURSEMENT.** Any A railroad operating in Minnesota ~~shall be~~ is liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit firefighting corporation extinguishes a fire ~~or fires~~ arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall, within 60 days after the first full day after extinguishment, give the railroad, by mail, written notice ~~by mail which shall state~~ stating the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an office, agent, or other place of business in this state. The date of the mailing ~~shall be~~ is the date or service of the notice.

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If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit firefighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Subd. 2. **INFORMATION IN CLAIM.** All claims ~~shall~~ must set forth the basis of the claim including the time, date, place, and circumstances of the claim. A claim ~~shall~~ must also include an itemization of costs incurred ~~in the extinguishment of~~ to extinguish the fire. The state fire marshal, in consultation with fire department chiefs and representatives of the interested railroads, may recommend that additional information ~~to~~ be included in a claim.

Subd. 3. **OTHER COSTS, REMEDIES.** (a) If the railroads are required to pay property taxes pursuant to chapter 272 or any other law, they shall also pay ~~any~~ the fees and assessments ~~which may~~ be required of property owners situated within the same political subdivision for firefighting and protection expenses.

(b) Neither the enactment of this section, nor its subsequent repeal or termination, ~~shall alter~~ alters the statutory or common law rights, duties, or obligations of railroad companies with regard to fires caused directly or indirectly by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property.

219.77 RAILROAD EMPLOYER LIABILITY OF CORPORATIONS FOR EMPLOYEE'S INJURY OR DEATH.

Every A company, person, or corporation, owning or operating, as a common carrier, or otherwise, a steam railroad or railway in the state ~~shall be,~~ is liable in damages to ~~any an~~ an employee suffering injury while engaged in ~~such that~~ such employment; or, in case of death of ~~such the~~ the employee, to his or her personal representative for the benefit of the surviving ~~widow or husband~~ spouse and children of ~~such the~~ the employee; and if none, then to ~~such the~~ the employee's parents; and if none, then to the next of kin dependent upon ~~such the~~ the employee, for ~~such~~ such injury or death resulting in whole or in part from the negligence of ~~any of~~ any of the officers, agents, or employees of ~~such the~~ the employer, or by reason of ~~any a~~ any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment due to the employer's negligence.

219.79 CONTRIBUTORY NEGLIGENCE NOT TO BAR.

Subdivision 1. **WHEN DAMAGES REDUCED.** In all actions an action brought against ~~any such an~~ an employer under or by virtue of any of the provisions of sections 219.77 to 219.83, to recover damages for ~~death or personal injury to of~~ death or personal injury ~~to of~~ the employee, or where ~~such injuries have resulted in his death,~~ the fact that the employee may have been guilty of contributory negligence ~~shall does~~ does not bar a recovery but the damages ~~shall~~ must be diminished by the jury in proportion to

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the amount of negligence attributable to such that employee; ~~provided, that no such.~~

Subd. 2. WHEN DAMAGES NOT REDUCED. An employee who ~~may~~ is injured or killed ~~shall may not~~ shall be held to have ~~been found~~ been guilty of contributory negligence ~~in any case where when~~ where the employer's violation by ~~such~~ the employer of ~~any a~~ a statute enacted for the safety of employees contributed to the injury or death of ~~such the~~ the employee.

219.80 ASSUMPTION OF RISK NO DEFENSE.

In ~~any an~~ an action brought against ~~any an~~ an employer under or by virtue of ~~any of the provisions of~~ any of the provisions of sections 219.77 to 219.83 to recover for injuries to or the death of ~~any of its employees an employee, such the~~ any of its employees an employee, such the employee ~~shall may not~~ shall be held to have assumed the risk of ~~his the~~ the employment.

219.81 CONTRARY CONTRACTS DECLARED VOID.

Any contract, rule, regulation, or device ~~whatsoever whatever,~~ whatever, the purpose or intent of which ~~shall be is~~ is to enable ~~any an~~ an employer to ~~exempt such employer from any escape~~ exempt such employer from any escape liability created by sections 219.77 to 219.83, ~~shall is~~ is to that extent ~~be void; provided, that.~~ void. In ~~any an~~ an action brought against ~~any such the~~ such the employer under or by virtue of ~~any of the provisions of~~ any of the provisions of sections 219.77 to 219.83, ~~such the~~ the employer may set off ~~therein~~ therein any sum ~~she or he~~ she or he has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee, or ~~to the persons entitled thereto to it~~ to the persons entitled thereto to it on account of the injury or death for which the action was brought.

219.815 EMPLOYER INCLUDES RECEIVER.

The term "Employer," as used in sections 219.77 to 219.83, includes ~~any a~~ any a receiver or other person charged with the duty of management and operation of ~~any a~~ any a business employing labor.

219.82 SURVIVAL OF RIGHT OF ACTION.

~~Any A~~ A right of action given by sections 219.77 to 219.83 to a person suffering injury ~~shall survive survives~~ shall survive survives to his or her personal representative for the benefit of the surviving ~~widow or husband spouse~~ widow or husband spouse and children of ~~any such the~~ any such the employee; and if none, then of ~~such the~~ the employee's parents; and if none, then of the next of kin dependent upon ~~such the~~ the employee, but in such cases there shall be only one recovery for the same injury.

219.83 LIMITATION OF ACTION.

No action ~~shall may~~ shall be maintained under sections 219.77 to 219.83 unless commenced within two years from the day the cause of action accrues.

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

219.85 RAILROAD STATIONS, AGENCY SERVICE.

Agency service at common carrier railroad stations ~~shall~~ must be that required by the public convenience and necessity. No station ~~shall~~ may be abandoned nor agency service ~~thereat~~ reduced or discontinued without the consent of the board after public notice and opportunity for hearing is afforded. The board ~~may~~, on its own motion or upon the petition of ~~any~~ an interested party, may order station agency service at any a station established, reestablished, or expanded after notice and an opportunity for hearing.

219.88 STATIONS; NAME OF CITY; EXCEPTIONS.

Subdivision 1. **PUBLICATIONS TO USE.** Every railway company, telegraph company, express company, or other company or corporation doing business as a common carrier which has or maintains any a station in any a city within the state shall publish in its printed matter published for the public, and use as the name of ~~such~~ that station only, the name of the city in which ~~such~~ the station is located or by which ~~such~~ the city is or may be incorporated.

Subd. 2. **USE OF NAME DIFFERENT FROM CITY.** ~~Every~~ A railway company, telegraph company, express company, or other common carrier is ~~hereby~~ prohibited from using or continuing to use within the state a different name for its station from that of the city ~~within which~~ such ~~where~~ the station is located or ~~from that~~ which is in use by the local government post office, unless ~~there is some~~ a city or post office on the same division of any a railroad in this state ~~the~~ has a name of which is so similar as to be confusing in the dispatch of train orders.

219.92 NEW ROADS; NOTICE; FILING OF MAPS AND PROFILES.**Subdivision 1. COMPLETION NOTICE; FILINGS.**

~~Every railroad company having constructed any railroad by way of branch or extension or otherwise, Before opening the same to public use~~ a railroad branch, extension, or other railroad constructed by a railroad company, the company (1) shall notify the commissioner that ~~the same~~ it is finished and in a safe condition for operation, ~~being~~ and in full compliance with federal track safety standards, and ~~(2)~~ shall file with the commissioner a map and profile ~~thereof~~ of the construction with a table of grades, curvatures, and mileage, ~~and~~ a statement of other characteristics of the road, and an itemized statement showing the actual cost ~~thereof~~ of the construction; ~~all of the foregoing to be~~ in a form ~~so as to be in compliance~~ complying with the federal track safety standards and to be attested to by the oath of the president or other managing officer, and the chief engineer of the company.

Subd. 2. **INSPECTION.** Before the new line is operated as a public road, the commissioner shall inspect ~~the same,~~ it or cause have it to be inspected

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by the state federal track safety inspectors, and furnish the company with a certificate showing compliance with the ~~foregoing conditions~~, subdivision 1 and that the road has been inspected and found to be in safe condition for operation.

Subd. 3. USE BEFORE COMPLETION. When it is found desirable to operate any before completion a portion of any new a newly built railroad ~~built or any a new branch or~~, extension, or otherwise, before completion of the same, the commissioner may, on application, may authorize the operation of the new portion ~~thereof~~ pending the completion of the entire road under such terms and conditions as the commissioner may impose in the interests of the public.

219.93 STOPPING TRAINS AT CROSSINGS.

Every A company operating a railroad shall ~~cause~~ have all trains on such the railroad to come to a full stop not less than ~~10, ten~~ nor more than 60, rods, before reaching any a railroad junction or crossing at grade, unless such stoppage is rendered unnecessary by an interlocking plant or other device approved by the written order of the commissioner, or by the court upon appeal.

219.97 FORFEITURES; VIOLATIONS; PENALTIES.

Subd. 4. VIOLATION OF SECTIONS 219.16 TO 219.30. Any A person, firm, or corporation violating any of the provisions of sections 219.16 to 219.30 ~~shall be is~~ guilty of a misdemeanor. The violation of section 219.22 ~~shall does~~ not of itself constitute contributory negligence as a matter of law.

Subd. 5. VIOLATION OF SECTION 219.37. Any such A railroad, or receiver or lessee ~~thereof of the railroad~~ failing or neglecting to comply with the provisions of section 219.37 shall forfeit and pay to the state of Minnesota the sum of \$200 for every mile of such a ditch which it fails to keep clean during any season. This amount ~~shall must~~ be collected in a civil action brought by the attorney general or by the county attorney of ~~any the~~ county through or into which said that railroad extends.

Subd. 6. VIOLATION OF SECTION 219.56. Any A person, corporation, or company operating any a railroad in the state and violating any of the provisions of section 219.56 ~~shall be is~~ guilty of a misdemeanor; and, upon conviction thereof ~~shall be, is~~ liable for a penalty of not less than \$10 nor more than \$50 for each offense; and. The use of any one a caboose car prohibited in section 219.56 ~~shall constitute~~ constitutes a separate offense for every day or part of a day so used; and such.

The penalty ~~shall must~~ be recovered in a suit brought in the name of the state of Minnesota in any a court having jurisdiction thereof in any a county in or through which such the line of railroad may run, by the attorney general or under his direction, or by the county attorney, of any a county in or through which such the line of railroad may be operated. ~~All~~ Fines and penalties

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recovered by the state under this ~~section~~ shall subdivision must be paid into the state treasury.

Subd. 7. **VIOLETION OF SECTION 219.85.** Any A company failing to comply with ~~any of the provisions~~ of section 219.85 shall forfeit to the state for each violation not less than \$500 nor more than \$1,000; ~~and.~~ Each period of 30 days that ~~any such~~ the failure shall continue shall be deemed to constitute continues constitutes a separate offense.

Subd. 10. **VIOLETION OF SECTION 219.88.** Any A railway company, telegraph company, express company, or other common carrier failing to comply with ~~the provisions~~ of section 219.88 shall forfeit to the city where ~~such~~ the station is located the sum of \$100 for each day that ~~such~~ the failure shall continue; provided, that continues. However, before ~~any such~~ a company shall be is deemed to be in default, the council of the city ~~within which such~~ where the station is located shall notify ~~such~~ the company to change the name of ~~such~~ the station to the same name as that of ~~such~~ the city within 60 days after ~~the service~~ of ~~such~~ the notice upon ~~such~~ company.

Subd. 12. **VIOLETION OF SECTION 219.92.** Any A carrier failing to comply with ~~the provisions~~ of section 219.92 or with ~~any an~~ order of the commissioner made ~~thereunder~~ under section 219.92 shall forfeit \$100 for each day's default \$100, to be recovered in a civil action in the name of the state of Minnesota.

Subd. 13. **CIVIL PENALTY VIOLETION OF SECTION 219.93.** Upon the complaint of any person, ~~any a~~ company operating a railroad violating ~~any of the provisions~~ of section 219.93 shall forfeit not less than \$20 nor more than \$100 to be recovered in a civil action before ~~any a~~ county or municipal judge of the county in which the violation occurs. One-half of the forfeiture ~~shall must~~ go to the complainant and one-half to the school district where the violation occurs.

ARTICLE 5

Section 1. Minnesota Statutes 1984, chapter 315, is amended to read:

315.01 **FORMATION; TRUSTEES; ~~ELECTION, APPOINTMENT, DESIGNATION.~~**

Subdivision 1. **WHO MAY ELECT.** The ~~stated~~ worshipers with ~~any an~~ unincorporated church, congregation, or religious society, ~~not already incorporat-~~ ed, who are of lawful age and have been considered as belonging ~~thereto~~ to it, may elect trustees ~~thereof~~ and incorporate ~~the same~~ in the manner herein as provided in this section.

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Subd. 2. **ELECTION.** A written notice, signed by at least five of ~~such~~ stated worshippers, stating the time, place, and object of the meeting, ~~shall must~~ be posted at least 15 days ~~prior to the time therein fixed, in some conspicuous spot~~ before the meeting, at the place of worship of ~~such church, congregation, or the~~ society. At the time and place so fixed, ~~such if at least five worshippers, not less than five thereof being are present, they shall, by a plurality vote, elect a chairman chair and secretary, who. The chair and secretary shall together determine the qualifications of voters and receive and count the votes. The voters as so determined, shall, by a plurality vote, elect not less than at least three, nor and not more than 15 members of their church, congregation, or society as trustees, to take charge of its property and temporal affairs; and such. The voters shall also adopt a corporate name, by which for the trustees and their successors in office shall forever thereafter be known; and. They may also determine the qualifications of the trustees thereafter to be chosen afterward and the religious denomination or sect to which the society shall will belong. Immediately after such the meeting the chairman chair and secretary thereof shall sign, in the presence of two subscribing witnesses, and shall acknowledge, a certificate, which shall state stating the names of the trustees elected, the name adopted for the incorporated society, the qualifications, if any, of future trustees, if any shall have been determined by the electors, and the name of the religious denomination to which the society shall belong belongs, if any shall have been selected.~~

Subd. 3. **APPOINTMENT.** When, by the constitution, rules, or usages of ~~any particular a church, denomination, congregation, or religious society, require that trustees are required to be appointed, elected, or chosen in any way, by any a minister, presiding elder, or other officers, or by any conference, assemblage, a body, or meeting of any kind, and are so appointed, elected, or chosen, such minister, presiding elder, officers the person who chose the trustees, or the presiding officer and secretary of any such conference, assemblage, the body, or meeting so appointing, electing, or choosing trustees, shall execute, acknowledge, and deliver to such the trustees a certificate, stating the names of such the trustees, the time when and the persons person or body by which they were appointed, elected, or chosen, and the their corporate name by which such trustees and their successors in office shall forever thereafter be called and known. Upon the filing and recording of such When the certificate, is filed for record as required by law, such the trustees, and their successors appointed or chosen in the same manner, shall be become a corporate body corporate under the name specified therein in the certificate, and have all the rights, powers, and privileges of other religious corporations organized under this chapter.~~

Subd. 4. **DESIGNATION.** When, by the constitution, rules, and usages of ~~any particular a church or religious denomination, declare that the minister or ministers, elders, and deacons, or other officers elected by any a church or congregation according to such the constitution, rules, or usages, are thereby constituted the trustees of such the church or congregation, such those designated~~

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persons may assemble and execute and acknowledge a certificate, stating therein the their corporate name by which they and their successors in office shall forever thereafter be called and known. Upon the filing and record of When this certificate is filed with the county recorder of the proper county, such persons they and their successors shall be are a corporate body ~~corporate~~ by under the name expressed therein in the certificate.

315.02 CERTIFICATE OF ELECTION OF TRUSTEES.

When trustees have been heretofore elected, appointed, or in any way chosen before February 1, 1877 by a conference or an assembly of any kind, of any a church or religious society, in accordance with its own constitution, rules, or usages, and a certificate thereof of the choice made by its presiding officer and secretary, or either of them, specifying the trustees' corporate name by which such trustees are to be known, and duly recorded, with intent to make such trustees them a body corporate body, they shall must in all legal proceedings be deemed considered a religious corporation under the provisions of this chapter from the time of the recording of such the certificate, and all. Their later acts thereafter as a corporation shall be as are valid and as effectual as though originally formed under the provisions of this chapter; and all. Conveyances to such trustees them as a corporation are hereby confirmed and declared valid.

315.03 CERTIFICATE RECORDED, WHERE.

Such The certificate, together with the certificate of acknowledgment, and a copy of the notice of meeting and affidavit of the its posting thereof, shall must be recorded with the county recorder of the county where the society's place of worship of such society is located; and thereafter such. When it is filed, the trustees and their successors shall be are a body corporate body by under the name expressed in such the certificate.

315.04 TRUSTEES, POWERS.

Such The trustees may have a common seal and alter the same it at pleasure. They may take possession of all temporalities of such the church, congregation, or society, real and personal, given, granted, or devised, directly or indirectly, to such the body or to any other person for their use. They may sue and be sued in their corporate name, recover and hold all debts, demands, rights, and privileges, all churches, buildings, burial places, and all the estate and appurtenances belonging to such the church, congregation, or society, however acquired or by whomsoever held, as fully as though originally vested in them. They may hold, purchase, and receive title to, by gift, grant, devise, or bequest, of and to any property, real or personal, without limitation as to property in any amount, for any of the purposes authorized or approved by the congregation or society, as provided in section 315.05, with power to mortgage, sell, convey, demise, lease, and improve the same it.

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

Sections 315.03 to 315.05 shall apply to all religious corporations formed under Revised Statutes of the Territory of Minnesota 1851, Chapter 36, and acts amendatory thereof and supplemental thereto.

315.05 TRUSTEES, ERECT AND REPAIR CHURCHES AND OTHER BUILDINGS, GENERALLY MANAGE TEMPORAL AFFAIRS MANAGEMENT POWERS.

Such ~~The~~ trustees may repair and alter churches, make rules, regulations, and orders for managing the temporal affairs of the church, congregation, or society, and dispose of all moneys money belonging ~~thereto~~ to it. They may regulate the renting of pews or slips, and the breaking of ground in their cemeteries. Under the direction or approval of the congregation or society, they may erect, acquire, and operate churches, dwellings for their ministers, and other buildings for the use of the church, congregation, or society, hospitals, nurses' homes and training schools, missions, camps and recreational grounds, and other buildings or facilities for ~~the carrying on~~ of other religious, moral, and charitable activities. They may appoint a clerk and treasurer of their board and a collector, regulate their compensation, and remove them at pleasure. The clerk shall enter all rules and orders made by the trustees, and payments ordered by them, in a book kept for that purpose.

Nothing in this chapter shall be construed to give ~~The~~ trustees power to may not fix the salary of any a minister, but the same shall; it must be fixed by a majority of the society entitled to vote at the election of trustees.

Sections 315.03 to 315.05 shall apply to all religious corporations formed under Revised Statutes of the Territory of Minnesota 1851, Chapter 36, and acts amendatory thereof and supplemental thereto as amended.

315.06 TRUSTEES, TERMS, ELECTION; QUORUM.

The term of office of the trustees shall be ~~is~~ three years or such lesser period of time less as may be prescribed in the constitution or articles, and until their successors have qualified. Unless otherwise provided in the constitution or articles, immediately after their first election they shall be divided by lot into three classes, the first class retiring at the end of the first year, the second class at the end of the second year, and the third class at the end of the third year; ~~and,~~ After that, as near as may be, one-third of the whole number shall ~~thereafter~~ must be chosen annually. Two trustees may call a meeting of the board; ~~and,~~ When assembled, a majority of the whole number shall ~~constitute~~ is a quorum for the transaction of any business. Fifteen days before the expiration of the term of office of any a trustee, the clerk shall give notice of the election of his ~~the~~ trustee's successor, by posting the same at the place it where the society statedly meets for worship, ~~therein stating,~~ The notice must state the name of the trustee and the time and place of election; ~~and, in addition to such notice,~~ The minister or some other officer of such the church or society shall give public notice of ~~such~~

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the election to the congregation again at least one week before the election. These provisions shall apply to filling vacancies by death, resignation, or removal.

315.07 VOTERS, QUALIFICATIONS.

No person belonging to any such member of the church, congregation, or society shall be entitled to may vote at any an election after its incorporation until he or she has been an attendant on attended public worship in such the church, congregation, or society for at least six months before the election, and contributed to its support according to its usages and customs. The clerk of the trustees shall keep a register of all persons who desire to become stated hearers in such ask to join the church, congregation, or society, and therein note the time of such the request, and he shall attend all subsequent elections in order to test the qualifications of such voters in case of question.

315.08 DEFINITIONS.

Subdivision 1. **WORDS, TERMS, AND PHRASES.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **SOCIETY.** The word In this chapter "society" means the religious body constituted in accordance with the principles of the ecclesiastical policy which forms the basis of the corporation designated in this chapter as the church, congregation, or society, as distinguished from the corporation itself.

315.09 GENERAL POWERS OF RELIGIOUS CORPORATIONS.

Every A corporation organized under this chapter may, in its corporate name, sue and be sued, hold, purchase, and receive title to, by gift, grant, or other conveyance of and to any property, real or personal, with power to mortgage, sell, or convey the same it. It may adopt all bylaws and make all regulations necessary or expedient for the management of to manage its affairs in accordance with law.

315.10 POWERS OF CERTAIN CORPORATIONS.

Any A religious corporation, parish or diocese formed under the laws of this state, allowing a bishop, vicar general, pastor of a parish with two laymen, or allowing a bishop, vicar general, and chancellor of a diocese with two other members of the same religious denomination, to form a corporation; such corporation shall have the power to sections 315.15 and 315.16 may sue or be sued, to hold, purchase, and receive title to, by devise, purchase, gift, grant, or otherwise, any real or personal property, real or personal, with power to and mortgage, sell, or convey the same it, or any part thereof of it, without giving the notice or being authorized thereto, as required in the manner provided in section 315.12.

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

315.11 LIMITATION OF RIGHT TO HOLD PROPERTY.

Nothing in this chapter shall be construed to authorize the taking or holding of A religious corporation may not take or hold real or personal property by any religious corporation for purposes other than those of its incorporation, and all of its provisions are. The amount of property it may hold is subject to any limitation or modification which may hereafter be enacted by general laws as to the amount of property which may be held by the corporations provided for in this chapter.

315.12 SALE OR ENCUMBRANCE OF REAL ESTATE.

Any A religious corporation organized under the provisions of this chapter, by and through its trustees, may sell and convey, encumber, or otherwise dispose of any of its real estate; ~~but no such conveyance or encumbrance shall be made by the trustees except when.~~ To do so, the trustees must first be authorized by resolution of ~~such~~ the society adopted by a two-thirds vote of the members present and voting at a meeting ~~thereof~~ called for that purpose. Notice of the time, place, and object of which shall the meeting must be given for at least four successive Sabbaths immediately before it on which the society stately meets for public worship, immediately preceding such time. When any religious society ceases to have stated meetings for public worship, or ~~for any cause~~ is unable to give ~~such~~ notice of the time and place of the meeting of ~~such~~ society, the corporation may make ~~such~~ the sale, conveyance, or encumbrance by its trustees, upon being authorized by resolution, as ~~hereinbefore specified,~~ adopted at a meeting of which at least 20 ~~days~~ days' posted notice has been given. If ~~such~~ the society has, for any reason, ceased to exist, for a period of one year, the corporation may sell and convey its property by its trustees upon giving at least 20 ~~days~~ days' posted notice upon the premises of its intention ~~so to do so~~. Proof of ~~such~~ nonexistence, notice, meeting, and the adoption of resolution may be made by the affidavit of a trustee or member of the society cognizant ~~thereof of them~~. The affidavit ~~shall~~ must be recorded in the office of with the county recorder where the certificate of incorporation was recorded, and ~~the same affidavit and the record thereof, or certified copies of such record, shall be it, are~~ presumptive evidence of the fact therein contained facts they contain.

No person shall vote at any a meeting called to authorize the trustees to sell, convey, encumber, or dispose of any the corporation's real estate of ~~such corporation who is not~~ unless the person is a member of ~~such the~~ religious body, and. No ~~such~~ religious corporation shall sell, transfer, or otherwise dispose of any of its real estate in any manner other than except as provided by the denominational rules and certificates of association of ~~such the~~ society as ~~the same~~ it appears of record in the office of the county recorder of the county. Nothing herein contained shall in any manner affect or infringe any provision of Revised Laws 1905, Chapter 59 This section does not limit sections 500.01 to 500.20.

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

315.13 EXISTING SOCIETIES CONFIRMED; REORGANIZATION.

Every church, congregation, or religious society ~~heretofore~~ incorporated before the effective date of Revised Statutes of the Territory of Minnesota, 1851, under any general or special law, and not since dissolved, is hereby confirmed. In case of the dissolution of any such corporation, or of any A corporation formed under the provisions of this chapter, the same and dissolved may be incorporated or reincorporated reincorporate under the provisions thereof at any time this chapter within six years after such dissolution; and thereupon all the estate. When it does, its real and personal, at any time belonging thereto, and not lawfully disposed of, shall vest property vests in the corporation the same as though there had been no dissolution.

315.14 LANDS HELD IN TRUST.

If lands, tenements, or hereditaments are conveyed by devise, grant, purchase, or otherwise, to any persons as trustees in trust for the use of any a religious society ~~heretofore or hereafter~~ organized, for a meeting house, burial ground, or parsonage, with the improvements thereon on them, they shall descend in perpetual succession, and be held by such the trustees in trust for such the society.

315.15 PARISH CORPORATIONS, ORGANIZATION.

The bishop of any a religious denomination may associate join with him the vicar general of the same diocese and the pastor of such denomination of the parish wherein a where the corporation is to be located, which shall be within the bishop's diocese of such bishop, and for the purpose of incorporating. The bishop, vicar general, and pastor, or a majority of them, shall designate and associate join with them two lay members of any such the denomination; and, upon adopting, signing, and acknowledging. These five shall adopt, sign, and acknowledge a certificate of incorporation reciting the fact of such association, and of the selection of such laymen lay members, and containing the name, general purpose, and place of location of such the corporation, and having. When they have recorded the certificate recorded with the county recorder of the county of its location, the said five persons where the corporation is located, they and their successors shall become a corporation, subject to all the requirements, and vested with all the rights, powers, and privileges, of a religious corporation.

The persons at any time holding the offices ~~hereinbefore~~ specified in any diocese shall are, by virtue of their respective offices, be members of the corporation and, with the two laymen aforesaid lay members, constitute such corporation it, but every such person, on ceasing to hold such office, shall they cease to be a member thereof members, and his successor their successors in office shall become a member in his place members. The two laymen lay members designated as aforesaid shall remain members for the term of two years from the date of the certificate, and thereafter after that their term of office shall

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be is two years, and in either case until their successors are chosen. They shall must always be designated and appointed by the three first named incorporators bishop, vicar general, and pastor, who shall also fill all vacancies in their number. Their appointment shall must be in writing and entered upon the records of the corporation. Should there at any time be If there is a vacancy in the office of bishop of any diocese, or should any other if another person be is appointed in his the bishop's stead to administer the spiritual and temporal affairs of such the diocese, then, during such the vacancy or suspension of the authority of such bishop, such the administrator of the affairs of the diocese, or any other person appointed under the rules of such the denomination to preside over and administer its affairs, shall is, while acting as such administrator or appointee, be a member of such the corporation, with all the rights and powers incident thereto of membership; but his the membership shall at once cease ends when such the vacancy has been is filled or suspension of authority removed.

If any a diocese in which any such the corporation is located shall be is subdivided according to the rules and practice of such the denomination, and one or more new dioceses formed therefrom, from it or from its parts thereof, the bishop and vicar general of any such the new diocese and their successors in office, as soon as appointed and instituted, shall, by virtue of their respective offices, forthwith immediately become members of any such the corporation within such the new diocese, with all the rights, duties, privileges, powers, and obligations of such members, and. The bishop and vicar general of the diocese in which such where the corporation was located prior to such before the subdivision shall cease to be members thereof of the corporation.

315.16 DIOCESAN CORPORATIONS; FORMATION; POWERS.

Subdivision 1. **PROCEDURE FOR INCORPORATING.** The bishop of any such a diocese may associate join with him the vicar general and chancellor of such the diocese, and. They, or a majority of them, shall designate and associate join with them two other members of such the religious denomination, residents of such the diocese, and upon adopting, signing, and acknowledging. These five shall adopt, sign, and acknowledge, in duplicate, a certificate reciting the fact of such association and selection of such the two persons, and containing the name, general purpose, and location of such the corporation, and filing and recording the same. When they file and record it, as provided in section 315.15, the said five persons they and their successors shall become a corporation, with. The corporation has power to take, hold, receive, and dispose of any real or personal property for the use and benefit of such the diocese, and for the use and benefit of the religious denomination therein creating such the diocese, and to administer the temporalities of such the diocese, to establish and conduct schools, seminaries, colleges, or any benevolent, charitable, religious, or missionary work or society of such religious denomination within such the diocese, with all the rights, powers, and privileges enumerated in this section and in section 315.15.

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

Subd. 2. **TERM OF MEMBERSHIP.** The persons who ~~may~~ hold the offices, respectively, of bishop, vicar general, and chancellor of ~~such the~~ religious denomination ~~within and for such in the~~ diocese, and their successors in office ~~forever, shall, by virtue of their respective offices, always be are~~ members of ~~such the~~ corporation, ~~but~~. On ceasing to hold ~~such~~ office the corporate membership of each ~~shall~~ at once ~~cease~~ ends. The other two incorporators and their successors in office ~~shall~~ must always be selected and appointed by the bishop, vicar general, and chancellor of ~~such the~~ diocese, or a majority of them, for the same term and in the same manner as provided in section 315.15 for the selection and appointment of the two ~~laymen~~ lay members by the bishop, vicar general, and pastor, ~~and all~~. Vacancies ~~shall~~ must be filled by the three first named ~~corporators~~ incorporators. ~~Every such~~ An appointment ~~shall~~ must be in writing and entered of record in the minutes of the corporation, and ~~such~~ appointees ~~shall~~ must be members of ~~such the~~ religious denomination and residents of the diocese of its location. Any ~~corporator~~ incorporator selected ~~may~~ at any time resign, ~~and such~~. The resignation and its acceptance ~~shall~~ always must be entered on the minutes of the corporation. In case of a vacancy in the office of bishop of ~~such the~~ diocese or the temporary suspension of his or her authority to act, the relevant provisions of section 315.15 ~~in reference to such a case shall in all~~ respects apply.

Subd. 3. **PROXIES.** Any A member of either corporation specified in this section and in section 315.15 may, by a signed writing signed by him, appoint a proxy to represent and act for him, and in his name the member and stead to vote in the member's place at any a corporation meeting of such corporation.

Subd. 4. **CEMETERY CORPORATIONS.** A religious corporation may be formed in the manner set forth herein, ~~for the purpose of establishing one or more cemeteries in this section to establish cemeteries~~ in accordance with section 307.01.

315.17 PARISH OF PROTESTANT EPISCOPAL CHURCH.

Subdivision 1. **FORMATION OF CORPORATION.** Any A parish of the Protestant Episcopal church organized under and in conformity with the constitution and canons of any diocese ~~new or hereafter existing~~ in this state may form a corporation, as follows: Such. The parish shall ~~cause to be prepared~~ prepare a certificate containing:

- (1) the name and location of the parish;
- (2) the name of the rector, if any, and of the church wardens, and the names and number of the ~~vestrymen~~ vestry members, which ~~shall not~~ must be less than at least three, ~~nor and not~~ more than 12; and
- (3) the date of the organization of the parish.

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

Subd. 2. **CERTIFICATE SIGNED.** The certificate shall must be signed and duly acknowledged by the rector, if any, and by a majority of the wardens and ~~vestrymen~~ vestry members.

Subd. 3. **FILING CERTIFICATE; POWERS.** Upon signing, acknowledging, and filing such the certificate for record with the county recorder of the county of its location, such the parish shall become becomes a corporation by the name specified in its certificate; and, by and. Through its officers, it may transact all the parish business of the parish, including calling a rector and determining his the rector's salary; and, In its corporate name, it may acquire or receive, by purchase, gift, grant, devise, or bequest, any property, real, personal, or mixed, and hold, sell, transfer, mortgage, convey, loan, let, or otherwise use the same property for the use and benefit of the parish; provided, that such if the use shall does not contravene the laws and usages of the Protestant Episcopal church of the state; but. It shall may not have power to divert any a gift, grant, or bequest from the purpose specified in writing by the donor, or devisor, nor to. It may not sell, convey, or mortgage its church or church site except when unless first authorized so to do in a meeting of the parish called for that purpose, nor in contravention of the canons of the diocese or of the general convention of the Protestant Episcopal church of the United States.

315.18 ANNUAL MEETING; VESTRY, ELECTION, MEETINGS.

The annual meeting of such the corporation shall must be held at the parish church or parish house, if there be is either, on Easter Monday, of each year, or at such other a time as set by the parish may designate in its articles of incorporation. At which the annual meeting church wardens and ~~vestrymen~~ shall vestry members must be elected, in such a manner as shall be determined upon by the parish, by electors having with the qualifications which are or may be prescribed by the canons of the Protestant Episcopal church for the diocese or missionary district in which the corporation is located, in the state of Minnesota; but any. A parish organized under this law may, at any annual meeting, adopt a bylaw providing for the election of one-third of the ~~vestrymen~~ vestry members of the parish for one year, one-third for two years, and one-third for three years, and at the meeting may elect ~~vestrymen~~ vestry members in accordance with such the bylaw; and. At each succeeding annual meeting one-third of the ~~vestrymen~~ shall vestry members must be elected for a term of three years, and. The bylaws may also provide that no ~~vestryman~~ shall vestry member, at the expiration of his the member's term of office, be is eligible for reelection as ~~vestryman to the~~ vestry until the next annual meetings. The church wardens and ~~vestrymen~~ vestry members shall hold their respective offices office until their successors are elected.

The rector of such the parish shall is ex officio be a member, and, when present, the presiding officer of the vestry, and entitled to vote at all its meetings. Meetings may be called by the rector at his the rector's discretion, or by either

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warden at the request of a majority of the ~~vestrymen~~ vestry members, on three days' notice, in writing, to each member of the vestry.

315.19 ARTICLES AMENDED.

Any A parish of the Protestant Episcopal church, incorporated under the laws of the state or territory of Minnesota, may amend its articles of incorporation and ~~thereby~~ change and fix the time of ~~holding~~ its annual parish meeting, ~~by adopting.~~ To do so, it must adopt, at its annual parish meeting by majority vote of those present, a resolution fixing or changing the date of holding its annual parish meeting and by causing such. It must put the resolution to be embraced in a certificate duly executed by its rector or other presiding officer and by its clerk and filed file the certificate for record with the county recorder of the county of its location.

315.20 CATHEDRALS.

Subdivision 1. **FORMATION.** Any A cathedral for which a constitution and statutes are adopted by the diocesan convention of any a diocese in this state of the Protestant Episcopal Church in the United States of America may form a corporation, as follows:

Such The cathedral shall ~~cause to be prepared~~ have a certificate prepared containing:

- (1) the name and location of the cathedral;
- (2) the persons who constitute the chapter of the cathedral, and their names, of which chapter the bishop of the diocese and the wardens and ~~vestrymen~~ vestry members of the cathedral congregation shall be members; and
- (3) the date of the adoption by the diocesan convention of the constitution and statutes of the cathedral.

Subd. 2. **CERTIFICATE, BY WHOM SIGNED.** The certificate ~~shall~~ must be signed and duly acknowledged by the bishop of the diocese and by a majority of the members of the chapter, and filed for record ~~in the office of with~~ the county recorder of the county ~~in which~~ where the cathedral is located.

Subd. 3. **CERTIFICATE FILED; POWERS.** Upon the signing, acknowledging, and filing of such the certificate for record with the county recorder of the county of its location, ~~such the~~ the cathedral ~~shall become~~ becomes a corporation by under the name ~~specified~~ in its certificate; ~~and, by and.~~ Through its chapter, it may transact all the business of such the cathedral; ~~and,~~ In its corporate name, it may acquire or receive, by purchase, gift, grant, devise, or bequest, any property, real, personal, or mixed, and hold, sell, transfer, mortgage, convey, loan, let, or otherwise use the same property for the use and benefit of the cathedral; ~~provided, that such use shall if the use does~~ not contravene the laws and usages of the Protestant Episcopal Church in the United States of

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America of this state; ~~but~~. It ~~shall not have power to~~ may not divert any gift, grant, or bequest from the purpose specified in writing by the donor or devisor; ~~nor to~~. It may not sell, convey, or mortgage its church or church site, except with the consent of the bishop, in writing, and when first authorized to do so at a meeting of the chapter called for that purpose, nor in contravention of the canons of the diocese or of the general convention of the Protestant Episcopal Church in the United States of America.

Subd. 4. **GOVERNMENT.** The chapter of ~~such the~~ cathedral shall be governed by the constitution and statutes which have been adopted for it by the diocesan convention and any amendments ~~made thereto~~, to them as provided ~~therein~~ in them.

315.21 INCORPORATION.

Subdivision 1. **METHOD.** ~~The members of any~~ If a church or religious society, ~~not less than three in number,~~ does not wishing wish to form a corporation under ~~any of the preceding provisions of this chapter~~ sections 315.01 to 315.20, ~~at least three members~~ may become a corporation by adopting and signing a certificate containing:

- (1) its name, general purpose and plan of operation, and its location; and
- (2) the terms of admission, qualification for membership, selection of officers, filling vacancies, and ~~the manner in which the same way it~~ is to be managed.

Subd. 2. **CERTIFICATE RECORDED.** ~~Such~~ The certificate ~~shall~~ must be recorded with the county recorder of the county of its location.

Subd. 3. **EXISTING CORPORATIONS.** ~~Any~~ An existing corporation created by special law, which does not desire to incorporate under ~~any preceding provision of this chapter~~ sections 315.01 to 315.20, may reincorporate under the ~~provisions of this section~~, when authorized by a three-fourths vote of its members present and voting at a stated meeting called for ~~the purpose of considering such~~ to consider reincorporation.

315.22 EXISTING CHURCHES MAY INCORPORATE; REINCORPORATION; PROPERTY TO VEST.

~~Every~~ A church or society organized as such, and not incorporated, may become a corporation by executing, acknowledging, and ~~causing to be having~~ recorded with the proper officers a certificate of incorporation under this chapter. ~~Thereupon~~ When it does, and ~~also~~ when any existing religious corporation ~~shall reincorporate~~ reincorporates under this chapter, all property and franchises of ~~every kind belonging to such the~~ the society, or ~~such original corporation,~~ as the case may be, shall vest in the corporation so organized; ~~but~~. Rights in pews possessed by ~~any~~ members at the time of ~~any such~~ reorganization ~~shall~~ are not be impaired. ~~Such~~ The board of trustees or other governing body of ~~any corpora-~~

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tion so a reorganizing corporation, or their survivors, when requested by the governing board of ~~such~~ the new corporation, shall convey to the new corporation, by sufficient deed, all property owned by it. ~~Such~~ The conveyance shall must recite the fact of ~~such~~ reorganization, shall be prima facie evidence of the ~~facts therein stated~~, and shall pass all title to the property therein described in it possessed by the corporation in whose behalf it is executed. It is prima facie evidence of the facts stated in it.

315.23 INCORPORATION OF DIOCESAN COUNCIL, SYNOD, PRESBYTERY, CONFERENCE, ASSOCIATION, CONSOCIATION, OR SIMILAR ORGANIZATIONS.

Subdivision 1. **METHOD.** Any A diocesan council, synod, presbytery, conference, association, consociation, or other general organization for ecclesiastical or religious purposes, existing in any a church or religious denomination in this state, and which, according to the polity, constitution, canons, customs, discipline, or usages of such church or denomination, is composed of or represents representing several parishes, congregations, or particular churches under church law, may form a corporation by adopting. To do so, it must adopt a canon or resolution stating:

- (1) its purpose to form ~~such~~ a corporation;
- (2) its name and its general purposes and powers, ~~not inconsistent~~ consistent with law;
- (3) the name of the church or religious denomination to which the body organizing the corporation belongs, and the district or territorial limits of its jurisdiction;
- (4) the number and official titles of the officers through whom it shall will act, and by whom and in what manner such how the officers shall be are elected or appointed, and the length of their terms, and their general duties, powers, and authority; and
- (5) the names and addresses of those ~~elected or appointed~~ as the first officers of the corporation.

Subd. 2. **CANON OR RESOLUTION, APPROVAL, RECORDING.** A copy of ~~such~~ the resolution or canon, certified by the presiding officer of the body adopting it and, verified by the affidavit of its secretary or clerk, and endorsed with the certificate of the attorney general that the same it conforms to law endorsed thereon, shall, must be filed with the county recorder of the county in which where the body is located, who. The county recorder shall record the same it at length, including such the endorsement, and issue ~~his~~ a certificate that, the provisions of the law having has been complied with, said and the body has become duly is incorporated according to law. The county recorder shall keep in a book in his office an alphabetical index of all such these corporations.

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Subd. 3. **AMENDMENT OF CANON OR RESOLUTION.** The body organizing ~~such the~~ corporation or its successor, ~~by resolution or canon adopted by it at two regular successive sessions thereof, and so certified, verified, and recorded with the secretary of state,~~ may amend or modify the resolution under which the corporation was formed, in respect to. It may change its jurisdictional limits, or to the number, official titles, terms of office, or the manner of electing or appointing officers, or their duties, powers, and authority, or to the purposes and powers of the corporation, not inconsistent. The change must be consistent with law, and not impairing any ~~impair~~ trusts or vested rights of property. The amendment must be made by resolution or canon adopted at two successive sessions of the body, so certified, verified, and recorded with the secretary of state.

315.24 SPECIAL POWERS.

Any such A corporation may receive in trust for ~~any a~~ parish, mission, local church society, or congregation, ~~whether incorporated or not, any property, real or personal, which may be given, granted, transferred, devised, or bequeathed to it for the use of such the~~ parish, mission, local church society, or congregation, for religious, charitable, or educational purposes, ~~and.~~ The corporation may hold the same property, and the its rents, issues, and profits thereof, until ~~such the~~ parish, mission, local church society, or congregation ~~shall demand a~~ demands its conveyance thereof, ~~accounting.~~ From time to time, when required, the corporation shall account for the rents, issues, and profits. Any Property now held in trust by ~~any a~~ person, corporation, or trustees for the use and benefit of the religious body forming a corporation under the provisions of section 315.23, or any of its parishes, missions, societies, congregations, or local churches, may, with the consent of the beneficiary, be conveyed and the title ~~thereto to it~~ vested in the corporation as the successor in ~~such the~~ trust, ~~but no such corporation shall have power, in any manner, to.~~ The corporation may not create any a lien upon on or encumber any property held by it in trust.

315.25 ANNUAL MEETING, NOTICE OF, PLACE.

Any such A corporation, ~~the~~ whose membership of which in part resides in other states, may hold its annual meetings at ~~such~~ points outside the state as it may, from time to time, designate at a previous annual meeting, or it may authorize its president to designate ~~such the~~ place. *At least three months before the time of ~~such the~~ annual meeting, notice of ~~such the~~ time and place ~~shall must~~ be given by publication in the recognized organ of ~~such the~~ corporation, if it has one; ~~otherwise, or~~ by other notice appropriate to inform the membership.

315.26 CONSOLIDATION OF PARISHES, CONGREGATIONS, OR CHURCHES.

Any A diocesan council, synod, presbytery, conference, association, consociation, or other general organization for ecclesiastical or religious purposes

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composed of or representing several parishes, congregations, or particular churches, and incorporated under ~~the laws of this state~~ Minnesota law, may unite or consolidate with one or more other diocesan councils, synods, presbyteries, conferences, associations, consociations, or other general organizations for ecclesiastical or religious purposes, or may with one or more such other societies form one new society for ecclesiastical or religious purposes, ~~and~~. When ~~any such the~~ any such the united or consolidated society, or ~~any such~~ any such new society, ~~shall have been is~~ is incorporated, ~~the former body~~ the former body may convey and transfer its property to ~~such the~~ such the new corporation according to law.

315.27 PROCEDURE FOR INCORPORATION.

~~Any~~ Any Two or more societies of the classes named in ~~the preceding~~ the preceding section 315.26 may form a corporation by adopting a canon or resolution and having a copy ~~thereof~~ thereof certified, verified, approved by the attorney general, and recorded as provided by section 315.23. The canon or resolution may be adopted (1) in joint session by representatives, delegates, and others entitled to vote at the regular meetings of ~~such the~~ such the societies, respectively, for the year in which ~~such the~~ such the canon or resolution is adopted or ~~may be adopted~~ may be adopted (2) in joint session by committees of ~~such societies~~, elected or appointed by ~~them the~~ them the societies, respectively, for that purpose.

315.28 PRIVILEGES.

Every A corporation formed as ~~provided in~~ provided in under sections 315.26 to 315.29 ~~shall have has~~ shall have the same franchises, powers, ~~privileges, and immunities~~ rights as corporations ~~organized and existing~~ formed under section 315.23.

315.29 RIGHT TO HOLD PROPERTY.

Every A corporation organized under sections 315.26 to 315.29 shall hold all property conveyed or transferred to it for ~~such the same~~ such the same use and subject to ~~such the same~~ such the same trusts and conditions as ~~such property is held~~ such property is held by the corporation conveying or transferring the ~~same~~ same property.

315.30 AMENDMENT OF CERTIFICATE.

~~Any~~ Any A religious corporation, ~~may change its certificate~~ may change its certificate by a resolution adopted, certified, acknowledged, and recorded in the same ~~manner way~~ manner way as ~~its the~~ its the original certificate, ~~may alter, modify, or add to such original certificate in any manner not inconsistent~~. The ~~change must be~~ change must be consistent with law. When recorded, ~~such the~~ such the amended certificate shall ~~take the place of~~ replace the original.

315.31 AMENDMENT OF ARTICLES OF INCORPORATION.

~~Any~~ Any A religious society, religious association, or religious corporation ~~heretofore formed or reorganized~~ heretofore formed or reorganized and now existing pursuant to the provisions of ~~under~~ under section 315.21, upon compliance with the provisions of sections 315.31 to

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315.33, may alter or amend change its articles of incorporation as to any matter or thing which ~~that~~ could have been included in the original articles of incorporation; ~~provided, that nothing herein contained shall authorize or empower any such religious organization to amend or alter, in the manner provided by sections 315.31 to 315.33, its articles of incorporation in respect to any matter.~~ It may not change matters relating to the management or the conduct of the affairs of any a cemetery owned or controlled by such religious organization where such it if the cemetery is managed or conducted pursuant to the provisions of according to sections 306.69 to 306.72.

315.32 TRUSTEES, POWERS; CERTIFICATE, RECORDING.

The board of trustees, the board of administration, or other governing body of any such a religious organization under section 315.21 may, by unanimous vote of all its members, ~~so alter or amend such the~~ articles of incorporation under section 315.31, when authorized by resolution so to do at any a special meeting of such the religious organization. The meeting must be called for such that expressly stated purpose, at which such special meeting and a majority of the members of such the religious organization are must be present, which authority shall be, by The resolution, must be passed by vote of a majority of the members present and voting at such meeting of such religious organization. The board of trustees, the board of administration, or other governing body of any such religious organization shall cause such record the resolution to be embraced in a certificate duly executed and acknowledged by its president and secretary, or by its other presiding and recording officers, under the corporate seal of the religious organization, and such. The certificate shall be is presumptive evidence of the facts therein stated in it. The certificate shall must be recorded in the office of filed for record with the county recorder of the county in which where the religious organization is located, and thereupon such alteration or. The amendment shall become is effective on filing.

315.33 METHOD PROVIDED IS ADDITIONAL.

The manner of amendment, authorized by sections 315.31 to 315.33, of the articles of incorporation of any such religious organization shall be in addition to the manner in which amendments to the articles of incorporation of any such religious organizations are now authorized by law; and nothing in Sections 315.31 to 315.33 contained shall abridge, or in any manner or to any extent affect, do not change the right of any religious organizations to alter or amend their articles of incorporation in the manner any way now authorized by law.

315.34 CONSOLIDATION OF RELIGIOUS CORPORATIONS.

Any Two or more incorporated churches, congregations, parishes, or religious societies, or an incorporated parish and an incorporated cathedral, may consolidate and reorganize as a single church, congregation, parish, cathedral, or

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religious society by complying with the provisions of law this chapter for the formation of such a church, congregation, parish, cathedral, or society contained in this chapter.

315.35 RESOLUTION; NOTICE.

Before any action is ~~had for that purpose~~ taken under section 315.34, a resolution authorizing ~~such consolidation and reorganization shall must~~ be adopted by at least two-thirds of the members present and voting at a meeting of each of ~~such the~~ churches, congregations, parishes, parish and cathedral, or societies called for that purpose. Notice of the time, place, and object of ~~which shall the meeting must~~ be given on four successive Sabbaths on which ~~such the~~ society statedly meets for public worship, immediately preceding before the time specified for ~~such the~~ meeting. Proof of the ~~fact of such~~ notice, meeting and resolution may be made by affidavit of one of the officers or members cognizant of the facts, ~~which shall and must~~ be recorded with the certificate of incorporation.

315.36 MEETINGS; NOTICE; ORGANIZATION; POWERS.

After the adoption of ~~such each society has adopted the resolution by the several churches, congregations, parishes, parish and cathedral, or societies,~~ notice ~~shall must~~ be given stating the time and place of the meeting of the united congregation of ~~all such churches, congregations, parishes, parish and cathedral, or societies by posting the same at the place the societies.~~ The notice must be posted where each society statedly meets for worship at least 15 days prior to such before the meeting, and. The minister or ~~some other another~~ officer of ~~each such the~~ organization shall give public notice of the meeting at the usual Sabbath service at least one week before the meeting. The notice for ~~such the~~ meeting ~~shall must~~ be signed by the clerk of the board of trustees, vestry, or chapter of each church, or by ~~some other a~~ person authorized by ~~such the~~ board to sign ~~the same it.~~ At the meeting of the united congregation, held ~~pursuant to such according to the notice,~~ a name ~~shall must~~ be adopted for the new corporation ~~and.~~ The meeting shall, by a majority vote, determine the form of organization of the new corporation, ~~and fix the qualifications for trustees or vestrymen vestry members and the number, which shall be not less than 3, nor must be at least three and not more than 12, and.~~ A new board of trustees, vestry and wardens or chapter and wardens ~~shall must~~ be elected by a majority of ~~all the~~ members present.

The board of trustees, vestry or chapter not including wardens ~~shall must~~ be divided into three classes. One class ~~shall must~~ be elected and hold office until the next annual meeting of the congregation, one class until ~~the its~~ second annual meeting of ~~the congregation,~~ and one class until ~~the its~~ third annual meeting of ~~the congregation.~~ Thereafter ~~After that,~~ the terms of office of the trustees or ~~vestrymen shall vestry members must~~ be three years and until their successors are elected and have qualified. ~~In case If a vacancy shall occur occurs~~

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in the board of trustees, vestry, or chapter, at the next meeting of the congregation, board of trustees, chapter or vestry a successor shall must be elected to fill the unexpired term caused by such vacancy.

After such the meeting the chairman and secretary shall make a certificate in the form and manner as prescribed by section 315.01, 315.17, or 315.20, as the case may be, and such. The certificate, together with proof by affidavit of the giving of proper notice of the meeting, and the affidavits provided for in section 315.35, shall must be recorded in the office of with the county recorder of the county where the place of worship of the consolidated society is located; and thereupon such churches, congregations, parishes, parish and cathedral, or societies shall be. When it is filed, the societies become merged into a new corporation under the name specified in the certificate and. The new corporation shall have has the rights, powers, and privileges, and shall be is liable for all the obligations of the several corporations so consolidated and all of. The property of every kind and nature of the original corporation shall vest vests in the new corporation; and whenever, by any. If a will or other instrument which takes effect after such the consolidation, and names any of the original corporations be named as a legatee or, devisee, or as beneficiary of any a trust therein provided, the new corporation shall take under such will or other the instrument and shall receive and become is entitled to all the money, property, and benefits that the original corporation would have received under such will or other the instrument, save as therein otherwise unless the instrument expressly provided provides otherwise.

315.365 MERGER OF RELIGIOUS CORPORATIONS.

Subdivision 1. **MERGER.** In the event that If two or more dioceses, synods, parishes, churches, congregations, or other religious bodies of the same religious denomination shall have heretofore been or shall hereafter be united, reunited, merged, or consolidated, unite, reunite, merge, or consolidate and in the event that if, before doing so, each said religious body shall have has created, prior to the date of said union, reunion, merger, or consolidation, a corporation or two or more corporations pursuant to the laws of this state for the holding and administration of under Minnesota law to hold and administer its properties of said religious body or for the holding and administration of properties in trust for the use and benefit of said religious bodies the body or of any subdivisions, congregations, parishes, churches, missions, or other its component parts thereof, the said these property corporations may merge and consolidate one with or into any one of said property corporations another or with and into a new property corporation organized for like similar purposes by said united, reunited, merged, or consolidated the new religious body, providing. Authority for said the property corporation merger and consolidation shall have been must first be given at any an annual meeting of said united, reunited, merged, or consolidated religious the new body or at any a special meeting thereof duly called for such

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that purpose in accordance with the constitution, canon law, or other lawful provision for its governance.

Subd. 2. **HOW MERGER EFFECTED.** Any said To accomplish the merger and consolidation shall be effected by the execution by, the property corporations who are parties thereto of must execute an agreement of merger and consolidation containing:

(a) (1) the names of the property corporations who are parties thereto to it;

(b) (2) the name and location of the principal office of the surviving corporation with and into which the property corporations who are parties to said merger are to be merged and consolidated;

(c) (3) the persons who shall constitute the governing board of the surviving corporation until their successors are duly elected and shall qualify-qualified;

(d) (4) the general purposes of said the surviving corporation and the general description of the area to be served by it;

(e) (5) the date of adoption of the authorization for said the merger and consolidation by the meeting of the united, reunited, merged, or consolidated religious body to which said the merging or consolidating property corporations pertain; and

(f) Any (6) other provisions appropriate for the certificate of incorporation of property corporations of said this character which may be formed pursuant to the laws of this state under Minnesota law.

(g) Said The agreement of merger and consolidation shall must be executed by the corporate officers of each of the property corporations which are parties thereto corporation that is party to it and shall must be accompanied by the certificate of the secretary or other recording officer of said united, reunited, merged, or consolidated the new religious body certifying to the adoption by said religious. The certificate must certify that the body has adopted in accordance with its constitution, canon law, or other general provisions for the governance of its affairs, of a resolution authorizing said the merger and consolidation, and shall. The agreement must also be accompanied by a certificate of the secretary or other recording officer of each of the property corporations who are parties thereto of the adoption by, certifying that the members and the board of trustees or other governing body of each said property corporation of have adopted resolutions authorizing and directing the execution of said the agreement of merger and consolidation.

(h) Said The agreement of merger and consolidation, when executed as aforesaid and when certified as aforesaid, shall must be filed for record in the office of with the county recorder of the county in which where the surviving

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corporation's principal place of business of said surviving corporation is to locate, and shall. It must also be filed for record in the office of with the county recorder of each other county of this state in which where the principal place of business of any of the property corporations who are parties to said merger and consolidation shall theretofore, by the provisions of its was located according to the property corporation's certificate of incorporation, have been located.

(i) Said The merger and consolidation shall be and become effective for all purposes upon filing for record takes effect when the said agreement of merger and consolidation and the certificates as aforesaid in the office of are filed for record with the county recorder.

Subd. 3. **CONTINUATION OF CORPORATE IDENTITIES.** Upon any said When a merger and consolidation becoming effective takes effect, the corporate identity of each of the property corporations which are parties thereto shall continue party to it continues in the surviving corporation, and. The legal title to all assets held or owned by any property corporation which that is a party to said the merger and consolidation shall thereupon be and become vested vests in the surviving corporation, and. The surviving corporation, by continuance in it of the corporate identity of each of the corporations which are parties to said merger and consolidation, shall be the corporation is entitled to receive all gifts, devises, bequests, legacies, or other transfers or assignments of money or property, real, personal, or mixed, thereafter made after the merger directly or in trust to or intended for any of the said constituent property corporations which are parties to said merger and consolidation; provided that. Except as provided in Minnesota Statutes 1941, section 501.12, no properties or assets and no income of any properties or assets held or received by any said property corporation which is a party to said the merger and consolidation or which shall be received by the surviving corporation after the date thereof shall be diverted from the uses and purposes for which the same they were or are received and held by the said property corporations who are parties to said merger and consolidation or from the uses and purposes for which the same they were expressed and intended.

Subd. 4. **EFFECTIVENESS OF ORIGINAL CERTIFICATES OF INCORPORATION.** Except as otherwise provided in said the agreement of merger and consolidation, all of the provisions of the certificate of incorporation of the surviving corporation shall continue in full force and effect as to the surviving corporation and all other corporations which shall be so merged and consolidated therewith with it.

315.37 WHEN SOCIETY CEASES TO EXIST; DISPOSAL OF PROPERTY.

Whenever any When a religious society, which is in any way under the control or supervision of a superior body, ceases to exist or to maintain its organization, all its remaining real and personal property shall vest vests in and be is transferred, in the manner hereinafter as provided in section 315.38, to the

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incorporated annual conference, presbytery, diocese, diocesan council, association, or other incorporated governing or supervising body of the same religious denomination within whose jurisdiction such society was located, or with which it was affiliated, it being intended that the property shall vest in and be transferred to the next higher governing or supervising corporate body of the same denomination.

315.38 DISSOLUTION, APPLICATION, HEARING.

Upon application to the district court of the county where such ~~the~~ society was located by ~~any~~ a member of the body in which the property is to vest, as aforesaid under section 315.37, the court shall appoint a time for hearing the application, ~~and~~. Three weeks' published and posted notice thereof ~~shall of hearing must~~ be given, and any additional notice ~~which~~ the court may direct. If, ~~upon~~ at the hearing, it appears that a proper case exists ~~therefor~~ under section 315.37, the court shall ~~adjudge and~~ direct a transfer thereof to be made through a trustee appointed by it for that purpose. Affidavits of the notice may be filed in the proceedings, and they shall be are evidence in all actions and proceedings in the courts of the state.

315.39 TITLE TO REAL PROPERTY, TITLE VESTED IN SOCIETY, BODY, OR CORPORATION.

When it shall be made to appear ~~appears~~ to any a district court of this state that, ~~prior to the year before~~ 1907, real property was conveyed to a bishop, or a right reverend bishop, or an archbishop, or a most reverend archbishop of any religious denomination or church in his an official capacity as bishop and to his successors in office, or as trustee under an oral or written trust for any an incorporated or unincorporated ~~society, body, association, or congregation~~ in this state, whether the grantee is designated as trustee in the conveyance or not, and the consideration ~~therefor~~ for it was paid by the ~~society, body, association, or congregation~~, and at the time of the conveyance the bishop's religious denomination or church had its central or supreme government in a foreign country or nation and was the country's state church of the foreign country or nation, and thereafter ~~later~~ the country's form of government of the foreign country or nation was changed and the religious denomination or church ceased to be the its state church thereof, and the record title to the real property is in the name of the grantee or his a successor in office, and the ~~society, body, association, or congregation~~, whether incorporated or not, is in possession of possesses the real property and has ~~been in possession thereof~~ possessed it for a period of ten or more years under a claim of ownership, the district court shall, in an action brought by the ~~society, body, association, or congregation~~, make a decree vesting the title, both legal and equitable, to the real property in the ~~society, body, association, or congregation~~; provided, that any such society, An unincorporated body, or congregation which is now unincorporated shall become incorporated

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must incorporate under the laws of this state prior to Minnesota law before the commencement of the action.

Actions under this section shall must be brought in the same manner way as actions to quiet title to real property in this state, as provided in chapters 557 to 561.

315.40 RELIGIOUS SOCIETIES MAY PROVIDE FOR EMPLOYEE BENEFITS; INSURANCE LAWS NOT TO APPLY.

Any A religious society, religious association, or religious corporation may, when duly authorized by its members, provide for the support and payment of pay benefits to its ministers, teachers, and other functionaries and employees of such society, association, or corporation, or those of any a congregation, or of any educational, benevolent, charitable, or other body affiliated with it or under the its jurisdiction of such society, association, or corporation; for the payment of pay benefits to their widows, children, or other dependents or beneficiaries; for the collection of collect contributions and other payments; and for the creation, maintenance, investment, management, and disbursement of create, invest, manage, and disburse necessary endowment, reserve, and other funds for such these purposes.

The insurance laws of this state shall do not apply to the operations of any such a society, association or corporation under the provisions of this section.

315.41 CAMP MEETING ASSOCIATIONS; FORMATION; CAPITAL STOCK.

Camp or grove meetings, Sunday school assemblies, or any societies for religious instruction or worship, and for mutual improvement in moral, literary, or social culture, may be incorporated incorporate under this chapter. The amount of capital stock shall not must be less than at least \$5,000, divided into shares of not less than \$10 nor more than \$50 and paid in as provided in its bylaws.

315.42 TAX EXEMPT; NO STREETS THROUGH PROPERTY.

All Property necessarily used by any such a corporation, and not leased or used for profit, shall be is exempt from taxation. No roads or streets shall be laid through any such the property without the consent of the corporation's governing board of such corporation.

315.43 PEACE OFFICERS, APPOINTMENT.

The governing board of any such corporation may appoint peace officers for the purpose of keeping to keep order on its grounds, to be paid by such the corporation. Such The officers while on duty shall have the same power and authority as constables.

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315.44 YOUNG MEN'S CHRISTIAN ASSOCIATION, ORGANIZATION; CERTIFICATE.

Any number of Three or more persons, ~~not less than three~~, may form a corporation ~~to be known as a Young Men's Christian Association~~, by adopting, signing, and acknowledging a certificate of incorporation containing:

- (1) the names and places of residence of the incorporators;
- (2) the name of the corporation, the location of its principal place of business, and the period of its duration;
- (3) the objects of its organization expressly stated;
- (4) the number of its directors, not less than five, who shall manage its affairs, how and when elected, and the time and place of ~~holding~~ annual meetings; and
- (5) the terms of admission to active membership.

Such The certificate shall must be executed in duplicate, and one filed with the secretary of state and the other with the county recorder of the county of its principal place of business.

315.45 CLASSIFICATION OF MEMBERS.

The directors may in their bylaws divide the members into active, senior, junior, associate, and ~~such~~ other convenient classes as ~~they may deem convenient~~, and determine the qualifications for associate membership and provide rules for the trial and expulsion of members. Only active members shall be entitled to may vote or hold office in such the corporation.

315.46 BOARD OF TRUSTEES MAY MANAGE REAL PROPERTY.

~~Any such~~ An association may create a board of trustees to control its property. The board shall consist of ~~not less than at least~~ five trustees, of whom the president of the association ~~shall is~~ one ex officio ~~be one~~. Each trustee shall must be a member in good standing of some Protestant Evangelical church, ~~but not~~. No more than three members, exclusive of such the president, and in no case a majority, ~~shall may~~ be members of any one ~~church~~ denomination. The first board of trustees shall must be elected at any a regular meeting of the association by a majority vote of the members ~~thereof~~ entitled to vote ~~thereat~~ present and voting, ~~and~~. It shall hold office for such the time as ~~may be~~ prescribed by its bylaws. Vacancies ~~shall must~~ be filled by a majority vote of the remaining trustees from nominations made by the board of directors or managers.

315.47 PROPERTY RIGHTS.

~~Each The~~ board shall ~~have the~~ control of the real property of the association and ~~such~~ other property as its board of directors or trustees may designate. ~~No~~ Real property belonging to the association shall must not be

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conveyed, disposed of, or mortgaged without the consent of the board, ~~nor shall the same be and it is not~~ liable for any a debt or obligation of the association unless the ~~same shall have been~~ debt is contracted with its approval. All Property ~~so and its income~~ under the control of the board and the ~~income thereof~~ shall must be devoted only to the purposes of the association and. So long as the directors and managers of the association shall ~~so expend the same~~ such spend it for these purposes, the income shall must be paid over to the treasurer of the board of directors or managers.

315.48 REINCORPORATION.

Any A religious society now conducting its affairs as a Young Men's Christian Association may reincorporate under the provisions of sections 315.44 to 315.47, but in such case. The new certificate of incorporation shall must be executed by all of the directors of such the association. Upon such reincorporation all of the property of such the society shall pass passes to and vest vests in the corporation so formed ~~without further action.~~

315.49 YOUNG WOMEN'S CHRISTIAN ASSOCIATIONS.

All the provisions of Sections 315.44 to 315.48 shall be applicable apply to Young Women's Christian Associations as well as to Young Men's Christian Associations.

315.50 CONSOLIDATION OF CHURCH CONFERENCES; AFFIDAVIT.

Subdivision 1. **CHURCH NAMES.** Upon the consolidation or merger of two or more church conferences, any a subordinate or affiliate religious corporation formerly under the governance of one of such consolidating or merging church conferences is hereby authorized to them may use the name, or appropriate part thereof of it, of the consolidated or merged church conference as part of its name in place of the name, or part thereof, that of such the consolidating or merging church conference ~~formerly a part of the name of such subordinate or affiliate religious corporation.~~ All Deeds, mortgages, contracts and other legal documents executed by such the subordinate or affiliate corporation using the new name of the consolidated or merged church conference, or part thereof, are hereby declared legal and binding upon such on the subordinate or affiliate corporation to the same extent as if such deeds, mortgages, contracts and other legal documents they had been executed in the old name of such the subordinate or affiliate religious corporation as it existed prior to such consolidation or merger.

Subd. 2. **AFFIDAVIT.** Any A member of such the subordinate or affiliate religious corporation may file with the county recorder of the county in which where it is located and also where it ~~may own~~ owns property an affidavit setting out stating (1) its corporate name and book and page where recorded, (2) the names of the consolidating or merging church conferences, (3) the name of

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the consolidated or merged church conference, (4) its name as used following ~~such~~ the consolidation or merger, including the name of the consolidated or merged church conference, or part ~~thereof~~ of it, (5) that ~~such~~ the affidavit is made pursuant to this section, and (6) the text of subdivision 1.

ARTICLE 6

Section 1. Minnesota Statutes 1984, chapter 344, is amended to read:

344.01 FENCE VIEWERS.

Supervisors in their respective towns, ~~aldermen of cities~~ city council members in their respective wards, ~~the commissioner~~ commissioners of public works in cities having a commission form of government, and ~~statutory~~ city trustees in ~~their respective statutory~~ cities shall be are fence viewers.

344.011 EXEMPTION.

A town board may, by resolution, exempt adjoining owners or occupants from this chapter when ~~the~~ their land of the adjoining owners or occupants considered together is less than 20 acres.

344.02 LEGAL FENCE; REQUISITES; VIEWERS OF KINDS OF PARTITION FENCES.

Subdivision 1. LEGAL AND SUFFICIENT FENCES. All The following are legal and sufficient fences:

(a) fences consisting of ~~not less than~~ at least 32-inch woven wire and two barbed wires firmly fastened to well-set posts not more than one rod apart, the first barbed wire being above and not more than four inches from the woven wire and the second barbed wire being above and not more than eight inches from the first wire; ~~all~~

(b) fences consisting of ~~not less than~~ at least 40-inch woven wire and one barbed wire firmly fastened to well-set posts not more than one rod apart, the barbed wire being above and not more than four inches from the woven wire; ~~all~~

(c) fences consisting of woven wire ~~not less than~~ at least 48 inches in height, and one barbed wire not more than four inches above the woven wire firmly fastened to well-set posts not more than one rod apart; ~~all~~

(d) fences consisting of ~~not less than~~ at least four barbed wires with at least 40 barbs to the rod, the wires ~~to be~~ firmly fastened to posts not more than one rod apart, the top wire ~~to be~~ not more than 48 inches high and the bottom wire ~~not less than~~ 12, nor more than to 16, inches from the ground; and ~~all~~

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(c) fences consisting of rails, timbers, wires, boards, stone walls, or any combination thereof of those materials, or streams, lakes, ditches, or hedges, which shall be are considered by the fence viewers as equivalent to any of the fences herein described, shall be deemed legal and sufficient fences listed in this subdivision. In all cases where

Subd. 2. DETERMINATION OF KIND OF FENCE. If adjoining land owners disagree as to the kind of fence to be built on any division line, the matter shall must be referred to the fence viewers, who shall determine what kind of fence shall should be built on such the line and shall order the fence it built according to law. When

Subd. 3. SPECIAL CASE. If the lands of two persons adjoin, and the land of one of such persons is enclosed by a woven wire fence on all sides, except the side forming a division line between such the lands, by a woven wire fence, then and in such case, each of such persons person shall erect and maintain a fence of like character and quality along such division line for a distance of one-half of the total length thereof and thereafter maintain the same in equal shares of the division line. The fences must be similar in character and quality.

344.03 EXPENSE; EQUAL SHARES.

Subdivision 1. **ADJOINING OWNERS.** The If all or a part of adjoining owners or occupants of lands in this state when the Minnesota land of one or both of the owners is, in whole or in part, improved and used, and one or both of the owners of the land desires his or their the land to be, in whole partly or in part, totally fenced, the land owners or occupants shall build and maintain the a partition fence between their lands in equal shares.

Subd. 2. **APPLICATION TO STATE; APPROPRIATION.** The provisions of subdivision 1 shall apply This section applies to the state of Minnesota with respect to all land adjoining the Memorial Hardwood State Forest as defined in section 89.021, subdivision 33. There is hereby annually appropriated from the appropriation made to the commissioner of administration for the commissioner of natural resources from the Memorial Hardwood Forest account of the Natural Resources fund, an the amount sufficient to assume necessary for the state's share of partition fences as provided in subdivision 1 under this section.

344.04 NEGLECT FAILURE TO BUILD OR REPAIR; RIGHTS OF COMPLAINANT.

In case any If a person neglects fails to build, repair, or rebuild any a partition fence which of right he ought the person is required to build or maintain, the aggrieved affected party may complain to the fence viewers who, after. The fence viewers shall give notice to the parties, shall and examine such the fence or look into the need of such for a proposed fence; and, If they determine that the an existing fence then existing is insufficient or a new fence is necessary, they shall notify the delinquent owner or occupant, in writing, to that

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effect and ~~direct him or them~~ order the owner or occupant to build, repair, or rebuild the fence within such time as they deem a reasonable, and time. If the delinquent fails to comply with such directions the order, the complainant may build, repair, or rebuild such the fence at his own expense subject to and obtain reimbursement as hereinafter provided pursuant to section 344.05.

344.05 REPAIR COSTS RECOVERABLE.

~~When any such new or deficient fence built, repaired, or rebuilt by the complainant under the provisions of section 344.04 is adjudged sufficient by the fence viewers~~ If a complainant builds, repairs, or rebuilds a fence according to section 344.04 and the fence viewers consider it sufficient, they, ~~after giving~~ shall give the occupants reasonable notice and an opportunity to be heard, ~~shall ascertain determine the expense thereof cost of the fence or repair, and give to the complainant building, repairing, or rebuilding the same who built, repaired, or rebuilt the fence a signed certificate of their decision, under their hands, and of the amount cost of such expense, together with their the fence or repair and the viewers' fees; and thereupon such.~~ The complainant may demand, either of the owner or the occupant of the adjoining land where the fence was wanting or deficient, the viewers' fees and double such the amount of the ascertained expense, together with such fees; and, in case of failure to. If the owner or occupant does not pay the sum so due that amount within one month after demand, the complainant may recover the same amount, with interest, in a civil action.

344.06 CONTROVERSY; DECISION AND DIRECTION BY FENCE VIEWERS.

If a controversy arises in ~~regard to~~ concerning the rights in partition fences of the respective occupants, or their obligation to maintain the ~~same fences~~, either party may apply to the fence viewers, who, after due notice to the parties, may assign to each ~~his a~~ share in such the fence and direct the time within which the ~~same shall fence must~~ be erected or repaired. The assignment may be filed for record with the county recorder, ~~and thereupon shall be after which it is~~ binding upon the parties and upon all succeeding occupants of the lands.

344.07 FAILURE TO ERECT OR MAINTAIN; PRIVILEGE OF COMPLAINANT.

~~In case any~~ If a party fails to erect or maintain the part of ~~any~~ a fence so assigned to ~~him~~ under section 344.06, the aggrieved party may erect and maintain the ~~same fence~~, and shall be entitled to double the ~~value thereof, to be cost of the construction and maintenance as~~ ascertained and recovered as provided in section 344.05 in the case of repairs.

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344.08 RECORDED DIVISION OF FENCES; RECORD; BINDING ON HEIRS AND ASSIGNS.

All divisions of fences which are made by fence viewers under this chapter, or which shall be are made by owners of adjoining lands, in writing, witnessed by two witnesses, signed and acknowledged by the parties, and filed for record with the county recorder, shall be are valid against the parties thereto to the divisions and their heirs and assigns.

344.09 PARTY ERECTING MORE THAN SHARE.

~~When, in any~~ If there is a controversy between occupants of adjoining lands as to their respective rights in any partition fence, it shall appear to and the fence viewers decide that either of the ~~occupants~~ occupant has voluntarily erected, or otherwise become the proprietor of more than his that occupant's just share of ~~such the~~ fence, before a complaint was made, the other occupant shall pay for ~~so much thereof as may be~~ the share of the fence assigned to him or her to repair and maintain. The value of ~~which shall the fence must~~ be ascertained and recovered ~~in the manner in this chapter provided~~ pursuant to section 344.05.

344.10 LANDS BOUNDED BY STREAM.

~~When If~~ lands of different persons ~~which are required to~~ must be fenced and are bounded upon or divided by a stream or pond, which, in the judgment of the fence viewers, is not in itself a sufficient fence, and if the viewers determine that it is in their opinion impracticable, without unreasonable expense, for a partition fence to be made on such the waters in the place where at the true boundary line is, and if the occupant on either side ~~refuses or neglects~~ fails to join with the occupant on the other side in making a partition fence on one side or the other, or if such occupants disagree respecting the same, then the fence viewers, on application of either party, shall ~~forthwith view~~ such the stream or pond, and, after giving due notice to the parties, shall determine, in writing, on which side ~~thereof of the stream or pond~~ the fence shall must be erected and maintained, or whether partly on one side and partly on the other. If either party fails to build or maintain his the assigned part of such the fence according to such the viewers' determination, it may be built and maintained by the other party may build and maintain the fence, and the delinquent party shall be subject to all must pay the charges and costs as provided for in other cases in this chapter ~~provided, to be recovered in like manner.~~

344.11 LANDS OCCUPIED IN COMMON.

~~When If~~ one of the occupants of enclosed lands belonging to different persons in severalty, which have been occupied by them in common without a partition fence, desires to occupy his or her part in severalty, and the other party ~~refuses or neglects~~ fails to divide the land with him or to build a fence on his part of the land when it has been divided, the party desiring it may have the same land divided and assigned by the fence viewers in the manner provided in this chapter.

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344.12 VIEWERS TO FIX TIME FOR BUILDING.

Upon such division and assignment being made, the If fence viewers have divided land and assigned fence responsibilities, they may in writing under their hands assign set in writing a reasonable time for building the fence, having regard to the season of the year; and, If either party fails to build his part thereof of the fence within the time so assigned, the other party may, after completing his own part thereof of the fence, build the other part, and recover therefor the viewers' fees and double the expense thereof, together with the fees of the fence viewers, to be ascertained as provided in cost of building the other part, as determined pursuant to this chapter.

344.13 RULE WHEN LANDS ARE FIRST ENCLOSED.

When unenclosed lands are afterwards enclosed, the owner or occupant thereof of the lands shall pay one-half of the value of each partition fence extending upon the line between his that person's land and the enclosure of any other owner or occupant. In case If the parties do not agree, such the value shall must be ascertained by the fence viewers and stated, in writing under their hands; and, If such an owner or occupant fails to make such payment pay within 60 days after the value is so ascertained and a demand made, the owner of such the fence may recover such the value and the cost of ascertaining the same it in a civil action.

344.14 VIEWERS WHEN FENCE ON TOWN LINE.

Where If a partition fence is to be built on a line between towns, or partly in one town and partly in another, a supervisor taken two supervisors, one from each town, shall be the fence viewers thereof.

344.16 DIVISION OR RECORDED AGREEMENT RUNS WITH THE LAND.

Where If the line upon which a partition fence is to be built between unimproved lands has been divided by the fence viewers, or by the recorded agreement of the parties, the several owners thereof landowners, and their heirs and assigns forever, shall erect and maintain such fences agreeably to such in accordance with the divisions.

344.17 ~~NEGLECT~~ FAILURE OF VIEWER TO PERFORM DUTY; PENALTY.

Any A fence viewer who shall unreasonably neglect fails to perform any a duty required by this chapter shall forfeit \$5 to the town or city and be liable to the injured party injured for all resulting damages consequent upon such neglect.

344.18 COMPENSATION OF VIEWERS.

Fence viewers shall must be paid for their services by the person employing them at the rate of \$15 each for each day's employment and the sum of \$60

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shall must be deposited with the town or city treasurer before the service is performed. Upon completion of the service, any ~~portion~~ of the \$60 not ~~expended~~ for ~~compensation~~ of spent to compensate the fence viewers shall must be returned to the depositor.

344.19 VIEWERS IN COUNTIES NOT ORGANIZED INTO TOWNS.

In counties not organized into towns, the county commissioners shall be are fence viewers and be are governed by the ~~provisions~~ of this chapter, except that county commissioners shall not receive the per diem provided in section 344.18 but may be paid a per diem pursuant to section 375.055, subdivision 1, and ~~in addition thereto~~ their necessary expenses, including mileage in accordance with section 471.665.

344.20 TOWN OPTION.

If eight or more freeholders in a town petition the town board for a vote on a partition fence policy, the town board of a ~~town~~ may adopt its own policy and procedures for dealing with partition fences, including enforcement procedures. The policy must be approved by the electors of the town at an annual or special town meeting, in which case this chapter does not apply in that town.

The town board may adopt a partition fence policy for a town only after eight or more freeholders in the town have petitioned the town board for a vote on the adoption of a policy and the policy is approved by the electors of the town at an annual or special town meeting.

This chapter applies to any partition fence lying on the boundary between a town which has adopted its own partition fence policy and any other political subdivision unless the other political subdivision is a town which has adopted a similar policy.

ARTICLE 7

Section 1. Minnesota Statutes 1984, chapter 390, is amended to read:

390.005 ELECTION OR APPOINTMENT, QUALIFICATIONS; VESTED RIGHTS; VACANCIES.

Subdivision 1. **COUNTY ELECTION.** A coroner shall be elected in each county as prescribed by section 382.01, except as ~~hereinafter~~ provided in this section.

Subd. 2. **APPOINTMENT BY RESOLUTION.** In ~~any a~~ county ~~in~~ which where the office of coroner has not been abolished, the board of county commissioners may by resolution duly adopted at least six months before the end of the ~~term of the office of coroner~~ declare state its intention to fill the office by

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appointment. The resolution must be adopted at least six months before the end of the term of the incumbent coroner. Having adopted such a After the resolution is adopted, the board of county commissioners shall fill the office of coroner by appointing a person to the office not less than 30 days before the end of the incumbent's term of office of the incumbent. When so appointed, The appointed coroner shall serve for such a term of office as may be determined by the board of county commissioners commencing beginning upon the expiration of the term of the incumbent but. The term must not exceed be longer than four years.

Subd. 2a. **VACANCY; CORONER'S OFFICE.** Notwithstanding subdivision 2, when If there is a vacancy in the office of coroner in any the county in which the office has not been abolished, the board of county commissioners may by resolution declare, state its intention to fill the office by appointment. Upon adoption of When the resolution is adopted, the board shall fill the office by appointment immediately. The coroner shall serve for a term as determined by the board but not to exceed. The term must not be longer than four years.

Subd. 3. **EDUCATIONAL REQUIREMENTS.** A coroner shall be a person who has, in the course of his education or professional training must have successfully completed academic courses in the subjects of pharmacology, surgery, pathology, toxicology, and physiology; provided, However, that if a board of county commissioners determines that the office of coroner shall not be an elective office as hereinbefore provided that if the board of county commissioners is unable to find and it cannot appoint any person meeting the foregoing educational qualifications who is willing to accept appointment as coroner, the board of county commissioners may appoint as coroner any qualified person, as defined herein, whether a resident of the county or not.

Subd. 4. **TERM OF OFFICE CERTAIN INCUMBENTS.** The coroner of any county holding office on July 1, 1965, is confirmed and shall continue in office. Each such coroner shall serve for the balance of his present term and until his successor is elected and qualified. Each An incumbent coroner in office on such date is deemed to meet July 1, 1965 meets the qualifications prescribed by this section for the purpose of his continuance in, reelection to, or appointment to office.

Subd. 5. **VACANCIES.** Vacancies in the office of coroner shall be filled in conformity with the provisions of according to sections 375.08 and 382.02. A coroner may continue to be removed from office as now or hereafter provided by law.

390.006 HENNEPIN COUNTY, APPLICATION.

None of the provisions of Minnesota Statutes, chapter 390, shall This chapter does not apply to the office of county medical examiner of Hennepin county, as established pursuant to under Laws 1963, chapter 848.

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390.01 BOND.

Before entering upon the duties of his taking office, the coroner shall give post bond to the state in such a penal sum set by the county board, not less than \$500 nor more than \$10,000, as the county board directs and approves, with. The coroner's bond is subject to the same conditions in substance as in the bond required by law to be given by the sheriff, except as to the description of the office, which. The bond, with his and oath of office, shall be filed for record with the county recorder.

390.04 TO ACT WHEN SHERIFF A PARTY TO AN ACTION.

When the sheriff is a party to an action, or when any a party, his or a party's agent or attorney, makes and files with the clerk of the district court an affidavit stating that he the party believes the sheriff, by reason either because of partiality, prejudice, consanguinity, or interest, will not faithfully perform his the sheriff's duties in any an action commenced, or about to be commenced, the clerk shall direct all process in such the action to the coroner, who. The coroner shall thereafter perform all the duties of the sheriff relative to such the action, and in the same manner as prescribed required for a sheriff in the performance of similar duties.

390.05 DEPUTIES.

Every A coroner shall appoint one or more deputies who, in the absence or inability of. When the coroner is absent or unable to act, shall deputies have the same powers and be are subject to the same liabilities as coroners. Each A deputy shall be appointed in writing; and, if required to do so by the coroner, before entering upon the duties of his office, shall give. The coroner may require the deputy to post bond required by law of the coroner, which before taking office. The bond, with his oath, and appointment, shall be filed for record with the county recorder. Each The deputy shall act in his or her own name as deputy coroner and hold his office during at the pleasure of same time as the coroner.

390.06 PUBLIC MORGUE.

In every county having with a population of 100,000 or over, not provided therewith, the board shall provide and equip a public morgue at the county seat, for the receipt and proper disposition. The morgue's purpose is to receive and dispose, without charge to any one, of all dead bodies which are by law subject to a post mortem or coroner's inquest, without charge to any one. The cost of building and equipping such the morgue shall must not exceed the sum of \$2,500, nor and its maintenance the sum of must not exceed \$3,000 in any a year.

390.07 MORGUE MAINTENANCE.

Such The morgue shall must be under the control of the county board, and be maintained in a suitable building separate from any other business, and.

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It must be equipped with the best modern approved appliances for the handling and disposition to handle and dispose of dead bodies. It ~~shall~~ must not be connected in any manner with any undertaking establishment, and. No person shall be employed in ~~or about the same~~ the morgue who is in any manner connected with or interested in the undertaking business.

390.11 INVESTIGATIONS AND INQUESTS.

Subdivision 1. **DEATHS REQUIRING INQUESTS AND INVESTIGATIONS.** The coroner shall investigate and may conduct inquests in all human deaths of the following types:

(1) violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self induced or not;

(2) deaths under unusual or mysterious circumstances;

(3) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so as ~~to be thereafter~~ that the bodies will later be unavailable for examination; and

(4) deaths of inmates of public institutions who are not hospitalized ~~therein~~ for organic disease and whose deaths are not of any type referred to in clauses clause (1) or (2).

Subd. 2. **VIOLENT OR MYSTERIOUS DEATHS; AUTOPSIES.** The coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses clause (1) or (2), when ~~in the judgment~~ of the coroner judges that the public interest requires an autopsy.

Subd. 3. **OTHER DEATHS; AUTOPSIES; EXHUMATION; CONSENT.** ~~In addition~~ The coroner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses clause (3) or (4), or may exhume any human body and perform an autopsy ~~thereon~~ on it in the case of any human death of any type referred to in subdivision 1 when ~~in the judgment~~ of the coroner judges that the public interest requires an autopsy; ~~provided that.~~ No ~~such~~ autopsy shall be conducted unless the surviving spouse, or next of kin if there ~~be is~~ no surviving spouse, consents ~~thereto to it,~~ or unless the district court of the county ~~wherein where~~ the body is located or buried ~~shall,~~ upon ~~such~~ notice as the court directs, ~~enter its~~ enters an order authorizing an autopsy or an exhumation and autopsy. Application for ~~such~~ an order may be made by the coroner or by the county attorney of the county ~~wherein where~~ the body is located or buried, upon ~~such a~~ showing as that the court deems appropriate.

Subd. 4. **ASSISTANCE OF MEDICAL SPECIALISTS.** If during any ~~such an~~ investigation and ~~in the opinion~~ of the coroner believes the assistance of pathologists, toxicologists, deputy coroners, laboratory technicians, or other

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medical experts ~~are~~ is necessary to determine the cause of death, the coroner shall ~~secure~~ obtain their assistance.

Subd. 5. **INQUEST.** The record and report of the inquest proceedings ~~and the report thereof~~ may not be used in evidence in any civil action arising out of the death for which ~~such an~~ an inquest was ordered. Before ~~any an~~ an inquest is held, the coroner shall notify the county attorney to appear and ~~conduct the examination of~~ examine witnesses at ~~such the~~ the inquest.

Subd. 6. **RECORDS.** The coroner shall keep properly indexed records giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information concerning the death.

Subd. 7. **REPORTS.** All Deaths of the types described in this section shall must be promptly reported for investigation to the coroner by the law enforcement officer, attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person ~~having~~ with knowledge thereof of the death.

Subd. 8. **CORONER IN CHARGE OF BODY.** Upon notification of ~~such a death~~ subject to this section, the coroner or ~~his~~ deputy shall proceed to the body, take charge of ~~the same~~ it, and, when necessary, order that there be no interference with the body or the scene of death.

Subd. 9. **CRIMINAL ACT REPORT.** ~~Whenever in his opinion~~ When the coroner or deputy believes that the death may have resulted from a criminal act, he or she shall deliver a signed copy of ~~his the~~ the report of investigation or inquest to the county attorney.

Subd. 10. **SUDDEN INFANT DEATH.** If a child under the age of two years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner, medical examiner, or personal physician shall notify the child's parents or guardian that an autopsy is essential to establish the cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant death syndrome is the cause of death, that fact must be stated in the autopsy report. The parents or guardian of the child shall be promptly notified of the cause of death and of the availability of counseling services.

390.111 EXPENSES.

The county board of ~~the county~~ may allow the reasonable and necessary expenses of the coroner or ~~his~~ deputies, incurred for telephone tolls, telegrams, ~~or~~ postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred ~~pursuant to the provisions of~~ solely for the officers' official business under this chapter, ~~including without limiting the generality of the~~

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foregoing the cost of transcribing the testimony taken at any inquest, solely for the official business of such officers.

390.15 WITNESSES; FEES.

The coroner may issue subpoenas for witnesses, returnable immediately or at a specified time and place. The persons served with the subpoenas shall be allowed the fees, the coroner shall enforce their attendance shall be enforced in the manner by the coroner, and they shall be subject to the penalties as provided by statute or the rules of criminal procedure.

390.16 OATH OF WITNESSES.

The following oath shall be administered to the witnesses by the coroner: "~~You~~ Do you solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth, so help you God.?"

390.17 TESTIMONY; FILING.

The testimony of all witnesses a witness examined at an inquest shall must be reduced to put in writing by the coroner or under his the coroner's direction and be subscribed signed by the witnesses respectively witness. The coroner shall forthwith then file such the testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county.

390.19 WITNESS BOUND OVER; RETURN.

If the coroner finds that any murder, manslaughter, or assault has been committed, he the coroner shall bind hold over by recognizance such any witnesses as he shall think the coroner thinks proper to appear and testify at the next term of the district court at which indictment for such the offense can be found. He The coroner shall return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the county jail of the county any witnesses witness who refuse refuses to recognize in such manner, as he shall direct the coroner directs.

390.20 PERSON CHARGED ARRESTED.

If any person charged by the inquest with having committed the offense is not in custody, the coroner shall have the same power as a county or municipal judge to issue process for his the person's apprehension. The warrant shall be made returnable before any court having jurisdiction in the case and the court shall proceed in the same manner as in similar cases.

390.21 BURIAL.

When any a coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, shall does not think it necessary, on view of such the body, that any an inquest be held, he the coroner

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shall ~~cause~~ have the body ~~to be~~ decently buried; ~~and~~. All expenses of the inquisition and burial shall be paid by the county ~~in which such~~ where the dead body is found.

390.221 BODIES; EFFECTS; CUSTODY.

It is ~~unlawful for any~~ A person, ~~in any manner, to~~ may not remove, interfere with, or handle the body or the effects of any person subject to an investigation by the county coroner or medical examiner except upon order of the coroner or medical examiner or ~~his~~ deputy. The coroner or medical examiner shall ~~receive, take charge of, and safely keep~~ the effects found on the body of a deceased person and dispose of them as the probate court directs by written order. If a crime in connection with the death of a deceased person is suspected, the coroner or medical examiner may prevent any person from ~~going into or on entering~~ the premises ~~or~~ rooms, or buildings, and shall have the custody of any objects that he ~~or she~~ deems to be of material evidence in the case. A willful violation of this section is a misdemeanor.

390.23 CERTIFICATES OF DEATH.

It shall be ~~unlawful for any~~ No person, other than the county coroner, medical examiner, or judge of probate ~~to, shall~~ issue a certificate of death in any of the following cases: of violent or mysterious deaths, including suspected homicides, occurring in his the county, and any willful violation of any of the provisions of section 390.221 is a misdemeanor.

390.24 EXPENSES.

The county board ~~of any such county~~ may allow the reasonable and necessary expenses of any such the coroner or his deputies, incurred for telephone tolls, telegrams, or postage, the cost of transcribing the testimony taken at an inquest, and other expenses incurred solely for the officers' official business of such officers under this chapter.

390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON.

Each coroner shall ~~cause to be~~ have fingerprinted all deceased persons in his the county whose identity is not immediately established. Within 24 hours ~~thereafter~~ after the body is found, the coroner shall forward to the bureau of criminal apprehension ~~such~~ the fingerprints, fingerprint records, and other identification data. The superintendent of the bureau ~~of eriminal apprehension~~ shall prescribe the form of these reports.

These The duties are in addition to those imposed on the coroner by section 525.393.

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

390.26 REPEALER, EXTENT.

All acts or parts of acts laws inconsistent with the provisions of Laws 1965, chapter 761, sections 1 to 5, are repealed and superseded by the provisions hereof but only to the extent of such inconsistencies this chapter. All acts or parts of acts laws pertaining to the salaries, fees, and expenses of coroners and their deputies and other employees or to the establishment and maintenance of morgues and ~~not inconsistent~~ consistent with the provisions of Laws 1965, chapter 761, sections 1 to 5, ~~shall continue to remain in force and effect.~~

390.31 SIMPLIFIED INVESTIGATIONS OF DEATH.

Subdivision 1. **PURPOSE.** It is the purpose of Sections 390.31 to 390.35 to provide a simplified system for the investigation of the death of any person when the county attorney determines that ~~such~~ an investigation is necessary and to provide for professional assistance to those making ~~such~~ the investigation. ~~To this end~~ It is declared to be in the public interest for medical doctors to conduct the medical investigations deemed necessary, under the supervision of the county attorney and, if a trial ~~proceeding~~ is deemed necessary, that it be held in a court of record.

Subd. 2. **JURY FEES.** Each juror sworn in ~~any~~ an action pending before ~~any~~ a sheriff on a writ of inquiry, shall receive \$3, to be paid, in the first instance in all civil actions, by the party calling for the jurors.

Subd. 3. **DISQUALIFICATION OF SHERIFF.** When the sheriff is a party to an action, or when any party, ~~his or~~ the party's agent or attorney, ~~makes and~~ files with the clerk of the district court an affidavit stating that ~~he~~ the party believes the sheriff, ~~by reason either~~ because of partiality, prejudice, consanguinity, or interest, will not faithfully perform ~~his~~ the sheriff's duties in ~~any~~ an action commenced, or about to be commenced, the clerk shall direct ~~all~~ process in ~~such~~ the action to the county attorney, ~~who~~. The attorney shall ~~thereafter~~ perform all the duties of the sheriff relative to ~~such~~ the action, and in the same manner as ~~prescribed~~ required for a sheriff in the performance of ~~similar~~ duties.

390.32 AUTHORITY TO CONDUCT PROCEEDINGS.

Subdivision 1. **DEATHS REQUIRING INVESTIGATIONS AND INQUESTS.** The sheriff shall investigate and may recommend to the medical examiner and the county attorney the conduct of inquests and autopsies in all human deaths of the following types:

(1) violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self induced or not;

(2) deaths under unusual or mysterious circumstances;

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(3) deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so as to be thereafter that the bodies will later be unavailable for examination; and

(4) deaths of inmates of public institutions who are not hospitalized ~~therein~~ for organic disease and whose deaths are not of any type referred to in clauses clause (1) or (2).

The sheriff shall report all such deaths to the medical examiner and the county attorney.

Subd. 2. **VIOLENT OR MYSTERIOUS DEATHS; AUTOPSIES.** The medical examiner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses clause (1) or (2), when in the judgment of the medical examiner the public interest requires an autopsy.

Subd. 3. **OTHER DEATHS; AUTOPSIES; EXHUMATION CONSENT.** ~~In addition~~ The medical examiner may conduct an autopsy in the case of any human death of any type referred to in subdivision 1, clauses clause (3) or (4), or may exhume any human body and perform an autopsy ~~thereon~~ in the case of any human death of any type referred to in subdivision 1 when in the judgment of the medical examiner the public interest requires an autopsy; provided that. No such autopsy shall be conducted unless the surviving spouse, or next of kin if there ~~be~~ is no surviving spouse, consents ~~thereto~~, or unless the district court of the county ~~wherein where~~ the body is located or buried shall, upon ~~such~~ notice as the court directs, enter enters its order authorizing an autopsy or an exhumation and autopsy. Application for ~~such~~ an order may be made by the medical examiner or ~~by~~ the county attorney of the county ~~wherein where~~ the body is located or buried, upon ~~such~~ a showing as that the court deems appropriate.

Subd. 4. **ASSISTANCE OF MEDICAL SPECIALISTS.** ~~Should If~~ the medical examiner ~~deem~~ finds it advisable to engage the services of medical specialists, including ~~but not limited to~~ pathologists and toxicologists, ~~he the~~ medical examiner shall apply to the probate judge, and upon for authorization. If the medical examiner shows reasonable cause ~~being shown therefor~~, the probate judge shall authorize the medical examiner to engage ~~such~~ medical specialists and provide for ~~the~~ payment of their fees and expenses, ~~such.~~ The costs of the services shall be paid by the county treasurer upon receipt of a certificate ~~thereof~~ from the probate judge.

Subd. 5. **RECORDS OF INVESTIGATION.** The sheriff shall keep properly indexed records giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information concerning the death.

Subd. 6. **REPORT OF DEATHS.** All Deaths of the types described in this section shall must be promptly reported for investigation to the sheriff by the

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attending physician, mortician, person in charge of the public institutions referred to in subdivision 1, or other person having knowledge ~~thereof of the death.~~

Subd. 7. **CUSTODY OF BODY.** Upon notification of ~~such~~ a death subject to this section, the sheriff or his deputy shall proceed to the body, take charge of ~~the same it~~, and, when necessary, order that there be no interference with the body or the scene of death.

Subd. 8. **REPORT OF INVESTIGATION.** The sheriff shall deliver a signed copy of his the report of investigation to the county attorney and the medical examiner.

Subd. 9. **INQUEST PROCEDURE.** ~~Should If~~ the county attorney ~~elect elects~~ to conduct an inquest, he the county attorney shall promptly notify the probate judge of the necessity need for an inquest and ~~to~~ make all arrangements ~~therefor for it~~. At ~~such the~~ inquest, the probate judge shall preside and the county attorney shall conduct the inquest on behalf of the state. Upon conclusion of the inquest, the probate judge shall find the cause of death and sign and file a death certificate. The probate judge, upon application of the county attorney, may issue subpoenas for witnesses in the manner provided by Minnesota Statutes 1969, section 390.15, and the probate judge shall administer the oath to them in the manner provided by Minnesota Statutes 1969, section 390.16.

Subd. 10. **NO INQUEST CONDUCTED.** ~~Should If~~ the county attorney ~~elect elects~~ not to conduct an inquest, he the county attorney shall ~~so~~ inform the medical examiner who shall ~~thereupon~~ find the cause of death and sign and file a death certificate.

390.33 APPOINTMENT OF MEDICAL EXAMINER; MANNER OF CONDUCTING PROCEEDINGS.

Subdivision 1. **MEDICAL EXAMINER APPOINTMENT.** The A county board of ~~any county~~ shall appoint a as permanent county medical examiner ~~who shall be~~ a doctor of medicine or osteopathy licensed to practice pursuant to chapter 147, or similar laws in any other state. ~~Such~~ A county medical examiner shall perform ~~all~~ the duties imposed upon medical examiners by sections 390.31 to 390.35 and ~~shall~~ serve at the pleasure of the county board. The county board shall pay ~~such the~~ medical examiner a salary to be determined by the board and ~~shall~~ provide for the payment of ~~such the~~ medical examiner's expenses incurred in the performance of ~~his~~ duties.

Subd. 2. **SUBPOENA POWER.** The probate judge may issue subpoenas for witnesses, returnable ~~forthwith~~ immediately or at a time and place as the judge directs. The persons served with subpoenas shall be allowed the same fees, the sheriff shall enforce their attendance ~~shall be enforced~~ in the same manner ~~by the sheriff~~, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a county or municipal judge.

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

Subd. 3. **OATH.** The following oath shall be administered to the witnesses by the probate judge: "~~You~~ Do you solemnly swear that the evidence you shall give to this inquest concerning the death under investigation shall be the whole truth and nothing but the truth, so help you God?"

Subd. 4. **PROCEEDING RECORDS.** The testimony of the inquest and all records of the proceedings ~~had~~ before the probate judge ~~shall~~ must be kept ~~and maintained~~ as a permanent record of the probate court. The record, or any portion ~~thereof~~, ~~shall of it~~ must be transcribed upon order of the probate court ~~and shall be transcribed~~ or upon the request of any witness who shall ~~tender to pay~~ the county treasurer the cost of ~~such~~ the transcript or portion ~~thereof~~ as of it determined by the probate judge. The record of the inquest proceedings and the report ~~thereof~~ may not be used in evidence in any a civil action arising out of the death for which ~~such~~ the inquest was ordered.

Subd. 5. **WITNESSES.** If the probate judge finds that any murder, manslaughter, or assault has been committed, ~~he~~ the judge shall ~~bind hold~~ over by recognizance ~~such~~ any witnesses as ~~he shall think~~ the judge thinks proper to appear and testify at the next term of the district court at which indictment for ~~such~~ the offense can be found. ~~He~~ The judge shall return to the ~~same~~ court the inquisition, written evidence, and all recognizances and examinations by ~~him~~ taken, and may commit to the county jail of ~~the county~~ any witnesses witness who ~~refuse~~ refuses to recognize in ~~such~~ manner, as ~~he shall direct~~ the judge directs.

Subd. 6. **WARRANTS.** If any a person charged by the inquest with as having committed the offense is not in custody, the judge ~~has the power to~~ may issue process for his apprehension of the person. The warrant shall must be made returnable before any court having jurisdiction in the case. The court shall proceed in the same manner as in similar cases.

Subd. 8. **FINGERPRINTS; IDENTIFICATION DATA.** Each sheriff shall ~~cause to be~~ have fingerprinted all deceased persons in ~~his~~ the county whose identity is not immediately established. Within 24 hours ~~thereafter~~, the sheriff shall forward to ~~the bureau of criminal apprehension~~ such the fingerprints, fingerprint records, and other identification data to the bureau of criminal apprehension. The superintendent of the bureau of ~~criminal apprehension~~ shall prescribe the form of these reports.

Subd. 9. **CORONER DUTIES TRANSFER TO MEDICAL EXAMINER.** Any duty of the coroner imposed by law prior to May 18, 1971, and not transferred by sections 390.31 to 390.35 or some other provision of law, is transferred to the medical examiner of the county in which ~~such~~ the coroner was elected or appointed.

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

390.34 QUALIFIED COUNTY CORONER; APPLICATION OF SECTIONS 390.31 TO 390.35.

Sections 390.31 to 390.35 ~~shall do not~~ apply in any a county in which there is a person whom the county board deems qualified who will agree to seek election to the office of coroner or, in a county where the coroner is appointed, a person who will accept appointment to such office in counties where the coroner is appointed. In no case shall Sections 390.31 to 390.35 ~~be are not~~ effective as to in any county until they have been approved by the its county board of such county.

390.35 ELECTION TO FOLLOW SIMPLIFIED INVESTIGATION.

Sections 390.31 to 390.35 apply only to ~~these~~ counties in which the county board elects to be bound by its provisions them in lieu of any other law relating to coroners. In ~~any~~ a county in which sections 390.31 to 390.35 apply, the county board may by resolution resume death investigations under sections 390.005 to 390.26. The board shall then fill the office of coroner as provided by section 390.005.

ARTICLE 8

Section 1. Minnesota Statutes 1984, chapter 458, is amended to read:

**PORT AUTHORITIES; WATER TRANSPORTATION FACILITIES;
PORT AUTHORITIES
TRANSPORTATION TERMINALS TRANSPORT FACILITIES
IN CITIES OF 4,000 TO 50,000**

458.02 FREIGHT AND PASSENGER TRANSPORTATION TERMINALS POWER TO GET LAND FOR TRANSPORT FACILITIES; USE.

Subdivision 1. MAY GET, HOLD. Any A city in this state now or hereafter having with a population of not less than from 4,000, and not more than to 50,000, shall have the power to may acquire and hold in fee simple, land on a navigable stream in the city by purchase or condemnation, land for the establishment of docks, quays, levees, wharves, landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers and necessary equipment and appurtenances on any navigable stream within the limits of such city and may hold it.

Subd. 2. USE. The city may set aside such portions of the land when acquired, as the much of the land as public needs may require, for use require for public travel and shall devote. The remainder thereof to the uses herein provided, or if required by the United States government must be used as

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required by the federal government or for docks, quays, levees, wharves, landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for carriers, and necessary equipment and appurtenances.

458.03 CONSTRUCTION OF DOCKS; CHARGES POWER TO BUILD FACILITIES, CHARGE FEES FOR USE.

Subdivision 1. CONSTRUCTION. Such cities shall have the power to A city described in section 458.02 may construct, erect, and maintain on any such land so acquired under that section, docks, quays, levees, wharves, landing places, railroad, and other transportation loading and unloading places, and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers, and necessary equipment and appurtenances; and such city shall have the power and is hereby authorized to charge a

Subd. 2. FEES. The city council may set reasonable price fees for the use of such docks, quays, levees, wharves, and landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for any and all kinds of carriers the facilities and necessary equipment and appurtenances, such reasonable price to be determined and fixed by the council or governing body of such city, and the making of such charge shall in no way be held to impair, affect or invalidate such bonds described in section 458.02.

PORT AUTHORITIES IN CITIES OF FIRST CLASS

458.09 PORT AUTHORITY COMMISSION, APPLICATION TO TRAITS OF SEAWAY AND OTHER PORT AUTHORITIES.

Subdivision 1. HAS PORT SAINT PAUL, DULUTH. A commission to be known as "Port Authority of" is hereby established in and for every city of the first class situated upon, or adjacent to, or embracing within its boundaries, in whole or in part, a port or harbor located on a navigable lake or stream. Sections 458.09 to 458.19 are expressly declared to be applicable to all such cities. Those port authorities now or hereafter having The port authority of Saint Paul and the seaway port authority of Duluth are established.

Subd. 2. SEAWAY PORT AUTHORITY. A seaway port authority is a port authority with jurisdiction over harbors located a harbor on the Great Lakes-St. Lawrence seaway system shall be known and are referred to in sections 458.09 to 458.19 as seaway port authorities.

Subd. 3. APPLICABLE STATUTES. Sections 458.09 to 458.1991 apply to the Duluth and Saint Paul port authorities unless specifically restricted to one or the other. In those sections, "port authority" includes seaway port authority.

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

Subd. 4. PUBLIC BODY TRAITS. A port authority shall be is a body politic and corporate in the state of Minnesota with the right to sue and be sued in the names above designated its own name.

A port authority shall also be considered is a governmental subdivision within the meaning of under section 282.01.

The exercise by any such A port authority or commission of any of its powers shall be deemed and held to be carries out an essential governmental functions function of the state of Minnesota when it exercises its power, but any such the authority shall is not be immune from liability by reason thereof because of this.

Subd. 2 5. PORT DISTRICT. Any A port authority, created and existing pursuant to this section, the membership of which has been appointed under section 458.10, subdivisions 1 or 2, shall have has jurisdiction and shall be empowered to exercise and apply any and all of may carry out its powers and duties, as defined in under sections 458.09 to 458.1991, at any place or places within the entire geographical area included within the boundary limits of in the city of the first class in which said port authority is located, and said area of operations shall be known and described as the port district. The total area of its operations is called its port district.

Subd. 6. MAY LEASE PROPERTY. The power to A port authority may lease property which the in or out of its port authority, in its discretion, district if it believes the property is suitable and proper to be put to use by the port authority in the execution of to carry out its duties and responsibilities is not to be deemed limited to said port district, but the port authority shall have the power to lease such property either within or without said port district for such purpose.

Subd. 3. The term "port authority" when used in these sections shall be deemed to include seaway port authorities.

458.10 MEMBERSHIP, COMMISSIONERS; TERMS, VACANCIES, PAY, CONTINUITY.

Subdivision 1. NUMBER, FIRST TERM. Such Except for the Saint Paul and Duluth port authorities, a port authority for any city shall consist consists of three commissioners who shall be appointed by the city council of each city in and for which such port authority is hereby created. The first commissioners of any such port authority shall be are appointed for terms as follows: one for two years; one for four years; and one for six years.

Subd. 1a. SAINT PAUL. Upon passage of a formal resolution of the governing body of any city having a port authority created under the terms of this subdivision and now existing, The port authority of such city shall be increased to Saint Paul consists of seven commissioners, two of whom shall must

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be members of the governing body of such city council. The members of such port authority shall be chosen by The mayor shall appoint the commissioners with the approval and consent of the governing body of such city and shall serve for a period of six years, provided that the members of any such port authority now existing shall be appointed for the remainder of their unexpired terms to such port authority council.

The members of the governing body of the city appointed to such port authority shall hold such office for a period of six years, provided that they are, at all times of such service on the port authority, members of the governing body of such city. When such members are no longer members of the governing body of such city, their terms on such port authority shall terminate, and the mayor of such city with the approval and consent of the governing body of such city shall then fill such vacancies. A vacancy in the office of any commissioner shall be filled by the mayor with the approval and consent of the governing body for the balance of the term in which vacancy occurs.

Any authority expanded in accordance with the provisions of this subdivision shall be deemed to be a continuation of the former commission.

The provisions of this section shall not apply to any port authority, now existing and qualified, under subdivisions 2 and 3.

Subd. 1b. OTHER PORT AUTHORITIES. A port authority established under law by a city council of a city other than a city of the first class may have three members as provided in subdivision 1 or seven members as provided in subdivision 1a, unless a different number or procedure is set out in the enabling law. A three-member authority under subdivision 1 may be increased to a seven-member authority under subdivision 1a by resolution of the city council.

Subd. 2. DULUTH. Upon resolution unanimously adopted by any such The Seaway Port Authority, it shall consist of Duluth consists of seven commissioners; three commissioners shall be appointed in accordance with subdivision 1, by the city council; two additional commissioners shall be appointed by the Saint Louis county board of commissioners of the county in which said city shall be located, one for a term to expire January 1, 1956, and one for a term to expire January 1, 1958; and two shall be appointed by the governor, one for a term to expire January 1, 1960, and one for a term to expire January 1, 1961. If a county commissioner is appointed to be a commissioner of the authority, his service on the authority shall end if he ceases to be a county commissioner before the regular end of his appointed term. Any port authority expanded in accordance with the provisions of this subdivision shall be deemed to be a continuation of the former commission.

A member of the Saint Louis county delegation of the state House of Representatives appointed by that delegation, and a member of the Saint Louis

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county delegation of the state Senate appointed by that delegation are advisory members of the authority.

Subd. 3. **TERM, VACANCIES.** ~~When The term of any a port authority commissioner expires, a successor shall be appointed to serve for a term of is six years. A vacancy in the office of any commissioner shall is created in Saint Paul when a city council member of the authority ends council membership and in Duluth when a county board member of the authority ends county board membership. A vacancy on any port authority for this or another reason must be filled by the appointing authority for such office for the balance of the term in which such vacancy occurs subject to the same approval and consent, if any, required for an appointment for a full term. In the event of the failure of For Duluth, if the governor or the county board of commissioners fails to act make a required appointment within sixty 60 days from the time after a vacancy occurs, the city council of any such city shall have has sole power to appoint a successor.~~

Subd. 4. **PAY.** ~~All commissioners shall serve A commissioner shall serve without compensation for their services, or any remuneration, save pay except for expenses incurred in the performance of their duty while performing duties. The advisory members of the Duluth authority from the legislature must not be paid for their service to the authority.~~

Subd. 5. **CONTINUATION.** ~~There shall also be appointed to serve in an advisory capacity only to such port authority one member of the Minnesota State Senate who represents such county in the Senate and one member of the Minnesota House of Representatives who represents such county in the House of Representatives. If such county is represented in the Minnesota legislature by only one senator and one representative, these members of the legislature shall serve on such commission. If the county is represented by more than one senator and more than one representative in the legislature, the members of that county's Minnesota Senate delegation representing such county shall choose and appoint such senator so to serve, and the members of the House delegation representing such county shall choose and appoint such representative so to serve. Such appointed senator and representative, serving on such commission, shall serve only in a consultant and advisory capacity, and shall receive no pay nor emoluments of any kind for such service The Saint Paul and Duluth authorities are continuations of earlier, smaller commissions.~~

458.11 BYLAWS AND RULES; OFFICERS; DUTIES; ORGANIZATIONAL MATTERS.

Subdivision 1. BYLAWS, RULES, SEAL. ~~The commissioners constituting such A port authority may adopt bylaws and rules of procedure governing their action, not inconsistent with this or other laws, and shall adopt an official seal.~~

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

Subd. 2. OFFICERS. They A port authority shall elect from among their number a president, a vice-president and, a treasurer, and shall also elect a secretary, and an assistant treasurer who may or may not be a member of such commission; any of said offices except those of. A commissioner may not serve as president and vice-president at the same time. The other offices may be held by one commissioner. The offices of secretary and assistant treasurer need not be held by a commissioner.

Subd. 3. DUTIES AND POWERS. The officers shall have the usual duties and powers usually attendant upon such of their offices, and such. They may be given other duties and powers not inconsistent herewith, as may be provided by the port authority.

Subd. 4. TREASURER'S DUTIES. The treasurer:

(1) shall receive and be is responsible for all moneys of the port authority from whatever source derived, and the same shall be deemed public funds; he shall also be money;

(2) is responsible for the acts of the assistant treasurer. He;

(3) shall disburse the same only on port authority money by check signed by himself and any other one officer of said port authority who shall be designated by resolution of the port authority, and each check shall state the name of the payee and the nature of the claim for which the same is issued. He only;

(4) shall keep an account of all moneys coming into his hands, showing the source of all receipts, and the nature, purpose and authority of all disbursements; and

(5) at least once each year, at times to be determined by the port authority, shall file with the secretary a the authority's detailed financial statement of the port authority showing all receipts and disbursements, the nature of the same, the moneys on hand, and the purposes for which the same are applicable, the credits and assets of the port authority and its outstanding liabilities, which report together with the treasurer's vouchers, shall be examined by the port authority and if found correct approved by resolution entered on the records with its secretary at least once a year at times set by the authority.

Subd. 5. ASSISTANT TREASURER. The assistant treasurer shall have has the powers and perform the duties of the treasurer in the event of the absence or disability of if the treasurer is absent or disabled.

Subd. 6. TREASURER'S BOND. The treasurer of every port authority shall give bond to the state in a sum equal to twice the amount of money which will probably be in his hands at any time during any one year of his term, that amount to be determined at least annually by the port authority, such bond to be conditioned for the faithful discharge of his official duties, and to. The bond

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must be approved as to both form and sureties surety by the port authority and filed with its secretary; such bond, however, shall not exceed \$300,000. The bond must be for twice the amount of money probably on hand at any one time, as determined at least annually by the authority. However, the bond must not exceed \$300,000.

Subd. 7. PUBLIC MONEY. Port authority money is public money.

Subd. 8. CHECKS. A port authority check must be signed by the treasurer and by one other officer named by the authority in a resolution. The check must state the name of the payee and the nature of the claim that the check is issued for.

Subd. 9. FINANCIAL STATEMENT. The port authority's detailed financial statement must show all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the authority's credits and assets, and its outstanding liabilities. The authority shall examine the statement together with the treasurer's vouchers. If the authority finds the statement and vouchers correct, it shall approve them by resolution and enter the resolution in its records.

458.12 DEPOSITORIES DESIGNATED; DEFAULT; COLLATERAL.

Subdivision 1. NAMED; BOND. The Every two years a port authority shall biennially designate a name national or state bank or banks as depositories of its money. Such depositories shall be designated only within the state and upon condition that bonds as depositories. Before acting as a depository, a named bank shall give the authority a bond approved as to form and surety by the port authority and at least equal in amount to the maximum sum expected to be on deposit at any one time, shall be first given by such depositories to the port authority, such bonds to. The bond must be conditioned for the safe-keeping and prompt repayment of such deposits. The amount of the bond must be at least equal to the maximum sum expected to be on deposit at any one time.

Subd. 2. DEFAULT; COLLATERAL. When any of the funds of the port authority shall be funds are deposited by the treasurer in any such a bonded depository, the treasurer and the sureties surety on his the treasurer's official bond shall, to such extent, be are exempt from liability for the loss of any such deposited funds by reason the deposits because of the failure, bankruptcy, or any other act or default of such the depository; provided, that any such. However, a port authority may accept assignments of collateral by any from its depository of its funds to secure such deposits to the same extent and conditioned in the same manner just as assignments of collateral are permitted by law to secure deposits of the funds of any such port authority's city.

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**458.14 RIGHT TO LEVY TAXES OR ASSESSMENTS FORBIDDEN
PORT CAN'T TAX; OTHER FISCAL MATTERS.**

Subdivision 1. **TAX LEVY BY CITY OBLIGATIONS.** The A port authority shall have no right or authority to must not levy any a tax or special assessment, nor to pledge the credit of the state, or any other subdivision or municipal corporation thereof; nor to or the state's municipal corporations or other subdivisions, or incur any an obligation enforceable upon any on property, either within or without the port district, other than property not owned by the port authority.

Subd. 2. **BUDGET TO CITY.** Annually, at such a time as may be fixed by charter, resolution, or ordinance of the city in and for which any such port authority is created, the a port authority shall transmit to the send its budget to its city's council of such city a detailed estimate, in writing. The budget must include a detailed written estimate of the amount of money which in its opinion will be required for the business and proper conduct of its affairs that the authority expects to need from the city to do authority business during the next ensuing fiscal year. The needed amount is what is needed in excess of any expected receipts from the conduct of its business, or other sources, and any such.

Subd. 3. **CITY LEVY.** A city, in addition to all other powers now possessed thereby, and in addition to, and in excess of any limitation upon the amount it is otherwise permitted by law to levy as taxes, shall, at the request of its the port authority, levy taxes a tax in any year for the benefit of, and for expenditure by, such the port authority, not exceeding in any one year an amount equal to a. The tax of must be for not more than .75 mill upon the dollar of times the assessed valuation thereof, upon all the of taxable property in such the city, excluding money and credits, and any. The tax may be levied beyond levy limits in law. The amount so levied for such purposes shall must be paid over by the city treasurer to the treasurer of the port authority, for expenditure by it, as above provided to be spent by the authority.

Subd. 4. **FISCAL YEAR.** The fiscal year of such a port authority shall must be identical with the same as the fiscal year of such its city; provided that any. However, the Seaway Port Authority of Duluth may, by resolution, adopt a fiscal year different from the city of Duluth's fiscal year based on the international shipping season through the St. Lawrence Seaway, independent of the fiscal year of the city in which the seaway port authority is located.

Subd. 5. **COUNTY LEVY.** The county board of county commissioners of any a county in which any such city is located, is also hereby authorized to appropriate having a port authority city may make an appropriation for the use of such the port authority, and to. The county board may include therefor what it considers a proper amount for the appropriation in its levy for general revenue purposes, such amount as it may deem proper; provided, that the total amount permitted by law to be levied by any county for levy. However, the county's

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general revenue purposes shall levy limit is not be deemed increased by this provision; the board of county commissioners in any because of this appropriation.

Subd. 6. ST. LOUIS COUNTY LEVY. The St. Louis County entitled to appoint members of a seaway port authority, board may annually, upon receipt of a after receiving the budget as specified above from such the seaway port authority, in its discretion levy a tax sufficient to produce a sum raise not exceeding more than \$50,000 for the benefit of and for expenditure by such port authority to defray the costs of for its current operations in the next ensuing fiscal year which. The levy shall need not be included in computing the amount of levies subject to tax limitations under chapter 275 or any other provision of law. The appropriation under county levy limit laws.

Subd. 7. OUTSIDE BUDGET LAWS. Money appropriated to a port authority of moneys derived from any of the county taxes herein authorized shall under this section is not be subject to any budgetary law applicable a budget law that applies to said the county.

Subd. 8. COUNTY PAYMENT. Any amounts so The county treasurer shall pay money appropriated or levied by the a county under this section shall be paid over by the county treasurer when and how the county board directs to the port authority for expenditure by it as herein provided, at such times and in such manner as the county board may provide to be spent by the port authority.

Subd. 9. ST. LOUIS COUNTY BONDS. When any city entitled to appoint members of a seaway port authority has secured the approval of two-thirds of the members of the city council of such city to issue its general obligation bonds, the proceeds of which are to be appropriated to such seaway port authority, the board of county commissioners of any county entitled to appoint members of such seaway port authority may by five-sevenths vote issue general obligation bonds of the county in an amount not to exceed \$4,000,000, and appropriate the proceeds thereof to be used by such port authority for any or all of the purposes specified in section 458.15, if the county board by resolution determines that the conservation, development, reclamation, protection and improvement of lands under the jurisdiction of such port authority and the construction of port facilities thereon will promote the public welfare of the county at large and the economic well-being of its people, industries and commerce, and is an essential governmental function of the county, and can best be performed through the medium of such port authority. Any such bonds shall be issued, sold and secured as provided in sections 475.60 to 475.753; an election shall not be necessary to the validity of such bonds.

Subd. 2 10. REVERSE REFERENDUM. If a city proposes to increase the levy of the city for port authority purposes pursuant to subdivision 1, it shall pass a resolution stating the amount by which the levy limit base is proposed to be increased. Thereafter, the resolution shall be published for two successive

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weeks in the official newspaper of the city or if there is no official newspaper, in a newspaper of general circulation in the city, together with a notice fixing a date for a public hearing on the proposed increase. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the city may determine to take no further action or, in the alternative, adopt a resolution authorizing the increase as originally proposed or approving an increase in the lesser amount it determines. The resolution authorizing an increase shall be published in the official newspaper of the city if there is no official newspaper, in a newspaper of general circulation in the city. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the city in the last general election requesting a referendum on the proposed resolution is filed with the clerk the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1 of the year for which the levy increase is proposed. A city may increase its levy for port authority purposes under this section, in the following way. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or if none exists in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or if none exists in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. Then the resolution is only effective if approved by a majority of those voting on the question. The commissioner of revenue shall prepare a suggested form of referendum question. The referendum must be held at a special or general election before October 1 of the year for which the levy increase is proposed.

458.15 USE OF CITY TO TRANSFER PROPERTY, BONDS, SERVICES, BY AUTHORITY.

Subdivision 1. PROPERTY TRANSFER. The council of any such a port authority city may, in its discretion, by majority vote, and with or without consideration, transfer or cause to be transferred to such its port authority or may place in its possession and control, by lease, or other contract or agreement, either for a limited period or in fee, any dock, waterfront, or riparian property now or hereafter owned or controlled by such the city, and located within the port district, but, The action must be by majority vote and may be with or

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without consideration. The city may also put the same property in the possession or control of the authority by a lease or other agreement for a limited period or in fee. Nothing in sections 458.09 to 458.19 contained shall be construed to impair or in any manner restrict any power of such restricts the city or any a municipality to from itself own, develop, use and improve owning, developing, using, and improving port or terminal facilities.

Subd. 2. BONDS, EXCEPT DULUTH. Any such A port authority city may issue its bonds for, and appropriate the bond proceeds thereof, to the purchase, construction construct, extension extend, improvement improve, and maintenance of maintain docks, warehouses, or other port or terminal facilities owned or to be owned or operated by such its port authority, other than if it is not a seaway port authority, under the same conditions, to the same extent and in the same manner as if such properties. This action may be taken in the same manner as if the facilities were public utility plants, needful needed public buildings and public conveniences from which capable of producing revenue may be derived, and were owned or to be owned or operated solely by the city.

Subd. 3. DULUTH BONDS. Any The city entitled to appoint members of a seaway port authority of Duluth may issue its not more than \$1,000,000 of its general obligation bonds in a sum not in excess of \$1,000,000 and may appropriate the bond proceeds thereof for any of the foregoing purposes in subdivision 2 and for the conservation, development, reclamation, protection and improvement of to conserve, develop, reclaim, protect, and improve lands under the jurisdiction of such its seaway port authority. Such The bonds shall be issued only after approval of two-thirds of the members of the city council of such city. Any such The bonds shall be issued, sold and secured as provided in under sections 475.60 to 475.73; The bonds are valid without an election shall not be necessary to the validity of such bonds.

Subd. 4. SPACE, SERVICES. Such A port authority city may also in its discretion and with or without compensation therefor furnish to such port authority offices, warehouses, or other structures and space with or without heat, light, and other service, and such to its port authority. The city council may also decide to furnish stenographic, clerical, engineering, or other assistance as its council may determine to its port authority.

Subd. 5. COUNSEL. The city attorney or similar law officer of any such city shall be the attorney and is the legal adviser of to the port authority, but this provision shall not impair the power of. The port authority to may employ additional counsel when in the judgment of its members such action is for any reason advisable.

458.16 POWERS AND DUTIES TO ADVANCE PORT, CHECK ABUSES.

Subdivision 1. GENERAL DUTIES. It shall be the general duty of any such A port authority to shall: (1) promote the general welfare of the port

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district, and of the port as a whole; ~~to endeavor~~ (2) try to increase the volume of the port's commerce ~~thereof~~; ~~to~~ (3) promote the efficient, safe, and economical handling of such the commerce; ~~and~~ ~~to~~ (4) provide or promote adequate docks, railroad and terminal facilities open to all ~~upon~~ on reasonable and equal terms for the handling, storage, care, and shipment of freight and passengers to, from, and through the port.

Subd. 2. **SPECIFIC DUTIES MEET, PLAN, REGULATE, INVESTIGATE, REPORT.** It shall further be the special duty of such A port authority shall:

(1) ~~To confer~~ meet with any similar body created under laws of any state embracing within its boundaries any part of any a neighboring state's port authority that shares a port or harbor of which the port district forms a part, and in so far as agreement shall be possible to adopt in conjunction with said similar body with it and try to agree with that authority on a comprehensive plan for the regulation and future development to regulate, develop, and improvement of improve the entire harbor and port;

(2) ~~To consider and adopt~~ detailed and comprehensive plans for the regulation, future development and improvement of the port district, ~~which plans shall, so far as may be, be consistent with the general~~ comprehensive plan above referred to in clause (1);

(3) ~~To confer~~ meet from time to time with any such similar body other state's port authority and, so far as may be, to try to agree therewith upon with it on legislation and regulations rules needed for the regulation to regulate and control of the whole port as a whole, and ~~to recommend the adoption of such the~~ legislation and regulations rules to the appropriate councils, legislatures or other legislative and regulatory bodies;

(4) ~~To determine upon~~ decide on and recommend legislation and regulations rules needed for the regulation and improvement of the conduct of to regulate and improve navigation and commerce within in the port district and ~~to similarly recommend the same~~;

(5) ~~Either~~ jointly with a similar body, or separately, ~~to recommend to the proper departments of the federal, state, or local government of the United States, or any state or subdivision of either, or to any other another~~ body, the carrying out of any public improvement for the improvements to benefit of the port or port district;

(6) ~~To investigate~~ the practices, rates, and conduct of privately owned or operated dock, terminal and port facilities within in the port district, and in the case of any Seaway Port authority such investigative powers shall include stevedoring and ear contractors, ship chandlers, and other organizations upon which a port is dependent for its orderly development and operation, and to institute such start proceedings, and take such steps in the public interest to

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remedy any abuses as may seem in the public interest; in connection with any such investigation, the port authority shall have power, by subpoena issued out of the district court of the county where the port authority is situated, to require the attendance of witnesses and the production of books and documents, and to examine witnesses under oath and;

(7) if deemed necessary, to bring suit for any irregularities before the a proper courts of the state or the United States federal court; and

(7) (8) annually by April 1 of each year to make written report to the council of such city, giving give a detailed written account to its city council of its activities and of, its receipts and expenditures during the preceding past calendar year, together with such further and other matters and recommendations as it shall deem thinks advisable for the advancement of to advance the commerce and welfare of the port district.

Subd. 2a. SUBPOENAS. To conduct investigations under subdivision 2, clause (6), a port authority may examine witnesses under oath and to do so have subpoenas issued out of the district court where it is located. The subpoenas may require the attendance of witnesses and the production of books and documents.

Subd. 2b. BROADER SEAPORT INVESTIGATIONS. A seaway port authority may also investigate stevedoring and car contractors, ship chandlers, and other organizations that a port depends on for its orderly development and operation.

Subd. 4. ONE BANK ACCOUNT. Any A port authority operating under the provisions hereof this section and also under the provisions of Minnesota Statutes, sections 458.191 to 458.1991 inclusive shall be authorized to may deposit all funds and income accruing to it its money from any source whatsoever, whether it be the operation of the said port authority under the provisions of this act or its operations under Minnesota Statutes, Sections 458.19 to 458.1991, in a single one bank account in a banking depository authorized by law.

Subd. 5. PUBLIC RELATIONS. In furtherance of any of its To further an authorized purposes any purpose a port authority or any seaway port authority may in its discretion provide for membership in any (1) join an official, industrial, commercial, or trade association, or any other another organization concerned with such purposes the purpose, for receptions (2) have a reception of officials or others as who may contribute to the advancement of advance the port district and any its industrial development therein, and for such (3) carry out other public relation activities as will to promote the same, and such port district and its industrial development. Activities shall be considered under this subdivision have a public purpose.

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458.17 ADDITIONAL POWERS PROPERTY CONTROL; TUNNEL, BRIDGE, SEAPORT BONDS.

Subdivision 1. CONTROL OF PROPERTY. The A port authority, in its own name, shall have full power and authority to may acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, storehouses, elevators, cold storage plants, terminals, bridges, and such or other terminal or transportation facilities as may be necessary. The authority may own, hold, lease, or operate real and personal property. The facilities and the property must be needed or convenient for storing, handling, or transporting freight, for the handling of passenger traffic, and for the establishment of establishing rail and water transfer within in the port district; to. The authority may make rules, regulations, and charges fix fees for the use thereof, of the facilities and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to the services it renders. The authority may borrow money and to secure the same by bonds or loans by mortgages upon any on property held or to be held by it, and in the case of any or by bonds.

Subd. 2. SALE OF REALTY. The authority may sell, convey, and exchange any real or personal property owned or held by it in any manner and on any terms it wishes. Real property owned by the authority must not be sold, be exchanged, or have its title transferred without approval of two-thirds of authority members following notice to all of them. All commissioners must have ten days' written notice of a regular or special meeting at which a sale, conveyance, exchange, or transfer of property is to be voted on. The notice must contain a complete description of the affected real estate. The resolution authorizing the real estate transaction is not effective unless a quorum is present.

Subd. 3. SEAPORT BONDS. A seaway port authority only to may issue and sell its negotiable revenue bonds of the port authority for such purposes, a purpose in subdivision 1 or for any of the purposes outlined a purpose in this chapter for related to the development of a seaport, such. The bonds to must be issued, sold, and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that the bonds in subdivision 6 with one exception: a trust indenture may but is not required to need not be executed, and in and by. The bond resolutions and indenture, if any, authorizing the bonds the port authority shall define must list the facilities whose net revenues are to be pledged thereto, and for the bond and interest payments. The authority may in its discretion mortgage such some or all of its facilities (other than a tunnel or bridge for vehicles) including additions and improvements to a trustee for the bondholders, which facilities may be all of those owned by the authority (except any vehicular bridge or tunnel) and all subsequent additions thereto and betterments thereof, or may be restricted to one or more described facilities, including or not including the facilities. The mortgaged facilities may include those financed by the bonds, and may be facilities which are either those operated by the authority, or are those leased to others, and. The authority may

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establish such agree to covenants and restrictions regarding the issuance of additional about: (1) issuing more bonds payable from net revenues of the same facilities, the subsequent amendment of the (2) changes to the bond resolutions or the indenture, (3) the remedies and priorities of the bondholders in the event case of default and, without limitation, all such other matters pertinent to (4) anything else about the security of the bonds, as that the authority may determine to be necessary for the marketing of decides is needed to best market the bonds to the best advantage; to sell, convey, and exchange any real or personal property owned or held by it in such manner and on such terms as it may see fit, save that no real property owned by the authority shall be so sold, exchanged, or the title thereto transferred without the approval of two-thirds of the members of the port authority, provided that no such sale, conveyance, exchange or transfer of real property shall be considered at any meeting unless all commissioners have been given at least ten days written notice that such a sale, conveyance, exchange or transfer will be voted upon at a special or regular meeting, which notice shall contain a complete description of the affected real estate, and provided further that such authorization shall not be given unless there is at least a quorum present.

Subd. 4. CONDEMNATION. The A port authority is hereby empowered to may acquire by condemnation under eminent domain any property, corporeal or incorporeal, of any kind within the port district which may be needed by it for public use; and the fact that the property so needed has been even if the property was acquired by the its owner under the power of eminent domain or is even if the property is already devoted to a public use shall not prevent its acquisition by the port authority by the exercise of the right of eminent domain hereby conferred. No Property now or hereafter vested in or held by the state of Minnesota, or any by a city, county, school district, town, or other municipality, shall be so must not be taken or acquired by the port authority without the the holder's consent of the state, municipality, or governmental subdivision. The necessity of the taking of any property by The port authority shall be determined by adopt a resolution duly adopted by the commissioners, which shall describe describing the property as nearly as may be and state the stating its intended use and purpose to which it is to be devoted. The acquisition of such property shall be thereafter accomplished by proceedings by law, as in taking land for public use by right of eminent domain under the laws of the state and the necessity of the taking.

Subd. 5. TUNNEL AND BRIDGES. In addition to the power and authority heretofore conferred upon the A port authority, the port authority, in its own name, shall have full power and authority to may acquire and thereafter then operate and maintain any an existing vehicular toll bridge for vehicles across any waters which form a common boundary water between any a city of the first class in the state and any other another city either within or without the in or out of state and to reconstruct, improve, and repair such existing bridge; and to. The authority may also construct, maintain, and operate an additional another

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vehicular toll bridge and with its approaches across these waters the water at a point suitable to the interests of navigation, and to may reconstruct, repair, and improve the same; and to both bridges. The authority may construct, maintain, and operate a tunnel under these waters the water and to reconstruct, repair, and improve the same; and to it.

Subd. 6. TUNNEL AND BRIDGE BONDS. The authority may issue and sell the its negotiable revenue bonds of the port authority for such the purposes of subdivision 5. Such The bonds shall must be authorized by resolutions as the port authority may determine from time to time, such resolutions. The resolutions to must contain such usual provisions with respect to about the form thereof of the bonds and their maturity, interest rate, sinking fund, redemption, and refunding as are customary and usual; and such bonds shall. The bonds must be issued under a trust indenture from the port authority to a corporate trustee, which. The indenture shall must contain the usual and customary provisions with respect as to: (1) the issuance of bonds; (2) the application of the revenues of such the bridge or tunnel for the creation of to create a sinking fund to provide for the payment of such to pay the bonds and interest thereon, and for on them; (3) the holding of the proceeds of the bonds in a special trust for the purpose of acquiring or constructing such to acquire or construct the bridge or tunnel; and for (4) the pledge and assignment by the port authority to the trustee under such trust indenture of the bridge or tunnel revenues of such bridge or tunnel over and above in excess of the cost of operation and maintenance thereof of it as security for the payment of the principal of and interest on such the bonds. The port authority shall establish, maintain, and collect tolls for transit over such the bridge or through such the tunnel acquired or constructed hereunder under this section sufficient at all times to pay the cost of the for its operation and maintenance thereof and to pay the principal of and interest on the bonds issued hereunder; and such under this subdivision. The bonds and the coupons evidencing showing interest thereon shall constitute on them are an irrevocable contract between the holders thereof bondholders and the port authority that such the tolls shall always be sufficient therefor for those purposes. No bonds A bond issued hereunder shall under this subdivision must not bear interest at a rate exceeding more than eight percent per annum and all such bonds so year. A bond issued hereunder shall under this subdivision must not be sold for not less than par and plus accrued interest to the date of delivery and payment and. Bonds may be sold at private sale without publishing prior publication of notice thereof of the sale. All such Bonds issued hereunder shall never constitute an indebtedness of any such city of the first class under this subdivision are not a debt of the port authority's city, and thus not chargeable to its the city's debt limit or and not payable ad valorem city property taxes, but such. The bonds shall be are payable solely and only from the toll revenues earned by such the bridge or tunnel and pledged to the payment thereof of the bonds.

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When the port authority determines to acquire any of these existing bridges, or to construct the additional bridge or tunnel, the A port authority shall have all rights and powers to may enter upon lands and to acquire, condemn, occupy, possess, and use such real estate and other property as may be needed for the location, construction, operation, and maintenance of such to locate, construct, operate, and maintain the bridge or tunnel and approaches thereto to it. In doing so, the authority shall act just as are possessed by a railroad corporations corporation may for railroad purposes, or by a bridge corporations corporation may for bridge purposes in the state in which such real estate or other where the property is situated, upon after making just compensation therefor to be ascertained for the property as decided and paid according to under the laws of the that state in which such property may be located and. The proceedings therefor shall must be the same as in for condemnation or expropriation of property for public purposes in such that state.

Subd. 7. SURVEYS; PLANS. The A port authority shall also have full right and power to cause to be made a may survey or investigation relating to investigate the proper uses, operations, improvement, and development of the port district, the resulting stimulation of employment by reason thereof, and the benefit to the port district's city and county in which such district lies, and to the state of Minnesota. The port authority may also cause to be prepared see that a plan for future construction, development, and improvement of is prepared to construct, develop, and improve the port, which in the future. The plan may be integrated into any merged with existing or future city plans of any city in the port district. Upon completion of When the plan is completed, and after public hearing, such the port authority may adopt the same it as its official plan for the port district. Thereafter such Then the plan may be extended, modified, or amended only after a hearing. Upon the adoption of any such When the plan is adopted, all improvements made by such the port authority shall conform thereto must agree with it.

Subd. 8. AGENT FOR SEAWAY PORT. Any A seaway port authority may also operate its port terminal facilities constructed on their its premises as terminal operators and as such. If it does so, the authority may contract with a warehouse operator or operators performing other terminal services on an agency basis to act as its agent. They may enter into such a The contract which may provide: (1) that the agent will be paid a compensation on a monthly basis to operate the facilities and; (2) that said the agent may hire the necessary personnel to carry all out the functions assumed in said undertaken by the contract, and; (3) that any and all employees engaged by said the agent shall be considered are employees of such the agent and not of the port authority; and he shall be (4) that the agent is responsible for the payment of their compensation to pay the employees and in compliance to comply with all local ordinances, and state or and federal laws in regard to affecting the employees. Such The seaway port authority may also contract with any other agent or agents for the performing of any and all functions to perform any function that the port authority has power

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by law to execute in a like manner may do. In contracting with so-called managing agent, but in remaining the terminal operator, the seaway port authority may contract to retain power over the setting of all to set rates for any services a service to be performed in any a terminal facility owned, leased, or operated by said seaway port authority it.

458.18 EMPLOYMENT OF PERSONNEL EMPLOYEES; CONTRACTS; AUDITS.

Subdivision 1. **PERSONNEL; CONTRACTS EMPLOYEES, SOCIAL SECURITY**. The A port authority shall have power and authority, in its own behalf, to may employ such or contract for the engineering, legal, technical, clerical, stenographic, accounting, and other assistance as it may deem advisable; any it considers advisable. An employee of any a port authority created and existing under and pursuant to the provisions of this chapter shall be considered as is an "employee" as the term is used and defined in under section 355.01, subdivision 4, and shall by appropriate action of the port authority be is entitled to the benefits provided for in this statute; to enter into contracts for the erection under that section.

Subd. 1a. **CONTRACTS**. A port authority may contract to erect, repair, maintenance or operation of maintain or operate docks, warehouses, terminals, elevators, or other structures upon on or in connection with property owned or controlled by it; to owns or controls. The authority may contract or make other arrangements arrange with the United States federal government, or any department thereof of its departments, with persons, public corporations, the state of Minnesota, or any of its political subdivisions, commissions, or agencies, for separate or joint action, with reference to on any matter related to the exercise of using the authority's powers or the fulfillment of the doing its duties of such port authority; to. The authority may contract for the to purchase and sale of sell real and personal property; provided that no. However, an obligation or expense shall be must not be incurred save upon these terms and at these times except when existing appropriations, together with the reasonable expected revenue of the port authority from other sources, shall be are sufficient to enable the same to be discharged discharge the obligation or pay the expense when due; and neither. The state nor any and its municipal subdivision thereof shall be subdivisions are not liable on any of these the obligations.

Subd. 2. **C.P.A. AUDITS**. Notwithstanding the provisions of any law to the contrary, any A seaway port authority may employ a certified public accountant to annually examine and audit and examine the its books of the authority. The report of the examination or exam and audit by the certified public accountant shall be submitted must be sent to the state auditor who. The state auditor shall review the audit report and may accept the audit it or make additional examinations as he deems to be in the public interest examine the books further.

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

458.19 APPLICATION PORT CONTROL BY OTHERS; PETITION; INTERVENTION.

Subdivision 1. WHO MAY REGULATE WHAT; HOW. Until and unless otherwise provided by law, all laws now or hereafter vesting jurisdiction or control in the department of public service of the state of Minnesota, the interstate commerce commission or department of defense of the United States, or similar regulatory bodies shall apply to any transportation, terminal, or other facility owned, operated, leased, or controlled by the port authority with the same force and effect as if the transportation, terminal, or other facility was so owned, operated, leased, or controlled by a private corporation; provided,

Subd. 1a. STATE SEAPORT CONTROL LIMITED. ~~However, that~~ The state department of public service of the state of Minnesota shall have has no control jurisdiction over any a seaway port authority operating under this chapter for the following matters to the extent they are connected with handling interstate commerce:

- (1) Charges for stevedoring of vessels;
- (2) Receiving and delivering cargo for vessels;
- (3) Car and truck unloading and loading cargo for vessels;
- (4) Watching cargo for vessels;
- (5) Charges ~~for~~ to vessels for use of facilities;
- (6) Charges against railroad, trucking companies ~~and/or~~ or shippers for ~~their use of port facilities;~~ and
- (7) Delivery and warehouse charges for delivering cargo to and from and in warehouses on seaway port authority property and warehouse charges on the same, provided all of these items are in connection with handling of interstate commerce.

Subd. 2. PETITIONS, INTERVENTION. ~~The A~~ port authority shall have authority either alone or jointly with any similar body having jurisdiction of any part of such port to may petition any interstate commerce commission, department of public service, public utilities commission, or any like body or any other federal, municipal, state, or local authority, administrative, executive, judicial, or legislative, a public body of any kind or level having jurisdiction in the premises of the matter, for any relief, rates, change, regulation rule, or action which in the opinion of that the port authority may be designed to believes will improve or better the handling of commerce in and through the port or improve terminal and transportation facilities therein, and in the port. The port authority may join with another authority sharing its port in making the petition. A port authority also may intervene before any such public body in any a proceeding affecting the commerce of the port and. In any such matters shall be considered

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along with other interested persons the proceeding, the port authority is one of the official representatives of the port district along with other interested persons.

458.191 INDUSTRIAL DEVELOPMENT DISTRICTS.

Subdivision 1. **CREATION; NOTICE; FINDINGS.** The port authority of any port district created and existing under section 458.10, subdivisions 1 or 2, may, after a public hearing thereon of which at least ten days notice shall be published in a daily newspaper of general circulation in the port district, the city of Saint Paul and the Seaway Port Authority of Duluth may create and define the boundaries of industrial development districts within the in their port district and define the boundaries thereof if it finds districts. First the authority must hold a public hearing on the matter. At least ten days before the hearing, the authority shall publish notice of the hearing in a daily newspaper of general circulation in the port district. Also, the authority shall find that the creation of such a development district or districts is proper and desirable in establishing and developing to establish and develop a system of harbor and river improvements and industrial developments in each its port district.

Subd. 2. **POLICY.** It is hereby declared to be the public state policy of the legislature of the state of Minnesota that it is in the public interest to empower the have a port authority to employ the power of use eminent domain, and for such port authority to advance and expend spend public moneys money for the purposes contained in Laws 1957, Chapter 812 sections 458.09 to 458.1991, and to provide for the means by which to develop marginal area properties may be developed or redeveloped in accordance with property according to the legislative policies hereinafter stated findings in subdivision 2b.

Subd. 2a. **BROAD MEANING.** In this section, development includes redevelopment, and developing includes redeveloping.

Subd. 2b. **FINDINGS.** The legislature makes the findings in this subdivision about the purposes of this section.

(1) A Sound development of the economic security of the peoples of the city of the first class people in which is situated such port authority is dependent upon cities depends on proper development and redevelopment of marginal properties, and property. The general welfare of the inhabitants residents of the port districts in which they exist require the remedying of such requires remedies for the injurious conditions to which of marginal properties are now subject; and property.

(2) The development and redevelopment of such Marginal area properties property cannot be accomplished by private enterprise alone developed without public participation and assistance in the acquisition of: (a) acquiring land and, (b) planning and in the, (c) financing of land assembly in the work of clearance, and development and redevelopment, and in the (d) making of necessary improvements necessary therefor for developing.

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(3) ~~To protect and promote~~ The protection and promotion of sound development and redevelopment of marginal lands as hereinafter defined property, and of the general welfare of the ~~inhabitants~~ residents of the port districts in which they exist, to requires remedying such the injurious conditions through the employment of all by appropriate means.

(4) ~~That whenever~~ When the development or redevelopment of such marginal lands property cannot be accomplished ~~done~~ by private enterprise alone, without public participation and assistance in the acquisition of land and planning and in financing of land assembly in the work of clearance, development and redevelopment, and in the making of improvements necessary therefor, it is in the public interest to employ the power of use eminent domain, to advance and expend ~~spend~~ public moneys for those purposes money, and to provide for the means by which such marginal lands may be developed or redeveloped to develop marginal property for the purposes in paragraph (2).

(5) ~~That~~ The development or redevelopment of such marginal lands property and the provision of appropriate its continuing land use constitute are public uses and, public purposes for which, and government functions that justify spending or advancing public moneys may be advanced or expended money and acquiring private property acquired, and are governmental functions and are of. The development is a state concern in the interest of health, safety and welfare of the peoples people of the state of Minnesota and of the people of the communities in which such areas exist having marginal property.

(6) ~~That the~~ Sections 458.09 to 458.1991 are a public necessity in the public interest for the provision of Laws 1957, Chapter 812, is declared to be a matter of legislative determination.

Subd. 3. **MORE FINDINGS.** It is further found and declared that The legislature also makes the findings in this subdivision:

(1) The existence of such Marginal lands characterized by any or all of such conditions constitutes a serious and growing menace which is condemned as injurious and inimical to property is a serious and growing menace for the public health, safety, and welfare of the people of the state and of the people of communities in which they exist and of the people of the state having marginal property.

(2) Such Marginal lands present difficulties and handicaps which are property causes problems beyond remedy and control solely by regulatory processes in the exercise of the of police power alone.

(3) They contribute substantially and increasingly to Marginal property worsens the problems of, and necessitate excessive and disproportionate expenditures for, crime prevention, correction, prosecution and punishment, the treatment of preventing, prosecuting, and punishing crime, and treating juvenile delinquency, the preservation of the corrections, preserving public health and

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safety, and the maintaining of adequate enough police, fire and accident protection and enough other public services and facilities.

(4) ~~This~~ The menace of marginal property is becoming increasingly direct and substantial in its significance and effect more direct and serious.

(5) The benefits which will result from the remedying of such conditions and the redevelopment of such All residents and property owners in communities having marginal lands will benefit from remedying the conditions on marginal lands will accrue to all the inhabitants and property owners of the communities in which they exist property by development.

(6) Such conditions of An individual marginal lands tend to further obsolescence, deterioration, and disuse because of the lack of property owner has no incentive to the individual landowner and his inability to improve, modernize, or rehabilitate his or means to fix the property while the condition of the neighboring properties remains property remains unchanged, so the marginal property declines further.

(7) As a consequence the process of deterioration of such The decline of marginal lands frequently often cannot be halted or corrected reversed except by redeveloping the entire area, or substantial portions developing all or most of it.

(8) Such conditions of Marginal lands are chiefly property is mostly found in areas subdivided into of small parcels, held in divided and widely having scattered ownerships, frequently under defective ownership, often with defective titles, and in. Many such instances the times, private assembly of the land areas for redevelopment is so difficult and costly that it development is uneconomic and as a practical matter practically impossible for owners to undertake because of costs and lack of the legal power and excessive costs.

(9) The remedying of such conditions may require The public acquisition may have to acquire sizable areas of marginal property at fair prices of adequate areas, the redevelopment of the areas suffering from such conditions to remedy the conditions on the marginal property, and to develop the areas under proper supervision, with appropriate planning and continuing land use.

(10) The development ~~or redevelopment~~ of land, ~~or both~~, acquired under the authority of Laws 1957, Chapter 812, constitute sections 458.09 to 458.1991 is a public use and are a governmental functions, and that function. The sale or leasing of such lease of the land after the same has been developed or redeveloped is merely development is incidental to the accomplishment of the real or fundamental purpose, that is, to remove the condition which caused said making the property to be marginal property as in Laws 1957, Chapter 812, defined.

Subd. 4. **MARGINAL PROPERTY.** "Marginal lands property" is defined and characterized by any means property that suffers from at least one or more of the following described conditions in this subdivision:

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(1) ~~An economic dislocation, faulty planning causing deterioration, or disuse resulting from faulty planning, or economic dislocation,~~

(2) ~~the subdividing and sale of lots of too small and irregular form and shape and inadequate size for proper usefulness good use and development,~~

(3) ~~The laying out of lots in disregard of the contours and other laid out ignoring their physical characteristics of the ground and surrounding conditions,~~

(4) ~~The existence of inadequate streets, open spaces, and inadequate utilities,~~

(5) ~~The existence of lots or other areas which are subject to being submerged by water. that may flood,~~

(6) ~~By a prevalence of depreciated lower values, impaired damaged investments, and social and economic maladjustment to such an extent that the upsets reducing taxpaying capacity to pay taxes is reduced and making tax receipts are inadequate too low for the cost of public services rendered,~~

(7) ~~In some parts of marginal lands, a growing or total lack of proper utilization or improper use of areas, resulting in a stagnant and or unproductive condition of land potentially useful and valuable for contributing that could contribute to the public health, safety and welfare,~~

(8) ~~In other parts of marginal lands, a loss of lower population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of some improper use of areas causing more decline, and requiring more public money for new public facilities and public services elsewhere,~~

(9) ~~property of an assessed valuation of insufficient amount to permit the establishment of too low to establish a local improvement district for the construction and installation of to construct and install streets, walks, sewers, water and other utilities,~~

(10) ~~lands within an industrial area which are not devoted to industrial uses used for industry but which are necessary to needed for industrial development within the industrial of the area, and~~

(11) ~~Lands state-acquired by the state of Minnesota by forfeiture for non-payment of taxes tax-forfeited land.~~

458.192 ADDITIONAL POWERS MORE POWER TO SET UP DEVELOPMENT DISTRICTS.

Subdivision 1. **IN GENERAL.** In addition to all powers conferred on the port authority under sections 458.09 to 458.19, the A port authority, or a city authorized by law to exercise the powers of as a port authority, to accomplish the purposes set forth in may use the powers in this section for the purposes in

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section 458.191, subdivision 1, shall have the powers provided in this section. A port authority in this section includes a city that has the powers of a port authority.

Subd. 2. **ACQUIRE PROPERTY.** ~~It~~ The port authority may acquire by lease, purchase, gift, devise, or condemnation proceedings ~~all necessary the~~ needed right, title and interest in ~~and to lands and buildings required for the~~ purposes contemplated in the creation of such property to create industrial development districts and. ~~It shall pay therefor for the property out of funds obtained by money it as hereinafter provided, and gets under sections 458.192 to 458.1991.~~ It may hold and dispose of the ~~same~~ property subject to the ~~limitations limits~~ limits and conditions ~~herein prescribed in sections 458.09, 458.10, and 458.191 to 458.1991.~~ The title to any such property acquired by condemnation or purchase shall must be in fee simple, absolute, but any such real or personal. The port authority may accept an interest in property or interest therein otherwise acquired may be so acquired or accepted in another way subject to any condition which may be imposed thereon by of the grantor or donor and agreed to by the port authority not inconsistent. The condition must be consistent with the proper use of such the property for the purposes herein provided under sections 458.09, 458.10, and 458.191 to 458.1991. Any properties, real or personal, Property acquired, owned, leased, controlled, used, or occupied by the port authority for any of the purposes of this section are declared to be acquired, owned, leased, controlled, used and occupied is for public governmental and municipal purposes and shall be is exempt from taxation by the state or any of by its political subdivisions. Such The exemption from taxation applies only when while the port authority holds property for its own purpose. When property is sold, this exemption from taxation shall not apply, and the property shall be returned for taxation to the tax rolls it begins to be taxed again. Such

Subd. 2a. **OPTIONS.** The port authority shall have the power to execute may sign options for to purchase, sale sell, or lease of property.

Subd. 3. **EMINENT DOMAIN.** ~~It~~ The port authority may exercise the right of use eminent domain in the manner provided by Minnesota Statutes, under chapter 117, or under the provisions of the home rule its city's charter of the city in which said port authority is located for the purpose of acquiring any to acquire property which it is authorized to acquire by condemnation. The fact that the port authority may acquire in this way property so needed has been acquired by the its owner under by eminent domain or is property already devoted to a public use shall not prevent its acquisition by such port authority by the exercise of the right of eminent domain, provided that the acquisition of such sites and property has the approval and ratification of the governing body of the city in which said port authority is located only if its city's council approves. The port authority may take possession of any such possess property so to be acquired at any time condemned after the filing of the it files a petition describing the same in condemnation proceedings describing the property. ~~It shall not be~~

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precluded from abandoning The authority may abandon the condemnation of any such property in any case where before taking possession thereof has not been taken.

Subd. 4. **CONTRACTS.** It The port authority may contract and be contracted with in any matter connected with the purpose of make contracts for an industrial development purpose within the powers of the port authority herein given it in sections 458.09, 458.10, and 458.191 to 458.1991.

Subd. 4a. **PARTNER.** It The port authority may enter into a partnership agreement with one or more other persons under which the port authority serves as be a limited partner only.

Subd. 5. **RIGHTS; EASEMENTS.** It The port authority may acquire rights or easements an easement for terms a term of years or perpetually to accomplish the purpose of such industrial districts' for development of an industrial district.

Subd. 6. **SUPPLIES; MATERIALS.** It The port authority may purchase all buy the supplies and materials necessary in carrying it needs to carry out the purposes of this section.

Subd. 7. **RECEIVE PUBLIC PROPERTY.** It The port authority may accept from the United States of America or state of Minnesota or any of their agencies or any local subdivision of government under the state of Minnesota, land, moneys money, or other assistance, whether by gift, loan or otherwise, for the purpose of carrying in any form from the federal or state government, or an agency of either, or a local subdivision of state government to carry out the purposes of Laws 1957, Chapter 812, and of acquiring and developing section 458.09 to 458.1991 and to acquire and develop an industrial development districts district and its facilities as contemplated herein under this section.

Subd. 8. **TAX FORFEIT LAND.** Such The port authority, in connection with the acquisition of land for and the development of industrial development districts, may exercise all use the powers power of a governmental subdivisions within the meaning of Minnesota Statutes, subdivision under section 282.01, and pursuant thereto shall have all the powers similar to the to acquire land for and develop an industrial development district. The authority may act the way a city of the first class in which it is located to acquire, by any means provided by law, lands acts under that section to acquire land forfeited to the state for non-payment of taxes to the state of Minnesota.

Subd. 9. **PROCEDURE.** It is hereby declared that the purposes of Laws 1957, Chapter 812, in the program herein set out for the creation and development of Industrial development districts is district programs are in the public interest, and. To implement the program, it is essential that carry them out, tax-forfeited lands, the title to which has in the district vested in the state of Minnesota, need to be conveyed to such the developing port authority for a

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nominal consideration of \$1 one dollar per tract for. The port authority may use and subsequent resale later resell the land as found it finds expedient by such port authority in furtherance of the purpose of Laws 1957, Chapter 812 to carry out sections 458.09 to 458.1991.

It is declared that any proposed resale of industrial development lands to private parties, or the use in any manner thereof by such port authority in the way of industrial development, requires that such port authority acquire title to all lands within the area of the industrial development district free and clear of any In conveying tax forfeit land to a port authority the state may not retain a possibility of reverter to or right of re-entry by the state of Minnesota, for the reasons or under the circumstances set forth in Minnesota Statutes, as it does under section 282.01, subdivision 1. Port authority use for industrial development and potential resale to private parties precludes assertion of these retained rights by the state.

The commissioner of revenue of the state of Minnesota is authorized and shall convey to any such port authority tax forfeit parcels of tax-forfeited lands in such an industrial development district to the port authority, petition for the conveyance of which has been made to such commissioner under the provisions of Laws 1957, Chapter 812, upon payment by such port authority of the nominal consideration of \$1 for each if the authority petitions for conveyance under sections 458.09 to 458.1991 and when the authority pays one dollar per tract of land so acquired.

Any such deed of conveyance shall be upon a form approved by The attorney general and shall convey to any such shall approve the form of the deed of conveyance. The port authority shall receive absolute title to such the tract or tracts of land, subject only to the a reservation of minerals and mineral rights, pursuant to Minnesota Statutes, under section 282.12; such. The deed of conveyance shall must not contain any condition or other provision with reference to a restriction on the use to which of the premises shall be put, and by such. The conveyance divests the state of Minnesota shall be divested of any and all further right, title, claim or interest in and to such the tracts, subject, however, to the mineral except for the reservation hereinabove referred to of minerals and mineral rights.

Subd. 10. **DEVELOPMENT DISTRICT POWER.** Such The port authority shall have the authority to may sell or lease the land held by it for river, harbor or industrial development in industrial development districts. It The authority may, if proper in the public interest, construct build suitable buildings or structures upon any on land owned by it and, if deemed necessary for the purposes to be served by such buildings and structures, it may install or. The authority may furnish capital equipment to be located permanently or used exclusively on such the lands or in such the buildings all for the purpose of leasing or selling the same if necessary to the purposes of the buildings or

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structures. The port authority must intend that the buildings, structures, and equipment be leased or sold to private persons in the to further industrial development of such develop the industrial district. It may exercise its

The authority, herein given, to the acquisition, development, sale or may acquire, develop, sell, or lease of single or multiple tracts of land to be developed, irrespective regardless of size, having in mind that the purpose of Laws 1957, Chapter 812, is to be developed as a part of the industrial development of the district under sections 458.09 to 458.1991.

Subd. 11. **TAX INCREMENT.** Upon or after the creation of an industrial development district under section 458.191 which is not subject to the provisions of sections 273.71 to 273.78, The port authority may request that the county auditor of the county in which it is situated shall upon request of the port authority of its industrial development district certify the then most recently determined latest assessed valuation of all or so much of the legally described taxable real property within in the request or of all the taxable real property in the district as is identified by legal description in the request, other than that portion of the. The request must be made when or after an industrial development district not subject to sections 273.71 to 273.78 is created. The auditor shall make the certification. Valuation which that is contributed to an area-wide tax base under chapter 473F must be excluded from the certification. The auditor shall certify to the authority in Each year thereafter the auditor shall certify to the authority the amounts and percentages of subsequent increases increase or decreases decrease in such the certified valuation other than that portion of such increases or decreases which. The part of the change that is contributed to an area-wide tax base under chapter 473F must be excluded.

The auditor shall compute the mill rates of taxes against such the original certified valuation but. The auditor shall also extend such the rates also against any incremental value and remit increased valuation. The auditor shall then send the resulting tax increment to the port authority in the same manner as that provided for the computation and remittance of tax increments under. The procedure to be used for computing and sending the increments is in section 462.585, subdivisions 2 and 3.

The port authority shall segregate keep tax increments received with respect to any such for a property district in a special account on its official books and records. Such

The auditor shall send the tax increments shall be remitted to the port authority until the cost including interest of redevelopment of the marginal land property within the district, including interest thereon, has been fully reimbursed from the tax increments. When such full reimbursement has been made, it shall be reported by The port authority shall report to the county auditor, who when the cost is fully reimbursed. After that the auditor shall thereafter include compute and extend the tax mill rates against the entire assessed valuation of the

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property in the assessed valuations upon which tax mill rates are computed and extended and send the taxes are remitted to all taxing districts. Any part or all of such tax, if so directed by The port authority's city council, shall may direct that part or all of the tax collected from the property be pledged and appropriated for the payment of any to pay general obligation bonds of the port authority. Increases in the value of such property, subsequent to certification of the base for computing the tax increment therefrom, shall not be included After the auditor has certified the base valuation used to compute tax increments and while the tax increment is kept in a separate account, the auditor must not include increases in the valuation of the property in the assessed valuation of any a taxing district for the purpose of computing any to compute its debt or levy limitation limit or to compute the amount of any its state or federal aid to the taxing district, so long as the tax increment therefrom is segregated under the provisions of this section. The provisions of This subdivision shall does not apply with respect to any a project, unless the port authority requested a certification of which is requested subsequent to on the project before August 4 2, 1979.

Subd. 13. **FOREIGN TRADE ZONE.** It The port authority may, by itself, or in association with another port authority apply to the board defined in 19 U.S.C. United States Code, title 19, section 81a, for authorization to exercise the right to use the powers provided for in 19 U.S.C. United States Code, title 19, sections 81a to 81u, and may upon receiving authorization exercise those powers. If the right is granted, the authority may use the powers. One authority may apply with another port authority.

Subd. 14. **WINONA MEANING.** Wherever For the Winona port authority is authorized to use its powers for industrial development or the establishment of industrial development districts, and wherever the term when "industrial" is used with relation to such purposes pursuant to in the context of industrial development district under this chapter, the term or terms shall be understood to include and encompass the terms "industrial" or "industrial development" includes "economic" and or "economic development."

Subd. 15. **RELATION TO CHAPTER 474.** It The port authority may exercise and apply any and all of the powers and duties assigned to of a redevelopment agencies pursuant to agency under chapter 474, in order to further any of the purposes and objectives of for a purpose in sections 458.09 to 458.1991 and or sections 462.411 to 462.705, and. The port authority may also exercise and apply any and all of use the powers and duties set forth in sections 458.09 to 458.1991 and sections 462.411 to 462.705, in order to further the purposes and policies set forth for a purpose in chapter 474.

Subd. 16. **PARKING AND THE LIKE.** It The port authority may operate and maintain a public parking or other public facility to promote development in a development district.

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458.193 PORT'S CITY-BACKED BONDS, ISSUANCE FOR CASH FLOW.

Subdivision 1. **POWER; PROCEDURE.** In anticipation of the receipt by the port authority of payments, appropriations, rents and profits and of income from any other source and for the purpose of securing funds as needed by such port authority for the payment of the cost of property acquired and for other purposes as herein authorized, the A port authority is hereby authorized to may issue bonds in such the principal amount as shall be authorized by the governing body of the city of the first class in which such port authority is situated its city's council. Such The bonds may be issued in anticipation of income from any source. The bonds may be issued: (1) to secure funds needed by the authority to pay for acquired property or (2) for other purposes in sections 458.09, 458.10, and 458.191 to 458.1991. The bonds shall must be in such the amount and form and bear interest at such the rate as the said governing body of such set by the city of the first class shall prescribe and shall be sold by such port council. The authority shall sell the bonds to the highest bidder therefor after. The authority shall publish notice of the time and the place for the receiving of the bids has been published once at least two weeks prior to the date of receiving bids before the bid deadline. Except as otherwise provided in Laws 1957, Chapter 812, the issuance of the bonds herein authorized by such port authority shall be governed by provisions of Minnesota Statutes Sections 458.09 to 458.1991 govern issuance of the bonds. When those sections are silent, chapter 475, and such governs. The port authority when issuing such the bonds shall be deemed to be embraced within the meaning of the term "is a municipal corporation" as said term is used in Minnesota Statutes, under chapter 475. Notwithstanding any provision to the contrary included within the charter of any such city or any general or special law of the state of Minnesota, such bonds may be issued and sold without submission of the question thereof to the electors of such city of the first class, provided, however, that the ordinance of the governing body of such city authorizing issuance of such bonds by such port authority shall be subject to any provisions in the charter of such city pertaining to the procedure for referendum of ordinances enacted by such governing body.

Subd. 1a. **OUTSIDE DEBT LIMIT.** Any such Bonds issued by any such the port authority of any such city of the first class shall must not be included in computing the net indebtedness debt of such its city of the first class under any applicable law or charter provision. The receipt and expenditure of any moneys Money received hereunder shall under this section must not be included within the definition of any limitation imposed on in a per capita person limit on taxing or spending in the port authority's city's charter of any such city of the first class, and such exemption from such limitation shall apply to such port. The authority is also exempt from the limit. The taxing powers granted to cities of the first class in connection with Laws 1957, Chapter 812, in any manner shall be in addition to all taxing powers now possessed by them.

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Subd. 2. **DETAIL; MATURITY.** Such bonds shall be of such The port authority with the consent of its city's council shall set the date, denominations, place of payment, form and details as may be determined by the port authority with the consent of the governing body of such city of the bonds. The bonds shall must mature serially. The first installment to fall is due in not more than three years and the last in not more than 30 years from the date of issuance.

Subd. 3. **SIGNATURES; COUPONS; LIABILITY.** The bonds shall must be signed by the ~~chairman~~ president of the port authority, be attested by the ~~its~~ secretary, and be countersigned by the ~~its~~ treasurer, ~~said officers to be elected annually by.~~ The members of the port authority, and shall elect these officers annually. The interest coupons shall must be attached ~~thereto~~ and to the bonds. The coupons must be executed and authenticated by the printed, engrossed or lithographed facsimile signature of chairman the port authority's president and secretary. Such The bonds shall do not impose any personal liability upon any on a member of the port authority.

Subd. 4. **PLEDGE.** The bonds shall must be secured by the pledge of the full faith, credit and resources of the issuing port authority's city of the first class in which said port authority has been created. Said The port authority is hereby authorized to may pledge such the full faith, credit and resources of said the city only upon the specific authorization of the governing body of said if the city that said port specifically authorizes the authority may so to do so. The propriety of the issuance of bonds in any specific city council must first decide whether the issuance of the bonds by the authority is proper in each case and the amount thereof shall be a matter of decision for such governing body in the first instance if so, what amount of bonds to issue. The city council shall give specific consent in an ordinance to the pledge of such the city's full faith, credit and resources of the city of the first class shall be conclusively presumed from formal action of the governing body of such city, taken by ordinance. Such bonds shall be paid, both in The port authority shall pay the principal amount thereof of the bonds and the interest thereon, by the port authority on it from tax levies as hereinafter provided for the purpose of repayment, the earnings and all income received by such port taxes levied under this section to make the payment or from authority income from whatever any source it may be derived.

Subd. 5. **TAX LEVY.** Such A port authority, upon issuing any that issues bonds under the provisions of this section, shall, before the issuance thereof issuing them, levy a tax for each year, until the principal and interest are paid in full, a direct annual tax on all the taxable property in the authority's city in which such authority has been created in an amount not less than. The tax must be for at least five percent in excess of the sum more than the amount required to pay the principal and interest thereof when and on the bonds as such the principal and interest mature. The tax must be levied annually until the principal and interest are paid in full. After any such the bonds have been delivered to the purchasers, such the tax shall be irrepealable may not be repealed

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until all such indebtedness the debt is paid, and. After the issuance of such bonds no further are issued, the port authority need not take any more action by the port authority shall be necessary to authorize the extensions, assessments and collection of such extending, assessing and collecting the tax. The authority's secretary of the authority shall forthwith furnish immediately send a certified copy of such the levy to the county auditor of the county in which the authority and city are located, together. The secretary shall send with the copy full information regarding on the bonds for which the tax is levied and such for. The county auditor shall extend and assess the levied tax so levied, and shall do so annually until the principal and interest have been are paid in full. Any The port authority shall transfer the surplus resulting from the excess levy herein provided for shall be transferred in this section to a sinking fund after the principal and interest for which the tax was levied and collected has been is paid; provided that. The port authority may, on or before October 15 in any year, by appropriate action cause direct its secretary to certify send a certificate to the county auditor the amount on hand and before October 15 in a year. The certificate must state how much available in its own treasury from earnings or other income including the amount in the sinking fund which it the authority will use to pay principal or interest or both on each specified issue of its the authority's bonds and. The county auditor shall then reduce the bond levy for that year herein provided for by that amount. The amount of funds so certified shall be set aside by The port authority and be used for no other shall then set aside the certified amount and may not use it for any purpose than for the payment of except to pay the principal and interest on the bonds. All The taxes hereunder in this section shall be collected and remitted sent to the port authority by the county treasurer in accordance with the provisions of under the law governing the on collection of other taxes and shall. The taxes must be used solely for the payment of only to pay the bonds when due.

Subd. 6. **AUTHORIZED SECURITIES.** Bonds legally issued pursuant to under this chapter 458, shall be deemed are authorized as securities within the provisions of Minnesota Statutes, under section 50.14, and shall be proper for the investment therein by any. A savings bank or, trust company, or insurance company, or sinking funds held by any may invest in them. A public or municipal corporation, and may invest its sinking funds in them. The bonds may be pledged by any a bank or trust company as security for the deposit of public moneys therein money in lieu place of a surety bonds bond.

The authority's bonds shall be deemed and treated as are instrumentalities of a public governmental agency.

[458.1931] CITY TAXES FOR PORT: BEYOND 1957 TAX POWER.

A port authority city's power to tax under sections 458.09 to 458.1991 is in addition to taxing powers the city had on April 28, 1957.

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

458.194 REVENUE BONDS, ISSUANCE; PLEDGE; COVENANTS.

Subdivision 1. **POWER.** The A port authority is hereby authorized and empowered to provide may decide by resolution for the issuance at one time, or in series from time to time, of to issue its revenue bonds of the authority for the purpose of providing funds for paying the cost of the acquisition of either at one time or in series from time to time. The revenue bonds may be issued to provide money to pay to acquire land necessary for the operations of the port needed to operate the authority, for the to purchase, construction construct, installation install, or furnishing of furnish capital equipment and operation of any to operate a port terminal, transportation, or industrial facilities, including but not limited to docks, wharves, warehouses, piers, factories, plants, workshops, office buildings and any other port terminal, transportation, or industrial facility within facility of any kind in its jurisdiction port district, or for paying the cost of any extensions, enlargements or improvements of any to pay to extend, enlarge, or improve a project under its control of the authority. Revenue The issued bonds issued by the authority may include such the amount as deemed the authority considers necessary to establish an initial reserve for payment of to pay principal and interest of on the bonds. Such The port authority shall state in a resolution how the bonds, and any their attached interest coupons to be attached thereto, shall are to be executed in such manner as may be determined by resolution of the port authority.

Subd. 2. **FORM.** The bonds of each series issued by the port authority under the provisions of this section shall bear interest at a rate or rates, shall mature at such the time or times within 30 years from the date of issuance and shall be in such form, whether payable to bearer, registrable as to principal, or fully registrable, as may be determined by the port authority. The provisions of Section 458.193, subdivision 6 shall apply to all bonds issued under this section, and the bonds and their coupons, when payable to bearer, shall be negotiable instruments.

Subd. 3. **SALE.** The sale of revenue bonds issued by the port authority shall be at public or private sale. The bonds may be sold in the manner and for the price that the port authority determines to be for the best interest of the port authority. The bonds may be made callable, and if so issued may be refunded.

Subd. 4. **AGREEMENTS.** The port authority shall have the power and authority may by resolution to enter into all contracts, agreements and covenants make an agreement or covenant with the holders of its revenue bonds, or with any trustee for such bondholders, which are determined by it to be necessary or their trustee. The port authority must first decide that the agreement or covenant is needed or desirable for the purposes of carrying out the powers and authority given to the port authority to do what it may do under this section and assuring the prompt payment and marketability of its to assure that the revenue bonds are marketable and promptly paid.

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Subd. 5. **REVENUE PLEDGE.** In the issuance of the revenue issuing bonds herein provided, the under sections 458.09, 458.10, and 458.191 to 458.1991, the port authority shall have the power and the authority to may secure the payment of the principal and the interest on said revenue the bonds by a pledge of and lien upon the revenues of such on port authority derived revenue. The revenue must come from the facility and to be acquired, constructed, or improved by the use of with the bond proceeds of the bonds, and or from any other facilities designated named in the bond-authorizing resolutions authorizing such bonds, and the covenant of. The port authority also may secure the payment with its promise to impose, maintain, and collect sufficient enough rentals, rates and charges, for all the use and occupancy of such the facilities and for all services furnished thereby in connection with the use and occupancy, to produce adequate revenues to pay all its current expenses incurred by the port authority which under accepted accounting principles are normal, reasonable, and current costs of the operation and maintenance of such to operate and maintain the named facilities, and to produce and segregate put enough net revenue in a special fund net revenues sufficient to meet the interest and principal requirements of such the bonds, and to accumulate collect and maintain such additional reserves as may be established in said keep any more money required by the resolutions. The authority shall decide what is current expense under this subdivision based on what is normal and reasonable under accepted accounting principles. No Revenues so pledged shall by the port authority must not be used or pledged for any other purposes of the port authority purpose or for the payment of to pay any other bonds, whether issued under this section or under section 458.193, except as unless the other use or pledge is specifically authorized in such the bond-authorizing resolutions.

Subd. 6. **NOT CITY DEBT.** Revenue bonds issued under the provisions of this section shall not be deemed to constitute are not a debt of the port authority's city of the first class in which such authority is located and for which it has been created, nor a pledge of the that city's full faith and credit of any such city of the first class, but such. The bonds shall be are payable solely only from the funds herein provided therefor from revenues of the projects project revenue as described in this section. All such A revenue bonds shall bond must contain on the its face thereof a statement to the effect that neither the port authority nor the and its named city of the first class in which the port authority has been created shall be obligated do not have to pay the same bond or the interest thereon on it except from revenues, revenue and that neither the faith and, credit nor the, and taxing power of such the city of the first class is are not pledged to the payment of pay the principal of or the interest on such bonds the bond.

Subd. 7. **NOT APPLICABLE.** If revenue bonds are to be issued under the provisions of this section and chapter 474, the provisions of Section 474.01, subdivisions 7a, 7b, and 8 and section 474.02, subdivision 1d, shall do not apply to revenue bonds issued under this section and chapter 474 if the interest on the revenue bonds is subject to both state and federal income taxation tax or if the

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revenue bond proceeds are not loaned by the port authority to a private person through a financing lease, loan agreement or otherwise.

458.1941 SECTIONS THAT APPLY IF FEDERAL LIMITATION ACT LIMIT APPLIES.

Sections 474.16 to 474.23 apply to any issuance of obligations under chapter 458 which are subject to limitation under issued under chapter 458 that are limited by a federal limitation act as defined in section 474.16, subdivision 5.

458.195 ADDITIONAL POWERS MAY STUDY, HIRE, PAY, BORROW, LEND, DEVELOP, BE AGENT.

Subdivision 1. **AS AGENT.** A port authority shall have the further power and authority to may cooperate with or act as agent for the federal or the state government, the state or any a state public body, or any an agency or instrumentality of the foregoing, a government or a public body to carry out the purposes of Laws 1957, Chapter 812, sections 458.09 to 458.1991 or of any other related federal, state or local legislation operative within law in the area of river, harbor and industrial development district improvement.

Subd. 2. **STUDIES, ANALYSIS, RESEARCH.** Such A port authority shall have the authority to carry out studies and analyses of the may study and analyze industrial development needs within its area of operation in its port district, and of meeting these ways to meet the needs; to. A port authority may study the desirable patterns for industrial land use and community growth and other factors affecting the development of local industrial development within in the district and make the result of these the studies available to the public and to industry in general; to. A port authority may engage in research and disseminate give out information on river, harbor and industrial development within in the port district.

Subd. 3. **PAY.** Each A commissioner, including the chairman president, shall must be paid for attending meetings of the \$35 for each regular or special port authority, regular and special, \$35 per meeting attended.

Subd. 4. **EMPLOYEES.** Such A port authority shall have the power to hire and may employ all personnel necessary or contract for the personnel needed to carry out its program and the responsibilities placed upon it by Laws 1957, Chapter 812, including under sections 458.09 to 458.1991. Specifically, an authority may hire a chief engineer for its engineering needs and a general counsel to serve the engineering and legal needs of such authority, the latter to be for its legal needs. The general counsel is the chief legal advisor to such the authority.

Subd. 5. **ACCEPT PUBLIC LAND.** Such A port authority shall have the power to may accept conveyances of land from all other public agencies, commissions or other units of government, including the Housing and Redevelop-

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ment Authority of the City of Saint Paul and the state Metropolitan Airports Commission of the State of Minnesota, if such the land can be properly utilized used by such the port authority in any a river, harbor and industrial development district, to carry out the purposes of Laws 1957, Chapter 812 sections 458.09 to 458.1991.

Subd. 6. **INDUSTRIAL DEVELOPMENT.** It shall have the power in carrying A port authority may carry out the provisions for which said law on industrial development district has been created, districts to develop and improve the lands within such in an industrial development district to make the same it suitable and available for industrial uses and purposes; to. A port authority may dredge, bulkhead, fill, grade and protect such the property; to and do any and all things anything necessary and expedient, after the acquisition of such acquiring the property to put the said property in such condition as is necessary and expedient, to make it suitable and attractive as an industrial a tract for industrial development thereon; to execute leases of such. A port authority may lease some or all of its lands or property or any part thereof; to establish and may set up local improvement districts within such in all or part of an industrial development district which may, but need not be, coextensive with the boundaries thereof and generally to exercise.

In general, with respect to and within such an industrial development districts district, a port authority may use all the powers now or hereafter conferred by law upon given a port authorities of cities of the first class authority by law.

Subd. 7. **AS BORROWER.** A port authority shall have the further power, after the authorization of authorizing bonds pursuant to under section 458.193 or section 458.194, may borrow to provide funds money immediately required for the bond purpose and. The loans may not exceeding exceed the amount of such the bonds, by effecting temporary loans upon such terms as it. The authority shall by resolution determine, decide the terms of the loans. The loans must be evidenced by negotiable notes due in not exceeding not more than 12 months from the date thereof, of the loan payable to the order of the lender or to bearer, to be repaid with interest from the proceeds of such the bonds when the bonds are issued and delivered to the purchaser thereof bond purchasers. No such The loan shall must not be obtained from any commissioner of the port authority or from any corporation, association, or other institution of which a port authority commissioner is a stockholder or officer.

Subd. 8. **AS LENDER.** The proceeds of obligations issued by a port authority under section 458.194 and temporary loans obtained under this section in connection with them may be used to make or purchase loans for port, industrial or economic facilities which that the authority estimates believes will require financing. For the purpose of making or purchasing To make or purchase the loans, the port authority may enter into loan agreements and other

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related agreements, both before and after the issuance of issuing the obligations, with persons, firms, public or private corporations, federal or state agencies, and governmental units and under terms and conditions as the port authority deems considers appropriate. Any A governmental unit in the state may apply, contract for and receive the loans, and the provisions of. Chapter 475 shall does not apply to the loans.

458.196 SALE OF PROPERTY.

Subdivision 1. **POWER.** When a port authority deems it for the best interests of the district and the people thereof and in furtherance of its general plan of port improvement, or industrial development, or both, it A port authority may sell and convey any property or part thereof owned by it within a port or industrial district. First, the port authority must decide that the sale and conveyance are in the best interests of the district and its people, and that the transaction furthers its general plan of port improvement, or industrial development, or both. This section shall is not be limited by other laws pertaining to law on powers of port authorities.

Subd. 2. **NOTICE; HEARING.** The A port authority shall give hold a hearing on the sale. At the hearing a taxpayer may testify for or against the sale. At least ten, but not more than 20, days before the hearing the authority shall publish notice of the hearing on the proposed sale by publication in a newspaper. The newspaper must be published and of general circulation in the port authority's county and port district at least ten days before the date fixed for the hearing thereon. The notice shall must describe the property to be sold and state that the terms and conditions of the sale are available for public inspection at the office of the port authority and that at the time and place specified in the notice the authority will meet to hear and determine the advisability of the sale. The hearing shall be held not more than 20 days from the publication of notice. At the hearing the authority shall hear the reasons of any taxpayer in the port district for or against the sale of the hearing. The notice must also state that the public may see the terms and conditions of the sale at the authority's office and that at the hearing the authority will meet to decide if the sale is advisable.

Subd. 3. **DECISION; APPEAL.** Within 30 days after the hearing, The port authority shall make its findings and determination decision on the advisability of making whether the sale is advisable and enter its determination decision on its records within 30 days of the hearing. Any A taxpayer may appeal the determination of the authority decision. The appeal is made by filing a notice of appeal with the district court of the in the port or industrial district's county in which the district is located, and serving the same upon notice on the secretary of the port authority, within 20 days of the entry of the determination but no appeal shall be allowed except on after the decision is entered. The grounds only ground for appeal is that the action of the authority was arbitrary, capricious, or contrary to law.

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Subd. 4. **TERMS.** The terms and conditions of sale of ~~any~~ the property shall must include the use ~~which that~~ the bidder will be ~~permitted~~ allowed to make of it. The authority may require the purchaser to file security as assurance to assure that the property will be used ~~for given~~ that purpose use. In ~~determining~~ deciding the sale terms and conditions the port authority may consider the nature of the proposed use and the relation ~~thereof of the use~~ to the improvement of the harbor, the riverfront and the port authority's city of the first class and the business and the facilities of the port authority in general. All sales shall The sale must be made upon such on the port authority's terms and conditions as the port authority may prescribe. In any case The port authority may place property on the market for sale upon publish an advertisement for bids published on the property at the same time and in the same manner as and simultaneously with the notice of hearing required in this section, and. The authority may award the sale in accordance with to the bid deemed considered by it to be most favorable having regard to considering the price and the specified intended use specified, but. The port authority shall have the power to also may sell said properties the property at private sale at a negotiated price if such after its hearing the authority considers that sale is deemed to be in the public interest by the port authority and in furtherance of to further the aims and purposes of sections 458.09 to 458.1991, after hearing as herein required.

Subd. 5. **ONE-YEAR DEADLINE.** The purchaser shall, within one year from the date of ~~the~~ purchase, devote the property to its intended use, or shall ~~commence~~ begin work on the improvements ~~thereon to the property~~ to devote it to ~~such that use, and. If he the purchaser fails to do so, the port authority may cancel the sale and title to the property shall revert return to it. Extension of The port authority may extend the time to comply with such a condition may be granted by the port authority on if the purchaser has good cause shown by the purchaser. The terms of sale may contain any other provision by the port authority which it deems provisions that the port authority considers necessary and proper to protect the public interest. No A purchaser shall must not transfer title to such the property within one year of purchase without the consent of the port authority.~~

Subd. 6. **COVENANT RUNNING WITH THE LAND.** All sales A sale made in accordance with the provisions of under this section shall have incorporated in the instrument of conveyance of title must incorporate in the deed as a covenant running with the land the conditions of sections 458.09 to 458.1991 relating to the use of the land as a covenant running with the lands. Any violation of such If the covenant shall result in a right by is violated the authority to may declare a breach of the covenant running with the land and seek a judicial decree from the district court declaring a forfeiture and a cancellation of any deed so given the deed.

Subd. 7. **PLANS; SPECIFICATIONS.** No A conveyance shall must not be made until the purchaser shall have submitted to gives the port authority

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plans and specifications for the development of to develop the property sold, and said. The port authority must approve the plans and specifications shall be approved in writing. However, nothing herein shall require The preparation of final plans and specifications before the hearing on the sale, unless so directed by is not required by this subdivision but the port authority may make that requirement.

458.197 ADVANCES OF MONEY BY PORT AUTHORITY.

Such A port authority is hereby granted the power to may advance its general fund moneys money or its credit, or both, without interest, to accomplish for the objects and purposes of sections 458.191 to 458.1991, which. The advances shall must be repaid from the sale or lease, or both, of such developed or redeveloped lands, provided, If the money advanced for such the development or redevelopment was obtained from the sale of the port authority's general obligation bonds of the port authority, then such the advances shall bear a rate of interest must have not less than the average annual interest rate that is on the port authority's general obligation bonds of the port authority which that are outstanding at the time such the advances are made. Nothing herein shall prevent The port authority from advancing the may advance repaid money so repaid for the accomplishment of further for more objects and purposes authorized by such laws, of sections 458.191 to 458.1991 subject to repayment in the same manner. Nothing herein shall affect or impair the obligation of The port authority to must still use rentals of lands acquired with advanced money so advanced to accumulate collect and maintain reserves securing to secure the payment of principal and interest on revenue bonds issued to finance port or industrial facilities, when such if the rentals shall have been pledged for this that purpose in accordance with under section 458.194. Nothing herein shall require the reimbursement of Advances made for the acquisition of to acquire lands and the construction of to construct facilities for recreation purposes when if authorized by law need not be reimbursed under this section. Nothing contained in the provisions of Minnesota Statutes 1961, Sections 458.09 to 458.1991, as amended, shall be construed as exempting do not exempt lands leased from the port authority to a tenant or lessee who is a private person, association, or corporation entity from responsibility or liability for payment of assessments or taxes levied or assessed against such the leased property whenever such lease expressly provides that the tenant or while the lessee shall be is liable for the assessments or taxes or assessments levied or assessed against such property during the term of such under the lease or any extension thereof.

458.198 DETERMINATION OF PROPERTY AS MARGINAL LANDS FINDING LAND IS MARGINAL IS PRIMA FACIE EVIDENCE.

The determination A port authority decision that property sought by eminent domain proceedings it seeks is marginal lands as herein defined is a judicial question, provided that a duly adopted resolution of the authority of the

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port district that the property sought is marginal lands as the term is herein defined, setting forth the characteristics of the lands sought to be acquired which constitute the marginal lands as herein defined, shall be under section 458.19 is prima facie evidence that such land is marginal lands as defined in Laws 1957, Chapter 812 in eminent domain proceedings that the property is marginal. To be prima facie evidence: (1) the decision must be made in a resolution, and (2) the resolution must state the characteristics that the authority thinks make the property marginal.

458.199 PORT CITY OF FIRST CLASS MAY LEVY TAXES FOR BENEFIT OF PORT AUTHORITY.

To enable such A port authority authority's city may levy a tax to be spent by and for its port authority. If levied, the tax must enable the port authority to carry out efficiently and in the public interest to carry out the aims and purposes of Laws 1957, Chapter 812, in the creation and development of sections 458.09 to 458.1991 to create and develop industrial development districts as herein provided, any such city of the first class in which such port authority has been created and is existing shall have the power, upon request of such port authority and in addition to all other powers now possessed thereby, and in addition to and in excess of any limitation upon the amount it is otherwise permitted by law to levy as taxes, to levy taxes for the benefit of and for expenditure by such. The port authority, not exceeding must request the tax levy. In any one year an amount equal to the levy must not be for more than 7/60 of one mill upon the on each dollar of the assessed valuation thereof, upon all the of taxable property in such the city, excluding money and credits; and any money levied for such purpose shall be paid over by. The county treasurer to the treasurer of shall pay the money levied to the port authority for expenditure by it as in its judgment best serves the public interest in the carrying on and the execution of treasurer. The money may be spent by the authority to do its duties in the creation and development of such to create and develop industrial development districts. In spending the money the authority must judge what best serves the public interest. The levy herein provided shall be in this section is in addition to that provided for in Minnesota Statutes, the levy in section 458.14. The city may disregard any levy limit in law to make the levy in this section.

458.1991 POWERS AS TO WORK, LABOR AND SUPPLIES REPEALED BID LAW APPLIES; USE OF CITY PURCHASING.

Subdivision 1. REPEALED LAW. The provisions of Minnesota Statutes 1957, section 15 of Chapter 341, Laws of the State of Minnesota for 1933, shall apply to all 445.15, although repealed, applies to construction work and every purchase to purchases of equipment, supplies, or materials necessary in carrying needed to carry out the provisions of Laws 1957, Chapter 812 sections 458.09 to 458.1991. The powers there granted to, and the duties imposed upon the board

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of trustees of the corporation therein referred to are hereby granted to and imposed upon

The members of any such a port authority have the powers and duties of the board of trustees in repealed section 445.15.

Subd. 2. CITY PURCHASING. The A port authority is hereby given the power and authority to may use the facilities of the its city's purchasing department of any city of the first class in which such port authority is created and existing in connection with construction work and every to purchase of equipment, supplies, or materials, as such port authority sees fit to use such facilities.

PUBLIC WATER HIGHWAYS IN CITIES OF FIRST CLASS

458.20 LAND COVERED BY WATER CONDEMNED CITY MAY CONDEMN WATER-COVERED LAND FOR SLIPS.

Each A city of the first class may acquire by eminent domain any land within covered with water or an easement in the land in the city covered with water, or an easement therein, connecting. The water-covered land must connect with or adjacent to be near public navigable waters water other than adjacent nearby rivers within in or adjacent to such near the city, which shall be declared by. The city council must first declare by resolution necessary to that the land must be taken, damaged, injured, or destroyed for the purpose of laying out, opening, making, deepening, widening, or otherwise improving to open, to lay out, or to improve a slip or other waterway. The taking may include damage, injury, or destruction to the water-covered land. The slip or waterway must lead into or connecting connect with such the public navigable waters water.

458.21 TO CONDEMNED LAND MUST BE HELD FOR PUBLIC WATER HIGHWAY.

When any land covered with water or an easement therein shall be acquired by any city pursuant to the provisions of sections 458.20 to 458.23 such Land shall thereafter acquired under section 458.20 must be held for use as and for a public water highway for the travel by, and the accommodations accommoda- tion and passage of boats, steamships, vessels, and water craft of all kinds.

458.22 PROCEEDINGS CITY TO ACT AS CITY GETTING BUILDING LINE EASEMENT.

The land covered with water or an easement therein specified in When a city council acts to acquire land or an easement in land under section 458.20 may be acquired by proceedings to be conducted by the council in the manner provided by sections 463.01 to 463.07 enabling municipalities to establish and acquire a building line easement along streets, highways, parks, and parkways, and the council in any such city shall, under sections 458.20 to 458.23, exercise all the powers and perform all the duties imposed in, it must act the way a city

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council does under sections 463.01 to 463.07 on the governing body mentioned therein.

458.23 LAND OR EASEMENT TO VEST IN CITY.

Upon the conclusion of the proceedings and the payment of the awards the several tracts of land shall be deemed to be taken and appropriated for the purposes of sections 458.20 to 458.23 and such. The city's taking and appropriation of the land for the purposes of sections 458.20 to 458.23 occurs when the proceedings are over and the awards are paid. At that time the land or the easement therein in the land for these those purposes shall vest vests absolutely in the condemning city in which the land is situate.

HARBORS, AND WHARVES IN CITIES OF THE FIRST CLASS

458.24 LAND MAY BE CONDEMNED FOR HARBORS AND WHARVES CONDEMNED.

Subdivision 1. POWER. Any A city of the first class in this state shall have the right, power, and authority to may condemn lands under the right of eminent domain for harbors, wharves, boat-landings, and such for the required canals and approaches thereto as may be required to them and the right, power, and authority to may levy taxes for the purpose of raising moneys required for the payment of to pay damages and other expenses arising in or out of such of the condemnation proceedings; such power and authority to condemn land shall be exercised. The condemnation must be done under and pursuant to the terms and provisions of chapter 117.

Subd. 2. ENTRY. Any such The city shall have the right, upon the after filing of and giving notice of the filing of the award of the commissioners provided for in chapter 117 and upon giving the notice therein required of the filing of such award to under chapter 117, may enter upon on and appropriate the condemned land so condemned without the giving of any a bond, but in case of such. If the entry and appropriation are made, such the city shall be bound is absolutely bound to pay all damages awarded either by the commissioners or by the court upon on appeal therefrom, together with all and the costs and expenses adjudged assessed against it therein, within the time specified in chapter 117. The payment must be made within the time limit in chapter 117.

Subd. 3. NO APPEAL BOND. In case any such If the city shall appeal appeals from the commissioner's award of the commissioners appointed pursuant to such condemnation proceedings such, the city shall not be required to need not give or file any an appeal bond therein.

458.25 PUBLIC LANDINGS, BUILDING AND OPERATING WHARVES, AND DOCKS; CONSTRUCTION, MAINTENANCE; RATES; CHARGES USER FEES.

Subdivision 1. POWERS. Any home rule charter A city of the first class may;

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(1) establish, construct, maintain, and operate public landings, public wharves and docks, and transfer railroad tracks, and loading, unloading, transfer and storage facilities, ~~either within or without such in or out of the city;~~

(2) acquire by condemnation or otherwise, all riparian or other lands, riparian or otherwise and other rights and easements necessary needed for such purposes a purpose in clause (1) and construct, maintain, and operate all necessary the buildings and warehouses needed for that purpose;

(3) lay and collect reasonable duties or wharfage fees on vessels coming to or using the landings, wharves or docks;

(4) regulate the ~~manner use~~ of using other wharves and docks ~~within in~~ the city and ~~the~~ rates of wharfage to be paid by vessels using ~~the same them~~;

(5) dredge or deepen the harbor or river or any a branch or portion thereof of it;

(6) ~~prescribe make~~ and enforce reasonable rules and ~~regulations~~ for the protection and use of its properties ~~whether within or without in or out of~~ the city and impose and enforce adequate penalties for the violation of ~~such the~~ rules and regulations.

Subd. 2. CHAPTER 117 APPLIES. Proceedings in eminent domain for the purposes of Condemnation under this section shall must be conducted done under and pursuant to the provisions of chapter 117. The powers granted in this section are in addition to all existing powers of such cities.

LEVEES IN CITIES OF FIRST CLASS

458.32 CITY MAY GET LEVEES ON NAVIGABLE STREAM WHEN IF CHANNEL CHANGED MOVED.

Subdivision 1. POWER. Any A city of the first class in this state shall have the power to may acquire and hold in fee simple, levees by purchase or condemnation, and may hold them. The levees must not exceeding be more than 200 feet in width wide and may be on either side or both sides of any a navigable stream within the limits of such in the city. The levees may be acquired when the stream's channel thereof is altered or changed by or under the authority of the United States federal government and.

Subd. 2. USE. The city may set aside such portions part of these the levees when acquired as the public needs may require for use for public travel and. The city may devote the remainder thereof to such rest of the levees to uses as the city council of the city shall deem considers for the best interests of the city, or as allowing for any required use by the United States federal government.

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

458.33 ISSUANCE OF BONDS TO GET AND IMPROVE LEVEES.

Any such A city of the first class may by ordinance adopted by a two-thirds vote of all members elect of its entire council issue and sell the bonds of such the city of the par value of not exceeding more than \$500,000 to aid in defraying help pay the expense of acquiring and improving to acquire and improve the levees mentioned described in section 458.32.

458.34 LIMIT OF LEVY FOR BONDS; DEBT LIMIT WAIVED; TAX LEVY.

Subdivision 1. BEYOND DEBT LIMIT. The bonds authorized by sections 458.32 to 458.35, or any portion thereof, may be issued and sold by any such the city notwithstanding any limitation contained in even if the sale results in the bonded debt of the city exceeding a limit in its charter of such city or in any in state law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, and.

Subd. 2. PLEDGE, LEVY. The full faith and credit of any such the city shall must at all times be pledged for the payment of any to pay the bonds issued under sections 458.32 to 458.35, and for the payment of to pay the current interest thereon, and on the bonds. The city council of such city shall each year include in the its tax levy a sufficient amount to provide for the payment of such pay the interest as it accrues and for the accumulation of to accumulate a sinking fund for the redemption of such to redeem the bonds at their maturity.

458.35 TERM OF BONDS; SALE.

No such Bonds shall be issued by any such city for the purposes mentioned in sections 458.32 to 458.34, to must not run for a longer term than 30 years or bearing bear a higher rate of interest than four percent per annum year, payable semiannually, but. The city council shall decide the place of payment of the principal and interest thereof on the bonds and the denominations in which the same are issued shall be such as may be determined by the council and of the bonds. The bonds may be in the form of coupon bonds or registered certificates, so-called. All of these The bonds shall must be signed by the mayor, be attested by the city clerk and, be countersigned by the city comptroller of the city issuing the same, and shall be sealed with the city seal of such city; but. The signatures to on the coupons, if any, attached to such the bonds, if any, may be lithographed thereon. None of The bonds shall must not be sold at less than their par value and plus accrued interest, and then only. The bonds must be sold to the highest responsible bidder therefor.

STONE ROCK QUARRIES, AND DOCKS IN CITIES OF THE FIRST CLASS**458.36 BONDS, ISSUANCE FOR QUARRIES AND DOCKS.**

Subdivision 1. POWER; DETAILS. The governing body of any council of a city of the first class in this state, is hereby authorized and empowered, for

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the purposes herein designated, to a purpose in sections 458.36 to 458.40, may issue from time to time as needed the negotiable bonds of the city to an total amount in the aggregate of not exceeding more than \$500,000, the bonds to be made in such denominations and payable at such places and at such times, not exceeding ten years from the date thereof, as may be deemed. The council shall decide what denominations, place, and time of payment are best for the bonds. The bonds must be paid within ten years of their issue date. These The bonds to must be serial in form, One-tenth to must be retired each year after issue and to. They must bear interest at a rate of not to exceed more than six percent per annum year payable semiannually, with interest coupons attached, payable at such the place or places as shall be designated therein, and such governing body is further authorized to named on them. The city council may also negotiate and sell such the bonds from time to time to the highest bidder or bidders therefor and upon on the best terms that can be obtained for said the bonds.

Subd. 2. PAR. No such The bonds shall must not be sold for a less amount than the their par value thereof and plus accrued interest thereon on them.

Subd. 3. CHARTER PREVAILS. Sections 458.36 to 458.41 shall 458.40 do not supersede the provisions of the charter of any city providing for the a city charter provision for a voter's referendum of on ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the council. The sections also do not supersede a city charter of any city provision making the action of the council subject to approval of a board of estimate and taxation, nor with the provisions of any such charter prescribing or fixing a particular method of authorization of such to authorize bonds.

458.37 TAX LEVY FOR PAYMENT OF TO PAY BONDS.

The full faith and credit of any such the issuing city shall must at all times be pledged for the payment of any to pay bonds issued under sections 458.36 to 458.41 458.40, and for the payment of to pay the current interest thereon, and the governing body of such city on them. The city's council shall each year include in the its tax levy a sufficient amount for the payment of such to pay the interest as it accrues.

No A tax levy shall need not be made if sufficient funds exist in the special fund, called "the quarry and dock fund," herein created and described in section 458.39 contains enough money to make the payment.

458.38 ISSUE AND SALE OF BONDS.

All Bonds issued under authority of sections 458.36 to 458.41 shall 458.40 must be sealed with the city seal of the city issuing the same, signed by the mayor, attested by the city clerk, and countersigned by the city comptroller or city auditor of such city, except that. The signatures to on the coupons, if any, attached to such the bonds, if any, may be lithographed thereon. The sale of

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such bonds shall be made in such manner and in such proportions of the whole amount authorized by sections 458.36 to 458.41 and at such times as may be determined by the governing body of such city council shall decide the manner of the sale and how much to sell of the amount authorized in sections 458.36 to 458.40.

458.39 USE OF BOND PROCEEDS OF SALE OF BONDS; QUARRY AND DOCK FUND.

Subdivision 1. PROCEEDS. The proceeds of any and all bonds issued and sold under authority of sections 458.36 to 458.41 shall 458.40 must be used for the following purposes, and none other only: For acquiring to acquire by gift, purchase, or condemnation, a site or sites containing rock and; to remove and use the same rock for any a municipal purpose; and especially for the construction of, especially to construct public grounds, public docks, harbor terminals, and a breakwater for their protection of the grounds, docks, and terminals; and to procure get and pay for the necessary equipment of or machinery, tracks, and labor required in the making of such to make the public improvements; and to clear rock obstructions from public highways adjacent to such near the public improvement sites from rock obstruction.

Subd. 2. QUANTITY OF ROCK. Accurate account shall be kept by The city department of such city having in charge the operation of the removal and disposal removing and disposing of the rock, of shall record the exact quantity amount of such the rock or crushed rock manufactured therefrom, made from it that is removed and used either by the city upon on its highways, or sold to contractors for such the same use, or used for use in making any other improvements, under city authority or franchise.

Subd. 3. QUARRY AND DOCK FUND. If on its highways the city uses this the rock, or crushed rock manufactured therefrom, upon its highways made from it, then that the city department of the city charged with maintenance of that maintains the streets shall pay into a special fund of such city to be known as the city's quarry and dock fund, an amount of money equivalent equal to what it would fairly expend spend for such the material if obtained elsewhere obtained in the city.

If such the rock is sold to contractors engaged in construction of making public improvements in the city, or under franchise from it the city, then the moneys so derived shall likewise money must also go into the quarry and dock fund. The moneys money in the fund shall must be used for payment of only to pay interest on the bonds and for the retirement and payment of to retire and pay the principal thereof and for no other purpose of the bonds. Recourse to a A tax levy shall in no case be had must not be levied unless there is a deficiency in the special quarry and dock fund to pay such the interest or principal.

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If any a tax levy shall be necessary is needed to provide for any make up for a deficit in this the quarry and dock fund, the amount so levied shall must be restored paid to the city's general fund of the city out of proceeds of such the quarry and dock fund as soon as it is sufficient for such purpose there is enough money in the quarry and dock fund to make the payment.

458.40 MUST VOTE TO ISSUE BONDS IF CHARTER PROVISIONS NOT AFFECTED SAYS SO.

Nothing contained in sections 458.36 to 458.41 shall be construed to repeal or modify the provisions of any If a charter adopted pursuant to under the Minnesota constitution of the State of Minnesota, article 4 IV, section 36, requiring has a provision that requires the question of the issuance of bonds to be submitted to a vote of the electors, the provision prevails over sections 458.36 to 458.40.

CITIES' PUBLIC DOCKS

458.46 CITIES MAY ACQUIRE GET AND FIX LAND FOR DOCKS; SET FEES; REGULATE.

The A city council of any city in this state may by a two-thirds vote of all its members acquire by purchase or by condemnation under chapter 117 lands, or lands covered with water or buildings, for sites for public passenger docks for passenger purposes. No The lands must be acquired by purchase or by condemnation under chapter 117. A site for a public dock shall must not be acquired unless a necessity therefor exists and the council so determines decides by two-thirds vote of all its members that the dock site is needed. The council may improve sites acquired for public docks by the erection and maintenance thereon of building and maintaining suitable buildings and by the construction and maintenance thereon of suitable piers, and it on the land. The city may by ordinance provide for the regulation, control, and operation of such the docks, buildings and piers, and fix charges fees for their use.

458.59 SUBMERGED AND TAX FORFEITED LAND RECLAIMING WASTED HARBOR LAND; SALE AND USE.

Subdivision 1. **POLICY.** It is hereby determined and declared that The use of any submerged, eroded, or depleted tracts of land in harbors upon on navigable waters by any a political subdivision of this state or by any a port authority for the purpose of conserving, developing, reclaiming or protecting such lands to conserve, develop, reclaim, or protect the land so as to restore them to economic usefulness is a public use conferring a public benefit.

Subd. 1a. **IF TAX-FORFEIT LAND.** The commissioner of revenue is authorized to may transfer any of such tracts such a tract forfeited to the state for taxes to any a political subdivision of this state or port authority for such use a purpose in subdivision 1 in accordance with the provisions of Minnesota Statutes,

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section 282.01. Any A political subdivision of this state or any a port authority acquiring ~~such~~ the lands may conserve, develop, reclaim or protect them in any manner deemed considered suitable by the its governing body. Upon their being restored After restoring the lands to a state of economic usefulness, any ~~such~~ the political subdivision or port authority may ~~put them to their own use~~ use the lands itself, or lease them upon such on any terms and conditions as the governing body may see sees fit.

~~No such~~ A lease shall of the lands must not be made and entered into without the approval of the governor and the state executive council.

Subd. 2. **SEAWAY HARBOR LAND.** State-owned tax-forfeited riparian or submerged lands located in harbors upon on the Great Lakes-St. Lawrence Seaway and lying within 1500 feet of the duly established harbor line may be offered for sale or sold as tax-forfeited land as allowed by under law; provided however, If ~~such~~ the lands lie within a port district which is subject to the jurisdiction of a seaway port authority existing by virtue of Minnesota Statutes, Sections 458.09 to 458.19, ~~such the~~ offer for sale or sale shall must not be made without the approval by resolution of ~~such the~~ the seaway port authority and of the state executive council of the state. The provisions of This subdivision shall not amend, repeal or otherwise does not affect Laws 1963, Chapter 827.

Provided further that If ~~such~~ the lands have been developed, improved or used for business or development purposes by persons, firms, or corporations who are using and occupying, and who have used and occupied, said the property for business or development purposes for at least two years prior to sale, pursuant to under a lease with the state or a governmental subdivision, then ~~such the~~ the person, firm, or corporation shall have has the right, on the first day set for sale by the county auditor, to purchase said the property at 125 percent of the appraised value.

In the event that any of the provisions of subdivision 2 render this section unconstitutional, that portion of subdivision 2 shall be severable and of no effect.

PORT AUTHORITY OF THE CITY OF BLOOMINGTON

Sec. 2. Laws 1980, chapter 453, section 1, is amended to read:

Section 1. **[458.70]** The city of Bloomington may establish a port authority which shall have that has the same powers as a port authority established pursuant to Minnesota Statutes, under Section 458.09. If the city establishes a port authority, the city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, Section 458.09 or other law.

Sec. 3. Laws 1980, chapter 595, section 5, is amended to read:

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Sec. 5. [458.701] CITY OF BLOOMINGTON HAS FULL PORT AUTHORITY POWERS.

The city of Bloomington is hereby granted may do all those powers of that a port authority contained in Minnesota Statutes, may do under chapter 458.

Sec. 4. Laws 1983, chapter 257, section 1, is amended to read:

Section 1. [458.702] BLOOMINGTON PORT AUTHORITY ACQUISITION AUTHORITY REALTY FROM PUBLIC AGENCIES; PAY WITH BONDS.

Subdivision 1. GET REALTY. The port authority of the city of Bloomington may lease or purchase and accept ~~conveyances~~ a conveyance of real property from all ~~other another~~ public agencies agency, ~~commissions~~ commission, or ~~other units~~ unit of government, including the metropolitan sports facilities ~~commission~~, if the real property can be properly utilized by. To get the property, the port authority ~~to carry out~~ must be able to properly use it for the purposes of Laws 1957, chapter 812 sections 458.09 to 458.1991.

Subd. 2. ISSUE BONDS. The port authority may, with the approval of the its city council, issue bonds as provided in under section 458.193 ~~for the purpose of paying the cost of purchasing to pay for~~ the real property.

Sec. 5. Laws 1984, chapter 548, section 9, is amended to read:

Sec. 9. [458.703] EXEMPTION TAX EXEMPT.

Notwithstanding the provisions of Minnesota Statutes, section 473.556, subdivision 6, or any other law, real property conveyed to the port authority of the city of Bloomington by the metropolitan sports facilities commission shall be is exempt from taxation as provided in Minnesota Statutes, under sections 473.556, subdivision 4; and 459.192, subdivision 2.

SEAWAY PORT AUTHORITY OF DULUTH

Sec. 6. Laws 1975, chapter 326, section 1, is amended to read:

Section 1. [458.711] SEAWAY PORT AUTHORITY OF DULUTH; MAY OWN, OPERATE, OR CONTRACT FOR VESSELS. The Seaway Port Authority of Duluth, ~~in its own name, has authority to~~ may acquire, purchase, charter, lease, mortgage or otherwise own and operate vessels as may be necessary or convenient, including. The authority ~~to may~~ enter into joint vessel ownership contracts or joint ventures with others, ~~to contract with vessel owners and operators, and to enter into such contractual relationships as are necessary or convenient to the acquisition~~ acquire, purchase, charter, lease or operation of operate vessels. ~~The power granted by this section is supplementary to those granted by Minnesota Statutes, Sections 458.09 to 458.19 and other laws and shall be exercised coordinately with them.~~

Sec. 7. Laws 1963, chapter 827, section 1, is amended to read:

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

Section 1. [458.712] DULUTH; TAX FORFEITED LAND OLD LAW DOES NOT APPLY TO MINNESOTA POINT.

The provisions of the last paragraph of The following quoted sentence from Minnesota Statutes 1961, section 458.59, shall:

“No state owned tax forfeited land comprising riparian lands or submerged lands within the harbor line as duly established, and all such tax forfeited lands lying within a distance of 1500 feet thereof, located in harbors upon the Great Lakes-St. Lawrence Seaway shall be offered for sale or sold to any private person, firm or corporation and all such tax forfeited lands are hereby withdrawn from sale to such private persons, firms or corporations.”

does not apply to any such land located on Minnesota Point in the city of Duluth which that is zoned residential under the zoning ordinance of said the city, provided that approval shall first be obtained from the Duluth city council, the St. Louis county board, and the commissioners of the port authority of Duluth. Before any such the land shall be is offered for sale the city council, the county board, and the port authority must approve the offering. No A sale or conveyance of such the land shall must not include any riparian rights, and such. The riparian rights shall be retained are kept by the state.

Sec. 8. Laws 1959, chapter 699, section 4, is amended to read:

Sec. 4. **[458.713]**

The amendments herein contained relating to the affairs of seaway port authorities authority provisions of sections 458.16, 458.17, and 458.19 apply to the seaway port authority of Duluth. As to said seaway port authority this law shall become effective upon approval by resolution duly adopted by the favorable vote of a majority of the commissioners of the authority. As to any other seaway port authorities to which this law may apply in the future, it shall become effective upon like approval by resolution of the commissioners of that port authority.

CITY OF GRANITE FALLS

Sec. 9. **[458.72] CITY HAS MOST CHAPTER 458 POWERS.**

The Granite Falls city council may use the powers of a governmental agency or subdivision under chapter 458 except that the council may not use the powers in section 458.193. The powers must be used according to and for the purposes of Laws 1981, chapter 225.

CITY OF LAKE CITY HARBOR AND MARINA

Sec. 10. Laws 1965, chapter 344, as amended by Laws 1967, chapter 10, section 1, is amended to read:

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

Section 1. [458.73] LAKE CITY, CITY OF; MUNICIPAL HARBOR POWER; FUND BY 40 YEAR CHAPTER 475 OBLIGATIONS.

Subdivision 1. FACILITIES. The city of Lake City, by its common council acting at the request of its waterfront board, is authorized to may establish, acquire, construct, equip, lease, operate, maintain, extend, and improve a municipal harbor and marina at lake Pepin and on land adjacent thereto, and devote to this purpose near the lake. Property ~~now~~ owned by the city, including without limitation on October 21, 1965, may be used for this purpose. The harbor and marina facilities may include a harbor, docks and slips for watercraft, automobile parking areas, bathing beaches, bath houses, trailer parks, picnic and recreation areas, a harbor and marina office building, concession facilities, other facilities, and all necessary needed appurtenances for any of the facilities.

Sec. Subd. 2. OBLIGATIONS. To provide funds for capital expenditures contemplated in section 1, including all incidental expenses determined by the common council to be necessary or proper in connection therewith and interest accruing on money borrowed for this purpose during construction and for a reasonable time thereafter, The city of Lake City, by its common council acting at the request of its waterfront board, may sell and issue special obligations of the city in an amount not to exceed \$600,000. The obligations are to get money for capital spending under subdivision 1, and for needed or proper expenses incidental to the capital projects as determined by the council, and for interest on money borrowed for the capital spending during and for a reasonable time after construction. The obligations are payable solely from the revenues to be derived come from operation of its operating the municipal harbor and marina. Such The obligations may mature at any time or times within 40 years of their date of issue. Prior to the delivery of Before the obligations are delivered the common council may make such the pledges and covenants with respect thereto about them as it may deem considers necessary or desirable, and. The council may pledge to the payment thereof any part or all of the revenues to be derived from ownership, lease, and operation of any or all owning, leasing, and operating the facilities of the municipal harbor and marina to pay the obligations.

Sec. Subd. 3. CHAPTER 475 APPLIES. Except as otherwise provided herein, The obligations herein authorized in this section shall be sold and issued in the manner prescribed by Minnesota Statutes, under chapter 475.

Sec. 4. This act shall become effective upon its approval by a majority of the members of the common council and by a majority of the members of the waterfront board of Lake City, and upon compliance with the provisions of Minnesota Statutes, section 645.021.

CITY OF MINNEAPOLIS

Sec. 11. [458.74] MAY USE CHAPTER 458 POWERS GRANTED BY 1980 LAW.

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The city of Minneapolis may exercise those powers of a governmental agency or subdivision in chapter 458 granted to it by Laws 1980, chapter 595.

Sec. 12. Laws 1979, chapter 303, article 10, section 16, is amended to read:

Sec. 16. **[458.741] MINNEAPOLIS; CONTRACTS PORT OPERATOR EXEMPT FROM BID LAW.**

~~Subdivision 1.~~ If the city of Minneapolis contracts with a corporation to operate a port facility, the corporation may sell, purchase, or rent supplies, materials, or equipment, or construct, alter, expand, repair, or maintain real or personal property at such the facility without regard to the provisions of Minnesota Statutes, section 471.345. ~~This subdivision shall apply~~ section applies regardless of the source of funds dispersed by the corporation.

CITY OF PLYMOUTH AS PORT AUTHORITY

Sec. 13. Laws 1984, chapter 397, section 1, is amended to read:

Section 1. **[458.75] PLYMOUTH, FULL PORT AUTHORITY POWERS.**

The governing body of the city of Plymouth city council may exercise do all the powers of that a port authority provided by Minnesota Statutes, may do under chapter 458 or other law.

CITY OF SAINT CLOUD AS PORT AUTHORITY

Sec. 14. Laws 1984, chapter 498, section 1, is amended to read:

Section 1. **[458.76] ST. CLOUD; CITY HAS ALL POWERS OF PORT AUTHORITY.**

The governing body of the city of St. Cloud city council may exercise all the powers of do what a port authority provided by Minnesota Statutes, may do under chapter 458.

PORT AUTHORITY OF THE CITY OF SAINT PAUL

Sec. 15. Laws 1971, Extra Session, chapter 35, section 7, is amended to read:

Sec. 7. **[458.77] ST. PAUL PORT AUTHORITY MAY RUN; BOND FOR RECREATION FACILITIES; APPROVAL.**

Subdivision 1. GET, RUN, AND CONTROL. Notwithstanding any provision of law to the contrary, the port authority of the city of St. Paul may plan for, acquire by condemnation, purchase, or otherwise, construct, improve, operate, directly, by lease or otherwise, and maintain parks and other recreation facilities along navigable rivers and lakes within its port district, and on lands

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~~abutting thereon, the rivers and lakes and shall establish regulations controlling rules on the use of such the rivers, lakes, parks and recreation facilities either alone as such port authority or in cooperation with the United States federal government or its agencies, the city of St. Paul, the state of Minnesota and any, or an agency or political subdivision thereof of the state.~~

Subd. 2. NO POLICE POWER. ~~Such The~~ port authority ~~shall does not~~ have police power except as provided by sections ~~7 458.77 to 9 of this act, nor shall it 458.772.~~

Subd. 3. CONSENT FOR CITY LAND. The port authority must not take lands owned, controlled, or used by the city of St. Paul without consent of the governing body thereof; but city council.

Subd. 4. PORT JURISDICTION. For all other recreation purposes the port authority ~~shall have~~ has jurisdiction over the use of all ~~such the~~ navigable rivers or lakes and all ~~such the~~ parks and recreation facilities.

Subd. 5. SPEND FOR; BONDS. ~~Said The~~ port authority is hereby authorized to ~~expend may spend~~ port authority moneys in order ~~money~~ to carry out the powers and purposes set forth in sections ~~7 458.77 to 9 of this act 458.772~~ and to issue bonds therefor in accordance with the provisions of Minnesota Statutes, for the purposes in sections 458.77 to 458.772 according to either section 458.193 or 458.194, as the case may be.

Subd. 6. CITY, COUNTY PLAN APPROVAL. ~~Said The~~ port authority ~~shall,~~ prior to taking action under sections ~~7 458.77 to 9 of this act 458.772,~~ shall submit for approval plans ~~for the acquisition, improvement and operation of to acquire, improve, and operate~~ parks and recreation facilities along navigable rivers and lakes within its port district to the city of St. Paul and, further, shall submit ~~such the~~ plans for all areas located within the county of Ramsey, whether located within or without the port district, to ~~said the~~ county for approval.

Sec. 16. Laws 1971, Extra Session, chapter 35, section 8, is amended to read:

Sec. 8. [458.771] REVENUE BONDS; SALE; RATE OF INTEREST.

Notwithstanding any ~~provision~~ of law to the contrary, the sale of ~~such~~ revenue bonds issued by ~~said the~~ port authority pursuant to Minnesota Statutes, under section 458.194, shall be at public sale pursuant to ~~under~~ section 475.60, or in accordance with the procedures set forth in sections 474.01 to 474.13. ~~Such The~~ bonds may be sold in the manner and for the price that the port authority determines to be for the best interest of the port authority, ~~but no such.~~ A sale shall must not be made at a price so low as to cause the average annual rate of interest on the money received ~~therefor from the sale~~ to exceed eight percent per ~~annum, year~~ computed by adding the amount of the discount to the total amount of interest payable on all obligations of the series to their stated maturity dates.

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~~Such The~~ bonds may be made callable, ~~and~~. If so issued as callable, the bonds may be refunded.

Sec. 17. Laws 1971, Extra Session, chapter 35, section 9, is amended to read:

Sec. 9. [458.772] RELATION TO MUNICIPAL INDUSTRIAL DEVELOPMENT ACT.

Subdivision 1. RECIPROCAL POWERS. Notwithstanding any ~~provision~~ of law to the contrary, the port authority of the city of St. Paul, under the ~~provisions of Minnesota Statutes, sections 458.09 to 458.1991 and sections 7 458.77 to 9 of this act~~ shall be empowered to exercise and apply any and all of the powers and duties assigned to 458.772, may do what a redevelopment agencies pursuant to Minnesota Statutes, agency may do or must do under chapter 474, in order to further any of the purposes and objects of sections 458.09 to 458.1991 and sections ~~7 458.77 to 9 of this act~~ 458.772. ~~Said The~~ port authority shall also be empowered to exercise and apply any and all of may use its powers and duties set forth in Minnesota Statutes, under sections 458.09 to 458.1991 and sections 7 458.77 to 9 of this act in order 458.772 to further the purposes and policies set forth in Minnesota Statutes, of chapter 474.

Subd. 2. POWERS ARE ADDITIONAL. The powers and duties ~~provided for~~ in sections ~~7 458.77 to 9 of this act~~ 458.772 shall be in addition and supplemental to all the powers and duties ~~provided said of the~~ port authority under the provisions of Minnesota Statutes, sections 458.09 to 458.1991, and under chapter 474.

Subd. 3. INCLUDES ECONOMIC DEVELOPMENT. ~~Wherever such~~ The port authority is authorized to may use its powers for industrial development or the ~~establishment of to establish~~ industrial development districts, and ~~wherever~~. If the term "industrial" is used with in relation to such industrial development purposes pursuant to Minnesota Statutes, under chapter 458, such the term or terms shall be understood to include and encompass the term includes "economic" and " economic development".

Sec. 18. Laws 1983, chapter 110, section 1, is amended to read:

Section 1. [458.773] PORT AUTHORITY; REVENUE BONDS; FOR PARKING AND CIVIC CENTER.

Notwithstanding any contrary ~~provision~~ of law or charter, the port authority of the city of St. Paul, under Minnesota Statutes, sections 458.09 to 458.1991 and Extra Session Laws 1971, chapter 35, sections 7 458.77 to 9 458.772, may issue revenue bonds to finance parking facilities and facilities for the civic center complex, or any part of it, to be operated by or on behalf of for the city of St. Paul. For that purpose the port authority of the city of St. Paul may enter into a lease or other financing agreement with the city, including the civic

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center authority, under ~~Minnesota Statutes~~, sections 458.09 to 458.191 and ~~Extra Session Laws 1971, chapter 35 sections 458.77 to 458.772~~. The interest rate on the revenue bonds is not subject to statutory limit. An economic development district need not be created under ~~Minnesota Statutes~~, section 458.191. The lease or other financing agreement may, but is ~~not required to, need not~~ meet the requirements of ~~Minnesota Statutes~~, section 474.03, clause (4). The city may, without an election and without regard to ~~Minnesota Statutes~~, chapter 475, acquire and operate the facilities under the lease or other financing arrangement with the port authority. The city may pledge for ~~the these~~ purposes of this act all or part of the revenues ~~derived from the facilities and from~~ proceeds of ~~any special~~ the tax imposed under Laws 1982, chapter 523, article 25, section 1. This section supersedes any inconsistent provision of ~~Minnesota Statutes~~, chapters 458, 474, and 475.

Sec. 19. Laws 1983, chapter 110, section 2, is amended to read:

Sec. 2. [458.774] MAY JOIN IN SUPPLYING SMALL BUSINESS FACILITIES CAPITAL.

Notwithstanding any contrary ~~provision of law~~, the port authority of the city of St. Paul may participate with ~~any public or private corporations, profit or nonprofit,~~ or other entities, whose purpose is to provide venture capital to small businesses with that have facilities located or to be located in the port district. For that purpose the port authority may use not more than ten percent of available annual net income or \$400,000 annually, whichever is less, to acquire or invest in securities of, and enter into financing arrangements and related agreements with the corporations or entities. The participation by the port authority shall must not exceed in any year 25 percent of the total amount of funds provided for venture capital purposes by all of the participants, ~~and provided.~~ The corporation or entity shall report in writing each month to the commissioners of the port authority all investment ~~action and other actions~~ action taken by it since the last report. All Funds contributed to the corporation or entity shall must be invested pro-rata with each contributor of capital taking proportional risks on each investment. As used in this section, the term "small business" has ~~the meaning given means~~ what it means in ~~Minnesota Statutes~~, section 645.445, subdivision 2.

Sec. 20. Laws 1963, chapter 254, section 1, is amended to read:

Section 1. [458.775] ST. PAUL PORT AUTHORITY; MAY GET, RUN, CONTROL RECREATION FACILITIES.

The port authority of the city of Saint Paul shall ~~have~~ has jurisdiction over the use of the Mississippi River for recreation purposes within its port district and may acquire and may ~~expend~~ spend port authority ~~moneys~~ money for lands abutting ~~upon said~~ the river within ~~said~~ the port district ~~for the purpose of constructing, operating to construct, operate~~ directly, by lease or otherwise, and

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~~maintaining maintain~~ recreation facilities ~~and~~. The authority shall establish regulations controlling rules on the use of ~~said the~~ river and abutting lands, either individually as ~~such port authority~~, or in cooperation with the ~~United States federal~~ government or its agencies, the city of Saint Paul, the state of Minnesota ~~and any of said state's agencies, or a state agency~~, or political subdivisions ~~subdivision~~. The port authority ~~shall does~~ not have any police power by ~~virtue because of this act, nor shall it section~~. The port authority must not take lands owned, controlled, or used by the city of Saint Paul without consent of the ~~council of the city of Saint Paul the city council~~.

Sec. 21. Laws 1976, chapter 234, section 3, as amended by Laws 1983, chapter 110, section 3, is amended to read:

Sec. 3. [458.776] CITY BOND, FINANCING APPROVAL, WORKER CONTROL MUST APPROVE BONDS; MAY CONTROL WORKERS.

Subdivision 1. **CITY APPROVAL REVENUE BONDS.** Notwithstanding any ~~provision~~ of law or the charter of the city of St. Paul to the contrary, ~~any an~~ issue of revenue bonds authorized by the port authority of the city of St. Paul shall be issued only with the consent of the ~~city council of the city of St. Paul by city council in~~ a resolution ~~adopted in accordance with law~~. Notwithstanding any ~~provision~~ of law or the charter of the city of St. Paul to the contrary, ~~any a~~ project to be financed by the port authority of the city of St. Paul by proceeds of revenue bonds shall be financed only with the consent of the ~~city council of the city of St. Paul by city council in~~ a resolution ~~adopted in accordance with law~~.

Subd. 2. **IMPAIRMENT OF EXISTING OBLIGATIONS.** No An existing obligation, contract, ~~agreement~~, collective bargaining or other agreement, fringe benefit plan, or covenant made or entered into by the St. Paul port authority ~~shall be in any manner is not~~ impaired by the adoption of this act subdivision 1.

Subd. 3. **CITY SUPERVISION.** Notwithstanding any ~~other~~ law or charter provision to the contrary the council may, by resolution adopted by a majority of the council, place any ~~employees employee~~ of the port authority under the direction, supervision, or control of the mayor or ~~another a~~ department of the city ~~of St. Paul~~.

Sec. 22. Laws 1979, chapter 269, section 1, is amended to read:

Section 1. [458.777] MAY INVEST IN COMMERCIAL PAPER.

Notwithstanding the provisions of Minnesota Statutes, section 471.56, or other law and the statutes referred to ~~therein, or other law in section 471.56~~, the port authority of the city of St. Paul may invest its funds in commercial paper of prime quality in the same manner as the state board of investment may invest

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money not currently needed, subject to the conditions of Minnesota Statutes, Section 11-10, Subdivision 1, Clause (e).

Sec. 23. Laws 1961, chapter 545, section 1, is amended to read:

Section 1. [458.778] ST. PAUL PORT AUTHORITY; BOND FOR TREASURER AND ASSISTANT TREASURER; BOND.

Notwithstanding inconsistent provisions of any other statute, The treasurer and assistant treasurer of the port authority of the city of Saint Paul shall give bond to the state in sums not to exceed \$25,000 and \$10,000 respectively, such. The bonds to must be conditioned for the faithful discharge of their duties and to. The bonds must be approved as to both form and surety by said the port authority and must be filed with its secretary. The amount of such the bonds shall must be determined set at least annually by the port authority.

CITY OF SOUTH SAINT PAUL AS PORT AUTHORITY

Sec. 24. Laws 1982, chapter 523, article 24, section 2, is amended to read:

Sec. 2. [458.79] SOUTH ST. PAUL; CITY MAY ACT LIKE HAS SAME POWER AS SAINT PAUL PORT AUTHORITY.

The governing body of the city of South Saint Paul city council may exercise all the powers of do what a port authority provided by Minnesota Statutes, including the port authority of the city of Saint Paul may do under chapter 458, including the powers given to the port authority of the city of St. Paul under that chapter.

PORT AUTHORITY OF WINONA

Sec. 25. Laws 1967, chapter 541, section 1, as amended by Laws 1969, chapter 98, section 1, and Laws 1973, chapter 114, section 1, is amended to read:

[458.80] CITY MAY CREATE; APPLICABLE LAW; EXCEPTIONS.

Section 1. Subdivision 1. WINONA, CITY OF; PORT AUTHORITY BY RESOLUTION. The Winona city council of the city of Winona may by resolution may establish a port authority and a commission thereof to be known as the "port authority of Winona". The provisions of Minnesota Statutes,

Subd. 2. PORT AUTHORITY LAW APPLIES. Sections 458.09 to 458.1991, with all the powers and duties therein granted, shall apply to such the Winona port authority and to the city of Winona in the same manner and to the same extent that. The sections apply just as they apply to any a port authority established in by section 458.09, except a seaway port authority, and to the city in which any such the port authority is established; provided that: authority's city.

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(4) Subd. 3. THIS SECTION PREVAILS. Between this section and sections 458.09 to 458.1991, this section prevails.

Subd. 4. NOT SEAWAY PORT. The parts of sections 458.09 to 458.1991 that apply only to seaway port authorities do not apply to the Winona port authority.

Subd. 5. DO NOT APPLY. Section 458.195, subdivisions 3 and 4, and sections 458.198 and 458.199 shall do not apply; to the Winona Port Authority.

Subd. 6. CITY APPROVAL. (2) Any Action taken by the Winona port authority under the provisions of section 458.191, section 458.192, subdivision 3, or section 458.194, shall must be approved by city council resolution of the city council before it shall become effective; to take effect.

Subd. 7. STAFF BUDGET. (3) The city of Winona, by resolution of the its city council, may provide the port authority with such personnel and staff, either temporarily, provisionally, or permanently assigned, on such terms and conditions as it may deem considers appropriate, and. In the same way, the city may appropriate and budget such the funds for the administration of to administer the port authority as it shall deem the city considers necessary and appropriate, which. Budgeted money shall must be budgeted, used, and accounted for in accordance with according to the charter and ordinances of the city of Winona;.

(4) The determination that property sought by eminent domain proceedings is marginal land shall be a judicial question, provided that a duly adopted resolution of the port authority, approved by resolution of the city council, that the property sought is marginal land as defined in Minnesota Statutes, Sections 458.09 to 458.1991, setting forth the characteristics of the land sought to be acquired, shall be prima facie evidence that such land is marginal as so defined;

Subd. 8. MARGINAL PROPERTY. A port authority's decision that property it seeks is marginal under section 458.19 is prima facie evidence in eminent domain proceedings that the property is marginal. The decision must be made in a resolution. The resolution must state the characteristics that the authority thinks makes the property marginal. The port authority resolution must then be approved by city council resolution.

Subd. 9. CHAPTER 474 POWERS; APPROVAL. (5) The port authority shall have all of has the powers granted to port authorities by Minnesota Statutes, chapter 474, to be. The powers may be exercised within and outside its corporate limits but only. The exercise of the powers is subject to approval by resolution of the city council;.

Subd. 10. BOND INTEREST. (6) Notwithstanding any other provision of law, Revenue bonds issued by the port authority may be negotiated and sold at a price resulting in an average annual net interest rate on the bonds exceeding six

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percent but not exceeding of not more than seven percent per annum year computed to the stated maturities;

Subd. 11. NO ASSESSMENTS; IMPROVEMENT DISTRICTS. (7) The port authority shall have no power to must not levy special assessments or establish local improvement districts;

(8) The city of Winona, or ~~the~~ its port authority with the approval by resolution of the city council, may exercise ~~any and all of the powers referred to in Minnesota Statutes, section 471.191 for the acquisition and betterment of to~~ acquire and to better recreational land, buildings, and facilities within or outside their corporate limits;

Subd. 12. ANNUAL REPORT. (9) On or before October 15 in each year the port authority shall report to the city council the amount of ~~earnings, income, or other surplus funds which that~~ are in its judgment available for transfer to the sinking fund for any general obligation bonds of the authority, ~~for the reduction of to reduce tax levies for the payment of such to pay the bonds, and.~~ The council shall determine then decide by resolution what amount shall be ~~so transferred; and to transfer.~~

Subd. 13. WISCONSIN REALTY. (10) The port authority shall have the power to may purchase or lease real property in ~~the state of Wisconsin for~~ barge ~~fleeting purposes or for~~ recreation activities or for both.

Sec. 26. Laws 1974, chapter 218, is amended to read:

Section 1. [458.801] WINONA, CITY OF; TRANSFER OF PROPERTY TRANSFER OF CITY PROPERTY TO PORT.

Subdivision 1. BY ORDINANCE. ~~Notwithstanding the provisions of any other law or of the city charter,~~ The city of Winona may transfer, with or without consideration and upon such on other terms as the city council deems considers desirable, its interest in any real property, including fee title, to the port authority of Winona. ~~Such The~~ The transfer shall must be authorized by ordinance, and.

Subd. 2. ORDINANCE CONTENTS. The ordinance shall must contain among its provisions the following:

(1) a general description of the general location of the property, together with and the specific legal description thereof of the property;

(2) a finding by the city council that the real property involved is "marginal land" as defined in ~~Minnesota Statutes, under section 458.191, subdivision 4,~~ which finding shall be supported by specific reference to one or more of the conditions listed in said subdivision 4;

(3) a statement as to the consideration, or absence ~~thereof of it,~~ to be received by the city at the time of transfer; and

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(4) ~~any~~ other information deemed considered appropriate by the city council.

Sec. 2 Subd. 3. **BY QUITCLAIM DEED.** ~~Any~~ A conveyance of fee title pursuant to under this act shall section must be by quitclaim deed.

Sec. 3. This act shall become effective upon approval of the governing body of the city of Winona, and upon compliance with Minnesota Statutes, Section 645.021.

OTHER SEAWAY PORT AUTHORITIES

Sec. 27. [458.81] **WHEN DULUTH SEAWAY PORT AUTHORITY LAW APPLIES.**

The seaway port authority provisions of sections 458.16, 458.17, and 458.19 apply to a seaway port authority other than Duluth when a majority of the other authority's commissioners adopt a resolution that approves applying the provisions to their authority.

Sec. 28. **REPEALER.**

Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60 are repealed.

ARTICLE 9

Section 1. Minnesota Statutes 1984, chapter 589, is amended to read:

589.01 WRIT OF HABEAS CORPUS; WHO MAY PROSECUTE APPLY.

Every A person imprisoned or otherwise restrained of his liberty, except persons committed or detained by virtue of the final judgment of any a competent tribunal of civil or criminal jurisdiction, or by virtue of an execution issued upon such the judgment, may prosecute apply for a writ of habeas corpus to obtain relief from such imprisonment or restraint, if it proves to be unlawful; but no order of commitment for any alleged contempt, or upon proceedings as for contempt to enforce the rights or remedies of any party, shall be deemed a judgment, nor shall any attachment or other process issued upon any such order be deemed an execution, within the meaning of this section. For purposes of this section, an order of commitment for an alleged contempt or an order upon proceedings as for contempt to enforce the rights or remedies of a party is not a judgment, nor does attachment or other process issued upon these types of orders constitute an execution.

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[589.011] DEFINITIONS.

Subdivision 1. IN THIS CHAPTER. In this chapter, the words listed in this section have the meanings or inclusions given them here.

Subd. 2. DETAINING AUTHORITY. "Detaining authority" includes a state or local correctional agency or officer or employee of that agency or any other public or private agency or person that is alleged in the writ of habeas corpus to have restrained or imprisoned the petitioner.

Subd. 3. PETITIONER. "Petitioner" means a person who is imprisoned or otherwise restrained of liberty and who applies for a writ of habeas corpus to obtain release.

589.02 PETITION; TO WHOM AND HOW MADE.

Application for the writ shall be by petition, signed and verified by the petitioner, or by some person in his behalf, to the supreme court, court of appeals, or to the district court of the county within which the petitioner is detained. Any A person may apply for a writ of habeas corpus by petition addressed to the supreme court, court of appeals, or to the district court of the county where the petitioner is detained. The petition must be signed and verified by the petitioner or some person applying on the petitioner's behalf. If there is within the county a judge of the court to which the petition is addressed, being within the county, that judge may grant the writ. If there is no judge within the county capable of acting and willing to grant the writ, it may be granted by a judge in any an adjoining county.

589.03 APPLICATION FOR A WRIT IN ANOTHER COUNTY; PROOF IN CERTAIN CASES REQUIRED.

When application for such a writ of habeas corpus is made to an ~~officer~~ judge whose chambers are not located within the county where the prisoner is detained, he that judge shall require proof, by the oath of the applicant or other evidence,;

(1) that there is no ~~officer~~ judge in such the detaining county authorized to grant the writ, or;

(2) that all ~~so~~ judges authorized to grant the writ are absent, or from the detaining county;

(3) that judges in the detaining county for reasons specified are incapable of acting,; or

(4) that judges in the detaining county have refused to grant such the writ, and,;

If such the proof required by this section is not produced, the application shall must be denied.

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589.04 STATEMENTS IN PETITION.

The A petition ~~shall state, in substance for a writ of habeas corpus must contain information set forth in paragraphs (a) to (e):~~

(1) (a) It must state that the person ~~is on~~ whose behalf the writ is applied for is imprisoned or restrained of his liberty, the name of the officer or person by whom ~~he~~ the person is so imprisoned or restrained, and the place where that person is imprisoned or restrained; naming both parties.

(b) It must name the restrained and the restraining person if their names are known, or describing describe them if they are not;

(2) (c) It must state that such the restrained person is not committed or detained by virtue of any under process, judgment, decree, or execution, as hereinbefore specified; in section 589.01.

(3) (d) It must state the cause or pretense basis of such the confinement or restraint, according to the knowledge or belief of the party verifying the petition;

(4) (e) If the confinement or restraint be by virtue of any is under warrant, order, or process, the petitioner shall attach a copy thereof shall be annexed of the document authorizing the confinement or restraint to such the petition and there. The petitioner shall also be attached to such petition attach copies of all papers which are attached to or accompany such the warrant, order, or process, including in these cases where such to the petition. If the confinement results from conviction of a crime and sentence therefor, the petitioner shall include a transcript of the proceedings taken and had at the time of arraignment and sentence in the court which imposed the sentence, or it shall be averred that, by reason of such prisoner being removed or concealed before application, a demand of such copy could not be made, or that such demand was made and that such copy was refused; If the petitioner is unable to attach the documents required by this paragraph, the petitioner shall state the reasons for not doing so. Documentation is not required when:

(1) the petitioner is removed or concealed before application for a writ was made; or

(2) a demand for documentation was made but the person to whom the demand was made refused to supply the document requested.

(3) (f) If the imprisonment is alleged to be illegal, the petition shall state in what the illegality consists;

(4) (g) If the imprisonment which is claimed to be illegal is pursuant to under a district court judgment or sentence, the judge before whom such the petition is pending may in his discretion examine the official files and records of the court issuing the warrant of commitment, including any official transcript of the proceedings taken and had at the time of the arraignment and sentence, and any

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such. A judge before whom a petition is pending may take judicial notice of official records or transcript shall be deemed properly before the court when determining transcripts to determine the sufficiency of the petition or the propriety of issuing such the writ of habeas corpus.

589.05 FORM OF WRIT; SEAL ESSENTIAL REQUIREMENTS.

Every A writ of habeas corpus shall must be under the seal of the court, and substantially in the following form:

"The State of Minnesota, to the Sheriff of, etc. (or to A.B.):

You are hereby commanded to have the body of bring C.D., by you who is imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention by you, by whatsoever whatever name the said C.D. shall be is called or charged, before E.F., judge of the court, at, on (or immediately after the receipt of this writ), to do and receive what shall then and there be considered concerning the said C.D the court's judgment on the legality of the detention. And have you then and there Bring this writ to the hearing and be prepared to tell the court the time and cause of imprisonment and detention.

Witness, etc."

589.06 CONTENTS OF WRIT; WHEN SUFFICIENT.

Such The writ shall may not be disobeyed for because of any defect of form. It shall be A writ is sufficient if the petitioner, and the person having him in custody, be to whom the writ is directed are designated therein in it with reasonable certainty, by name, description, or otherwise. Either the petitioner or the person to whom the writ is directed may be designated by an assumed name if his or her true name be is unknown or uncertain, and any. The person served with the writ shall be deemed is considered to be the person to whom it is directed, although the name or description be is wrong, or be is that of another person.

589.07 REFUSAL TO GRANT; PENALTY.

If any officer a judge authorized to grant writs of habeas corpus wilfully willfully refuses to grant such the writ when legally applied for, he the judge shall forfeit to the party aggrieved \$1,000 for every such each offense.

589.08 RETURN TO WRIT; CONTENT REQUIREMENTS.

The person detaining authority upon whom any such a writ of habeas corpus is duly served shall state in his the return, plainly and unequivocally, the information specified in paragraphs (a) to (c):

(1) Whether he has or has not the party in his custody or under his control or restraint and, if he has not, whether he has had him in his custody or

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under his control or restraint at any and what time prior or subsequent to the date of the writ;

(2) If he has the party in his custody or under his control or restraint, the authority and true cause of such imprisonment or restraint, setting forth the same at large;

(3) If the party is detained by virtue of any writ, warrant, or other written authority, a copy thereof shall be annexed to the return, and the original shall be produced and exhibited, on the return of the writ, to the officer before whom the same is returnable;

(4) (a) The return shall state whether the detaining authority is detaining or has at any time in the past detained the petitioner. If the petitioner was detained before or after the writ was issued, the detaining authority shall indicate the date and time of detention.

(b) If the petitioner is being detained, the detaining authority shall state the reason for detention and authority under which the person is being detained.

(c) If the person upon whom such writ is served detaining authority has had the party in his custody or under his control or restraint detained the petitioner at any time prior or subsequent to before or after the date of the writ, but has transferred such custody or restraint to another, the return shall must state particularly to whom, at what time, for what cause, and by what authority, such the transfer took place.

If the petitioner is detained under writ, warrant, or other written authority, a copy of the document authorizing detention must be attached to the return. On the return of the writ to the judge before whom the writ is returnable, a copy of the original document authorizing detention must be produced and exhibited.

The return shall be signed by The person making the same return must sign it and, except where such the person is a sworn public officer, and makes his or her return in his an official capacity, it shall be verified verify it by oath.

589.09 BODY PRODUCED; EXCEPTION PRODUCING PERSON REQUIRED EXCEPT WHEN SICK.

The person or officer on whom the writ is served shall bring the body of the person in his custody being detained, according to the command of such the writ, to the judge named on the writ except in the case of the sickness of such when the detained person is sick, as hereinafter provided in section 589.20.

589.10 COMPELLING OBEDIENCE ENFORCING THE WRIT.

If the person upon whom such the writ is served refuses or neglects to produce the person named therein in it and make a full return thereto of the writ at the time and place required, and no does not give sufficient excuse is shown, the officer judge before whom such the writ is returnable, upon proof of service

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thereof of it, shall forthwith immediately issue an attachment against such the person, directed to the sheriff or coroner of any county, and commanding him forthwith. The attachment must direct the sheriff or coroner to apprehend such the person upon whom the writ is served as soon as possible and bring him that person before such officer; and, on such person being so brought, he shall be committed to the county jail until he shall make return to such writ and comply with all orders made by such officer in the premises the judge before whom the writ is returnable. The judge before whom the writ is returnable shall commit the person apprehended under the attachment to the county jail until that person makes the return and complies with all other orders made by the judge.

589.11 PRISONER PETITIONER HELD IN CUSTODY BY SHERIFF.

The officer by whom any such judge who issues an attachment is issued under section 589.10 may also, at the same time or afterward, issue a precept an order to the sheriff or other person to whom the attachment was directed, commanding him or her to bring forthwith the petitioner before such officer the party for whose benefit such writ was allowed, who shall thereafter that judge immediately. After that, the petitioner must remain in the custody of such the sheriff or other person until he is discharged, bailed, or remanded, as such officer shall the judge may direct.

589.12 PROCEEDINGS ON RETURN OF WRIT.

Immediately after the return of the writ, the officer judge before whom the person petitioner is brought on such writ, immediately after the return thereof, shall examine into the facts set forth in such the return, and into the cause of the imprisonment or restraint, and whether the same cause was upon commitment for a criminal charge or not.

589.13 PRISONER DISCHARGED, WHEN DISCHARGING PETITIONER.

If the judge, under section 589.12, finds no legal cause is shown for such to support imprisonment or restraint of the petitioner, or for the continuation thereof, such officer the judge shall discharge the petitioner therefrom.

589.14 PRISONER REMANDED, WHEN SENDING PETITIONER BACK TO CUSTODY.

The officer judge shall forthwith remand such person, immediately send the petitioner back to the detaining authority if it appears that he the petitioner is detained in custody:

(1) By virtue of under process issued by any a court or judge of the United States, in a case where such the court or judge has exclusive jurisdiction;

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(2) By virtue of the under final judgment of a competent court of civil or criminal jurisdiction, or of under an execution issued upon such a judgment of either of those courts; or

(3) for any contempt of court, specially and plainly charged in the commitment, by some a court, officer, or body having authority to commit for the contempt so charged; or.

(4) The judge shall also immediately send the petitioner back to the detaining authority if it appears that the time during which such the person may be legally detained has not expired.

589.15 DISCHARGING PETITIONER HELD UNDER CIVIL PROCESS, WHEN DISCHARGED.

If it appears on the return that the prisoner petitioner is in custody by virtue of under a valid civil process of any a court legally constituted, or issued by an officer in the course of judicial proceedings before him, authorized by law, such prisoner, the petitioner can be discharged only in the following cases:

(1) when if the jurisdiction of such the court or officer has been exceeded, either as to matter, place, sum, or person;

(2) Where if, though the original imprisonment was lawful, yet, by some act, omission, or event which has taken place afterward, the person is entitled to be discharged;

(3) Where if the process is defective in some matter of substance required by law, rendering it void;

(4) Where if the process, though in proper form, has been issued in a case not allowed by law;

(5) Where if the person having the custody of the prisoner petitioner under such the process is not the person empowered by law to detain him the petitioner; or

(6) Where if the process is not authorized by any a judgment or order of any a court, or by any a provision of law.

589.16 WHEN BAIL OR REMAND OR DISCHARGE ALLOWED.

If it appear that the petitioner has been legally committed for a criminal offense, or if upon hearing it appears by the testimony offered with the return that he the petitioner is guilty of such the offense, although the commitment is irregular, the officer judge before whom he the petitioner is brought shall admit him to bail allow release on bail, if the case is bailable and good bail be is offered, or, if not, he the judge shall forthwith remand him immediately send that petitioner back to the detaining authority. In other cases he shall the petitioner

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must be placed in the custody of the person legally entitled ~~thereto~~ to custody, or, if no one is so entitled, ~~he shall~~ the petitioner must be discharged.

589.17 REQUIRING PETITIONER TO BE HELD IN CUSTODY UNTIL JUDGMENT.

Until judgment is given upon the return, the ~~officer~~ judge before whom ~~such person~~ the petitioner is brought may either commit ~~him~~ the petitioner to the custody of the sheriff of the county, or place ~~him~~ the petitioner in ~~such~~ other custody as his or her age and other circumstances require.

589.18 NOTICE MUST BE GIVEN TO COUNTY ATTORNEY OR ATTORNEY GENERAL.

In criminal cases, if the ~~prisoner~~ petitioner is confined in a ~~town, city, or~~ county jail or other local correctional facility, notice of the time and place at which the writ is returnable shall must be given to the county attorney of the county from which the ~~prisoner~~ petitioner was committed, if ~~such~~ the county attorney is within ~~his~~ the petitioner's county. If the ~~prisoner~~ petitioner is confined in a state correctional facility, the notice shall of the time and place at which the writ is returnable must be given to the attorney general, whose ~~duty it shall be to~~ and the attorney general shall appear for the person named as respondent in the writ. In other cases, ~~like~~ notice shall of the time and place at which the writ is returnable must be given to any person interested in continuing the custody or restraint of the ~~party~~ seeking the aid of such writ petitioner.

589.19 TRAVERSE DENIAL OF RETURN; NEW MATTER.

At the hearing on the return of the writ, the petitioner, ~~on the return of any writ~~, may, on oath, deny any of the material facts ~~set forth~~ alleged in the return, or allege any fact to show either that his or her imprisonment or detention is unlawful, or that he or she is entitled to his discharge; ~~and thereupon such officer.~~ The judge shall proceed, in a summary way, to hear such allegations and proofs as are legally produced admit relevant evidence in support of such or against imprisonment or detention, or against the same, and so, at the conclusion of the hearing, dispose of such person as justice requires the petitioner in accordance with law.

589.20 PROCEEDINGS IN CASE OF SICKNESS OF PRISONER PETITIONER.

When, by reason of sickness or infirmity, the petitioner cannot, ~~without danger,~~ be is so sick or infirm that he or she would be endangered if brought before the officer judge before whom the writ is returnable, the person ~~in whose custody he is~~ having the petitioner in custody may state that fact in his the return; and, If the officer is satisfied of the truth of such statement judge finds that the statement is true, and the return is otherwise sufficient, ~~he~~ the judge shall decide upon such the return and dispose of the matter in accordance with law.

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The petitioner in such case under this section may appear by attorney and plead to the return as if he were present and, If it appear that the petitioner is illegally imprisoned or restrained of his liberty, the officer judge shall order those having him the petitioner in custody to immediately discharge him forthwith, but or her. If it appear that he the petitioner is legally imprisoned or restrained, and is not entitled to be admitted to released on bail, the officer judge shall dismiss the proceedings.

589.21 ENFORCING ORDER OF DISCHARGE, HOW ENFORCED.

Obedience to any order for the discharge of a prisoner may be enforced by the officer issuing the writ or granting the order, by attachment, in the same manner as provided for neglect to make return to a writ of habeas corpus; and the person guilty of such disobedience shall forfeit to the person aggrieved \$1,000 in addition to any special damages sustained by him The judge may enforce obedience to an order for the discharge of the petitioner by attachment, as provided in section 589.10, directed to the person disobeying the order. If a person disobeys an order, that person shall forfeit to the petitioner \$1,000 in addition to any special damages sustained by the petitioner.

589.22 RE-ARREST OF PERSON CONDITIONS UNDER WHICH DISCHARGED PETITIONER MAY BE INCARCERATED.

No person A petitioner who has been discharged upon a writ of habeas corpus shall be may again imprisoned or restrained for the same cause, unless indicted therefor, convicted thereof, or committed, for want of bail, by some court of record having jurisdiction of the cause, or unless, after a discharge for defect of proof, or for some material defect in the commitment in a criminal case, he shall be again arrested on sufficient proof, and committed by legal process be incarcerated again for the same conduct only under the following circumstances:

(1) if, after discharge for defect of proof or for a material defect in the commitment in a criminal case, the petitioner is arrested again on probable cause and detained in accordance with law;

(2) if the petitioner fails to post bond;

(3) if the petitioner is indicted for the conduct and detained pending criminal proceedings; or

(4) if the petitioner is convicted and sentenced for the conduct.

589.23 TRANSFER OR CONCEALMENT OF TRANSFERRING OR CONCEALING PERSON; FORFEITURE.

If any one who has in his A person who has custody or under his control of a person petitioner entitled to a writ of habeas corpus, whether a writ has been issued or not, and who, with intent to elude the service of the writ or to avoid its effect, (1) transfers such prisoner the petitioner to the custody, or places him or

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her under the power or control of another person, (2) conceals him the petitioner, or (3) changes his the place of confinement, with intent to elude the service of such writ or to avoid the effect thereof, he shall forfeit \$400 to the party aggrieved thereby petitioner, to be recovered recoverable in a civil action.

589.24 REFUSAL REFUSING TO FURNISH COPY OF DOCUMENT AUTHORIZING DETENTION.

Any An officer or other person refusing who refuses to deliver a copy of any an order, warrant, process, or other authority by which he or she detains any a person, to any one who shall demand the same requests the copy and tender the fees therefor who offers to pay the reproduction costs, shall forfeit \$200 to the person so detained.

589.25 SERVICE OF PERSON SERVING WRIT; BOND.

The writ can be served only by a legal voter of the state. The officer judge granting it may require a bond to the state in a sum not exceeding more than \$1,000, conditioned for the payment of all costs and expenses of the proceeding, and the reasonable charges of restoring the prisoner petitioner to the person from whose custody he or she was taken, if he shall be remanded or she is sent back to custody. The bond shall must be approved by the officer judge issuing the writ, and be filed with the clerk.

589.26 MANNER OF SERVICE OF WRIT.

The writ of habeas corpus may be served by delivering the same it to the person to whom it is directed, or, if he that person cannot be found, by leaving it at the jail or other place in which the prisoner petitioner is confined, with any underofficer correctional officer or other person of proper age having charge for the time of such prisoner of the petitioner. If the person upon whom the writ ought to should be served conceals himself or herself, or refuses admittance to the party attempting to serve the writ, it may be served by affixing the same writ in some conspicuous place on the outside either of his or her dwelling house, or of the place where the party is confined.

589.27 WHEN RETURN TO WRIT MUST BE MADE, WHEN.

If the writ is returnable on a certain day, return the person to whom the writ is directed shall be made and the prisoner produced make the return and produce the petitioner at the time and place specified therein in the writ. If it the writ is returnable forthwith immediately, and the place of return is within 20 miles of the place of service, the return shall must be made and the prisoner petitioner produced within 24 hours, and the like time shall be. Twenty-four additional hours are allowed for return for every each additional 20 miles of distance between the place of return and the place of service.

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

589.28 POWER OF COURT NOT RESTRAINED.

Nothing ~~herein shall prevent any in sections 589.01 to 589.30 is to be construed to prevent a court from issuing a writ of habeas corpus necessary or proper to bring an inmate before it or any an inferior court any prisoner for trial, preliminary an omnibus hearing, arraignment, appearance, or to be examined as a witness in any a civil or criminal action or proceeding, civil or criminal.~~

589.29 APPEALS.

Any A party aggrieved by the final order in proceedings upon a writ of habeas corpus may appeal to the court of appeals as in other civil cases, except that no bond ~~shall be is~~ required of the appellant. Upon filing notice of appeal with the clerk of the district court, and payment ~~or tender of his~~ filing fees, the clerk shall make, certify, and return to the clerk of the appellate courts copies of the petition, writ, return of respondent, answer, if any, of the relator, and the order appealed from.

589.30 HEARING ON APPEAL; COSTS; PAPERS.

The appeal may be heard before the court of appeals upon application of either party to the court or a judge of it Either party in a proceeding upon a writ of habeas corpus may appeal a final order by applying to the court of appeals. The clerk of appellate courts shall serve the order fixing the time of hearing, which shall not be less than six nor more than 15 days from the date of application, shall be served on the adverse party at least five days before the date fixed for the hearing. The hearing must be held not less than six nor more than 15 days from the date of application. No costs or disbursements shall ~~may~~ be allowed any party to the appeal, nor shall ~~may~~ any of the papers used on the hearing be required to be printed.

589.35 RELEASE OF INSTITUTIONALIZED PERSONS FOR JUDICIAL PURPOSES.

Subdivision 1. **ORDER.** Except as provided in chapters 589 and 590, ~~any~~ a court requiring the appearance of a person confined in a state correctional facility, mental hospital, or other institution after criminal conviction, civil commitment, or ~~pursuant to under~~ court order, may order the confining institution to release the person into the temporary custody of the court. The order shall ~~must~~ specify:

- (a) (1) the reason for the person's appearance;
- (b) (2) to whom the confined person may be released; and
- (c) (3) the date and time of the release.

Subd. 2. **COSTS.** The court shall, without any cost to the releasing institution, determine and implement a cost effective and convenient method for

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obtaining the person's appearance, including requiring the parties to the proceedings to pay all or a part of the costs as otherwise provided by law.

Subd. 3. **COMPLIANCE.** Upon receipt of a court order for release under this section, the chief executive officer of the confining institution shall take appropriate steps to comply with the order in a manner which is consistent with public safety.

ARTICLE 10

Section 1. Minnesota Statutes 1984, chapter 629, is amended to read:

629.01 DEFINITIONS.

Where appearing in sections 629.01 to 629.29, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state. The term "state," referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States.

629.02 DUTIES OF GOVERNOR IN EXTRADITION MATTERS.

Subject to the provisions of sections 629.01 to 629.29, the provisions of the Constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and if found in this state.

629.03 DEMAND IN WRITING.

No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless it alleges in writing, except in cases arising under section 629.06, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that he subsequently fled from the state. The demand shall be accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a court there, together with a copy of any warrant which was issued on it; or by a copy of a judgment of conviction or of a sentence imposed in execution of it, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation, or parole. The indictment, information, or affidavit made before the court must substantially charge the person demanded with having committed a crime under the law of that state. The copy of the indictment, information,

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

affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

629.04 ATTORNEY GENERAL TO INVESTIGATE.

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

629.05 EXTRADITION BY AGREEMENT.

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state who is charged in the manner provided in section 629.23 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

629.06 EXTRADITION OF PERSONS COMMITTING CRIME.

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 629.03 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state, whose executive authority is making the demand, and the provisions of sections 629.01 to 629.29 not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

629.07 WARRANT OF ARREST.

If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

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

629.08 ACCUSED TURNED OVER TO DEMANDING STATE.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of sections 629.01 to 629.29, to the duly authorized agent of the demanding state.

629.09 POWERS OF OFFICER.

Every such peace officer or other person empowered to make the arrest shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

629.10 ACCUSED TAKEN BEFORE COURT.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and, if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the agent of the demanding state.

629.11 VIOLATION A GROSS MISDEMEANOR.

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant in wilful disobedience to section 629.10 shall be guilty of a gross misdemeanor; and upon conviction shall be fined not more than \$3,000 or be imprisoned for not more than six months.

629.12 ACCUSED MAY BE CONFINED IN JAIL.

The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

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The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent being chargeable with the expense of keeping; provided, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

629.13 WHO MAY BE APPREHENDED.

When any person within this state is charged on the oath of any credible person before any judge of this state with the commission of any crime in any other state and, except in cases arising under section 629.06, with having fled from justice, with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation, or parole, or when complaint has been made before any judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in the other state and that the accused has been charged in that state with the commission of the crime and, except in cases arising under section 629.06, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation, or parole, and is believed to be in this state, the judge shall issue a warrant directed to any peace officer commanding him to apprehend the person named in it, wherever he may be found in this state, and to bring him before the same or any other judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit. A certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

629.14 ARREST WITHOUT WARRANT.

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year. When arrested the accused must be taken before a judge with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 629.13. Thereafter his answer shall be heard as if he had been arrested on a warrant.

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

629.15 COURT MAY COMMIT TO JAIL.

If from the examination before the judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 629.06, that he has fled from justice, the judge must, by a warrant reciting the accusation, commit him to the county jail for a time, not exceeding 30 days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused gives bail as provided in section 629.16, or until he is legally discharged.

629.16 ADMIT TO BAIL.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in the bond, and for his surrender, to be arrested upon the warrant of the governor of this state.

629.17 DISCHARGE.

If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge may discharge him or may recommit him for a further period not to exceed 60 days. A judge may again take bail for his appearance and surrender, as provided in section 629.16, but within a period not to exceed 60 days after the date of the new bond.

629.18 BOND FORFEITED.

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he is within this state. Recovery may be had on the bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

629.19 PRISONER HELD OR SURRENDERED.

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

629.20 GUILT OR INNOCENCE NOT INQUIRED INTO.

The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form, as

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provided, shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime.

629.21 RECALL OF WARRANT.

The governor may recall his warrant of arrest or may issue another warrant when he deems proper.

629.22 WARRANT FOR PAROLEES OR PROBATIONERS.

When the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation, or parole in this state, from the executive authority of any other state, or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

629.23 PROSECUTING ATTORNEY, WRITTEN APPLICATION.

Subdivision 1. **CONTENTS.** When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place, and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that, in the opinion of the prosecuting attorney, the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

Subd. 2. **RETURN OF FUGITIVE.** When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the chief executive officer of the facility or sheriff of the county, from which the escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation, or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

Subd. 3. **PROCEDURAL REQUIREMENTS.** The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge, stating the offense with which the accused

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is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, chief executive officer, or sheriff may also attach any further affidavits and other documents in duplicate as deemed proper to be submitted with the application. One copy of the application, with the action of the governor indicated by endorsement on it, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

629.24 CIVIL PROCESS NOT TO BE SERVED.

A person brought into this state by, or after waiver of, extradition based on a criminal charge, shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation, or parole, may waive the issuance and service of the warrant provided for in sections 629.07 and 629.08 and all other procedure incidental to extradition proceedings, by executing or subscribing, in the presence of a judge of any court of record within this state, a writing which states that he consents to return to the demanding state; provided, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus, as provided for in section 629.10.

If and when such consent has been duly executed, it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights, or duties of the officers of the demanding state or of this state.

Nothing in sections 629.01 to 629.29 shall be deemed to constitute a waiver by this state of its right, power, or privilege to try such demanded person for crime committed within this state, or of its right, power, or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence, or punishment for any crime committed within this state, nor shall

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any proceedings had under sections 629.01 to 629.29 which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges, or jurisdiction in any way.

629.25 TRIAL FOR OTHER CRIMES.

After a person has been brought back to this state by or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here, as well as that specified in the requisition for his extradition.

629.26 UNIFORMITY.

The provisions of sections 629.01 to 629.29 shall be so interpreted and construed as to effectuate their general purposes to make uniform the laws of those states which enact them.

629.27 GOVERNOR MAY APPOINT AGENT.

In every case authorized by the constitution and laws of the United States, the governor may appoint an agent, who shall be the sheriff of the county from which the application for extradition shall come, when he can act, to demand of the executive authority of any state or territory any fugitive from justice or any person charged with a felony or other crime in this state; and when an application shall be made to the governor for that purpose, the attorney general, when so required by him, shall forthwith investigate or cause to be investigated by any county attorney the grounds of such application, and report to the governor all material circumstances which shall come to his knowledge, with an abstract of the evidence, and his opinion as to the expediency of the demand. The accounts of agents so appointed shall in each case be audited by the county board of the county wherein the crime upon which extradition proceedings are based shall be alleged to have been committed, and every such agent shall receive from the treasury of such county \$4 for each calendar day, and the necessary expenses incurred by him in the performance of such duties.

629.28 POWERS OF OFFICERS.

Any person who has been or shall be convicted of or charged with a crime in any other state, and who shall be lawfully in the custody of any officer of the state where such offense is claimed to have been committed, may be by such officer conveyed through or from this state, for which purpose such officer shall have all the powers in regard to his control or custody that an officer of this state has over a prisoner in his charge.

629.29 CITATION, UNIFORM CRIMINAL EXTRADITION ACT.

Sections 629.01 to 629.29 may be cited as the uniform criminal extradition act.

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

629.291 TRANSFER OF INMATES OF CORRECTIONAL FACILITIES TO FEDERAL DISTRICT COURT FOR TRIAL FOR VIOLATIONS OF FEDERAL CRIMINAL LAWS.

When the attorney general of the United States, or any of his assistants, or the United States attorney for the district of Minnesota, or any of his assistants, shall present and file with the governor of Minnesota a written verified petition stating that at the date of the petition there was imprisoned in one of the Minnesota correctional facilities, naming the facility, a certain person, naming the person, then serving a sentence of imprisonment imposed by one of the courts of record of Minnesota, which person was at the time of the petition under indictment in the United States district court for the district of Minnesota for a violation of a federal criminal law, which petition shall have attached to it a certified copy of the indictment, and petitioning the state of Minnesota to consent to the transfer of such person from such Minnesota correctional facility to the United States district court for the district of Minnesota having jurisdiction thereof, for trial under such indictment, and agreeing to pay all expenses incurred by the state by reason thereof, the governor shall forthwith hear and consider the petition and, when satisfied as to the identity of the person sought to be transferred, the governor may consent to the transfer of the prisoner by and on behalf of the state of Minnesota, and may issue his order directing the chief executive officer of the facility in which the person shall be imprisoned to transfer the person from the facility to the United States district court for the district of Minnesota, upon receipt and service of a proper process issued out of the United States district court naming the time and place where the prisoner shall be wanted for trial, and directing the chief executive officer of the facility to retain custody of the prisoner during the trial and, at the conclusion of the trial after judgment shall have been pronounced by the United States district court, to return the prisoner to the facility from which he was taken, to be there kept until released pursuant to the laws of the state of Minnesota and, prior to the time for the release of any such prisoner who shall be under sentence in the United States district court, the chief executive officer of the facility in which the prisoner is in custody shall notify the United States marshal in and for the district of Minnesota and shall at the time of such release surrender such prisoner to him to be dealt with in accordance with the laws of the United States. Subdivision 1. PETITION FOR TRANSFER. The attorney general of the United States, or any of his or her assistants, or the United States attorney for the district of Minnesota, or any of his or her assistants, may file a petition with the governor requesting the state of Minnesota to consent to transfer an inmate, serving a term of imprisonment in a Minnesota correctional facility for violation of a Minnesota criminal law, to the United States district court for the purpose of being tried for violation of a federal criminal law. In order for a petition to be filed under this section, the inmate must at the time of the filing of the petition be under indictment in the United States district court for Minnesota for violation of a federal criminal law. The petition must name the inmate for whom transfer is

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

requested and the Minnesota correctional facility in which the inmate is imprisoned. The petition must be verified and have a certified copy of the federal indictment attached to it. The petitioner must agree in the petition to pay all expenses incurred by the state in transferring the inmate to the United States court for trial.

Subd. 2. GOVERNOR'S CONSENT AND ORDER. Upon hearing a petition, the governor may consent to transfer of the inmate on behalf of the state of Minnesota if satisfied as to the identity of the inmate sought to be transferred. Upon receiving proper process issued by the United States district court stating the time and place where the inmate will be tried, the governor may issue an order directing the chief executive officer of the correctional facility in which the inmate is imprisoned to transfer the inmate to the United States district court for the district of Minnesota. The order must direct the chief executive officer of the facility to retain custody of the inmate during the trial in federal court and, at conclusion of the trial after judgment is pronounced by the United States district court, direct the federal court to return the inmate to the correctional facility from which the inmate was taken. The order must require that an inmate sentenced for a violation of a federal criminal law after transfer under this section and trial serve the remainder of the sentence imposed for violation of a Minnesota criminal law before being released to the federal authorities.

Subd. 3. NOTIFYING UNITED STATES MARSHAL. Before release of an inmate who has been sentenced for a violation of a federal criminal law in United States district court, the chief executive officer of the correctional facility in which the inmate is serving a sentence for violation of a Minnesota criminal law shall notify the United States marshal for the district of Minnesota. Upon release of the inmate, the chief executive officer shall surrender the inmate to the federal authorities to be dealt with in accordance with the laws of the United States.

629.292 UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT.

Subdivision 1. REQUEST FOR DISPOSITION; NOTIFICATION OF PRISONER. (a) Any person who is imprisoned in a penal or correctional institution or other facility in the department of corrections of this state may request final disposition of any untried indictment or information pending against him in this state. The request shall be in writing addressed to the court in which the indictment or information is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

(b) The commissioner of corrections or other official designated by him having custody of prisoners shall promptly inform each prisoner in writing of the source and nature of any untried indictment or information against him of which the commissioner of corrections or such official had knowledge or notice and of his right to make a request for final disposition thereof.

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

(c) Failure of the commissioner of corrections or other such official to inform a prisoner, as required by this section, within one year after a detainer has been filed at the institution shall entitle him to a final dismissal of the indictment or information with prejudice.

Subd. 2. **PROCEDURE ON RECEIPT OF REQUEST.** The request shall be delivered to the commissioner of corrections or other official designated by him having custody of the prisoner, who shall forthwith

(a) certify the term of commitment under which the prisoner is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections relating to the prisoner; and

(b) send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting attorney to whom it is addressed.

Subd. 3. **TIME OF TRIAL.** Within six months after the receipt of the request and certificate by the court and prosecuting attorney, or within such additional time as the court for good cause shown in open court may grant, the prisoner or his counsel being present, the indictment or information shall be brought to trial; but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for him to be heard. If, after such a request, the indictment or information is not brought to trial within that period, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment or information be of any further force or effect, and the court shall dismiss it with prejudice.

Subd. 4. **EFFECT OF ESCAPE.** Escape from custody by any prisoner subsequent to his execution of a request for final disposition of an untried indictment or information voids the request.

Subd. 5. **NOTIFICATION OF EXISTENCE OF PROCEDURE.** The commissioner of corrections or other official designated by him having custody of prisoners shall arrange for all prisoners to be informed in writing of the provisions of this section, and for a record thereof to be placed in the prisoner's file.

Subd. 6. **UNIFORMITY.** This section shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Subd. 7. **CITATION.** This section may be cited as the uniform mandatory disposition of detainers act.

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

629.294 INTERSTATE AGREEMENT ON DETAINERS.

Subdivision 1. **AGREEMENT.** The agreement on detainers is hereby enacted into law and entered into by this state with all other jurisdictions legally joining ~~therein~~ in it in the form substantially as follows:

The contracting states solemnly agree that:

ARTICLE I

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information, or complaint pursuant to Article III or Article IV hereof.

ARTICLE III

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a

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detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole-eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state

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to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

ARTICLE IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request; and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainees against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

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(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the grounds that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V(e) hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of

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the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending, or in which trial is being had, shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

ARTICLE VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

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ARTICLE VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

ARTICLE VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX

This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Subd. 2. **APPROPRIATE COURT.** ~~The phrase "Appropriate court" as used in the agreement on detainees shall, with reference to the courts of this state, mean~~ means the district court.

Subd. 3. **ENFORCEMENT.** ~~All Courts, departments, agencies, officers, and employees of this state and its political subdivisions are hereby directed to shall~~ enforce the agreement on detainees and ~~to~~ cooperate with one another and ~~with other party states in enforcing the agreement and effectuating~~ carrying out its purpose.

Subd. 4. **HABITUAL OFFENDERS.** ~~Nothing in~~ Neither this section ~~or in~~ nor the agreement on detainees ~~shall be construed to require~~ requires the application of ~~the a~~ habitual offenders law to ~~any a~~ person on account of ~~any a~~ conviction had in a proceeding brought to final disposition by reason of the use of said agreement.

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Subd. 5. **ESCAPES.** Whoever departs without lawful authority from custody while in another state ~~pursuant to~~ under the agreement on detainers ~~shall be deemed is considered~~ to have escaped and may be punished as provided in section 609.485, subdivision 4.

Subd. 6. **DELIVERY OF INMATE.** ~~It shall be lawful and mandatory upon The warden or other official in charge of a penal or chief executive officer of a correctional institution in this state to shall give over the person of any an inmate thereof whenever so required to do so by the operation of the agreement on detainers.~~

Subd. 7. **ADMINISTRATION.** The commissioner of corrections or his designee ~~shall be is~~ the central administrator and information agent for the agreement on detainers.

Subd. 8. **DISTRIBUTION OF COPIES OF ACT.** Copies of this act ~~shall must~~, upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the council of state governments.

629.30 ARRESTS; BY WHOM MADE; AIDING OFFICER.

Subdivision 1. DEFINITION. Arrest is ~~the means~~ taking of a person into custody that ~~he the person~~ may be held to answer for a public offense, ~~and~~ "Arrest" includes actually restraining a person or taking into custody a person who submits.

Subd. 2. WHO MAY ARREST. An arrest may be made:

- (1) By a peace officer under a warrant;
- (2) By a peace officer without a warrant;
- (3) By an officer in the United States customs service or the immigration and naturalization service without a warrant;
- (4) By a private person.

Every A private person shall aid an a peace officer in the execution of executing a warrant when requested ~~so to do so~~ by such the officer, who is himself present and acting in its execution.

629.31 TIME ~~OF~~ WHEN ARREST MAY BE MADE.

If the offense charged is An arrest for a felony or gross misdemeanor, ~~arrest~~ may be made on any day and at any time of the day or night; if it is, An arrest for a misdemeanor, arrest shall may not be made on Sunday or between the hours of 10:00 p.m. and 8:00 a.m. on any other day ~~unless upon the direction of~~ except:

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(1) when the judge endorsed upon orders in the warrant, that the arrest may be made between those hours; or unless

(2) when the person named in the warrant is found on a public highway or street.

629.32 MINIMUM RESTRAINT, ALLOWED FOR ARREST; WARRANT TO MUST BE SHOWN UPON REQUEST.

An arrest is made by the actual restraint of the person of the defendant or by his submission to the custody of the officer; but he shall not be subjected A peace officer making an arrest may not subject the person arrested to any more restraint than shall be is necessary for his the arrest and detention, and. The peace officer shall inform the defendant that he the officer is acting under the authority of a warrant, and shall show him the defendant the warrant if requested to do so required. An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession hand at the time of the arrest, but if the arrested person so requests the warrant shall must be shown to him that person as soon as possible and practicable. An arrest A peace officer may lawfully be made by a peace officer arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

629.33 MEANS WHEN FORCE MAY BE USED TO MAKE ARREST.

If, after notice of intention to arrest defendant, he shall flee or forcibly resist If a peace officer has informed a defendant that the officer intends to arrest the defendant, and if the defendant then flees or forcibly resists arrest, the officer may use all necessary and lawful means to effect his make the arrest, provided the officer but may not use deadly force unless authorized to do so under section 609.066. He After giving notice of the authority and purpose of entry, a peace officer may break open an inner or outer door or window of a dwelling house to execute a warrant if, after notice of his authority and purpose, he is refused admittance, or when necessary for his own liberation, or for the purpose of liberating another person who, having entered to make an arrest, is detained therein;

(1) the officer is refused admittance;

(2) entry is necessary for the officer's own liberation; or

(3) entry is necessary for liberating another person who is being detained in the dwelling house after entering to make an arrest.

629.34 WHEN ARREST MAY BE MADE WITHOUT A WARRANT.

Subdivision 1. **PEACE OFFICER.** A peace officer may, without warrant, arrest a person:

(1) For a public offense committed or attempted in his the officer's presence;

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(2) When the person arrested has committed a felony, although not in his presence;

(3) When a felony has in fact been committed, and ~~he~~ the officer has reasonable cause for believing the person arrested to have committed it; or

(4) Upon a charge ~~made~~ based upon reasonable cause of the commission of a felony by the person arrested.

~~To make such arrest~~ After a peace officer has told the person to be arrested that he or she is a peace officer and intends to arrest that person, the officer may break open an outer or inner door or window of a dwelling house if, ~~after notice of his office and purpose, he shall be~~ the officer is refused admittance.

Subd. 2. **CUSTOMS SERVICE, IMMIGRATION AND NATURALIZATION SERVICE OFFICER.** An officer in the United States customs service or the immigration and naturalization service, ~~without a warrant,~~ may arrest a person if ~~the following~~ without a warrant under the circumstances exist specified in clauses (a) and (b):

(a) when the officer is on duty within the scope of assignment and one or more of the following situations exist:

(i) (1) the person commits an assault in the fifth degree, as defined in section 609.224, against the officer;₂

(ii) (2) the person commits an assault in the fifth degree, as defined in section 609.224, on any other person in the presence of the officer, or commits any felony;₂

(iii) (3) the officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person committed it;₂ or

(iv) (4) the officer has received positive information by written, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest; or

(b) when the assistance of the officer has been requested by another Minnesota law enforcement agency.

629.341 ALLOWING PROBABLE CAUSE ARRESTS; FOR DOMESTIC VIOLENCE; IMMUNITY FROM LIABILITY.

Subdivision 1. **ARREST.** Notwithstanding ~~the provisions of section 629.34 or any other law or rule to the contrary,~~ a peace officer may arrest ~~without a warrant~~ a person anywhere ~~without a warrant,~~ including at ~~his~~ the person's residence if the peace officer has probable cause to believe ~~that~~ the person within the preceding four hours has assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm ~~his~~ his or her spouse, former spouse, or other person with whom he ~~or she~~ resides or has formerly resided,

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although. The arrest may be made even though the assault did not take place in the presence of the peace officer.

Subd. 2. **IMMUNITY.** Any A peace officer acting in good faith and exercising due care in the making of an arrest pursuant to subdivision 1 ~~shall have immunity~~ is immune from civil liability that ~~otherwise might result by reason of his~~ from the officer's action.

Subd. 3. **NOTICE OF RIGHTS.** The peace officer shall ~~advise~~ tell the victim ~~of the availability of whether~~ a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice ~~shall~~ must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse ~~which~~. The order could include the following:

- (a) (1) an order restraining the abuser from further acts of abuse;
- (b) (2) an order directing the abuser to leave your household;
- (c) (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (d) (4) an order awarding you or the other parent custody of or visitation with your minor child or children; or
- (e) (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice ~~shall~~ must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the department of corrections.

Subd. 4. **REPORT REQUIRED.** Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The officer ~~must~~ shall submit the report to his or her supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made.

Subd. 5. **TRAINING.** The board of peace officer standards and training shall provide a copy of this section to every law enforcement agency in this state on or before June 30, 1983.

Upon request of the board of peace officer standards and training to the bureau of criminal apprehension, ~~the subject matter of~~ at least one training course must include instruction ~~in the subject matter of~~ about domestic abuse. Every A

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basic skills course required in order to obtain for initial licensure as a peace officer must, after January 1, 1985, include at least three hours of training in handling domestic violence cases.

629.35 WHEN ARREST AT NIGHT IS PERMISSIBLE.

Such A peace officer may at night, without a warrant, arrest any a person whom he at night without a warrant if the officer has reasonable cause for believing to have believe that person has committed a felony, and shall be justified in making such arrest, though it shall afterwards appear that no felony has been committed; but when so arresting a person without a warrant, the officer shall inform him of his authority and the cause of the arrest, except when he shall be in the actual commission of a public offense, or shall be pursued immediately after an escape. An arrest under this section is lawful even if it appears after the arrest that no felony has been committed. When arresting a person at night without a warrant, a peace officer shall inform that person of the officer's authority and the cause of the arrest. This warning need not be given if the person is apprehended while committing a public offense or is pursued immediately after escape.

629.36 ARREST BY PERMITTING BYSTANDER TO DELIVER ARRESTED PERSON TO PEACE OFFICER.

A peace officer may take before a judge a person who, being engaged in a breach of the peace, is arrested by a bystander and delivered to him When a bystander arrests a person for breach of the peace, the bystander may deliver that person to a peace officer. The peace officer shall take the arrested person to a judge for criminal processing. When a public offense is committed in the presence of a judge, he the judge may, by written or verbal order, command any person to arrest the offender, and then proceed as if the offender had been brought before him the court on a warrant of arrest.

629.361 RESTORATION OF STOLEN PROPERTY; DUTY OF MAKING PEACE OFFICERS RESPONSIBLE FOR CUSTODY OF STOLEN PROPERTY.

The A peace officer arresting any a person charged as principal or accessory in any with committing or aiding in the committing of a robbery, aggravated robbery, or theft shall use reasonable diligence to secure the property alleged to have been stolen, and. After seizure of the property, the officer shall be answerable therefor for it while it remains in his hands, and the officer's custody. The officer shall annex a schedule thereof of the property to his the return of the warrant. When the county attorney shall require such property for use as evidence upon the examination or trial, such officer, upon his demand, shall deliver it to him and take his receipt therefor, after which such county attorney shall be responsible for the same Upon request of the county attorney, the law enforcement agency that has custody of the property alleged to have been

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stolen shall deliver the property to the custody of the county attorney for use as evidence at an omnibus hearing or at trial. The county attorney shall make a receipt for the property and be responsible for the property while it is in her or his custody. Upon conviction of When the offender is convicted, whoever shall hold such has custody of the property shall turn it over to the owner.

629.362 ESCAPED PRISONER RECAPTURED RECAPTURING AN ESCAPED INMATE; TERM OF IMPRISONMENT.

Every A prisoner in custody under sentence of imprisonment for any crime who shall escape escapes from custody may be recaptured and imprisoned for a term equal to the unexpired portion of the original term.

629.363 RAILWAY CONDUCTOR; AUTHORITY TO ARREST.

Every A conductor of a railway train, with or without warrant, may arrest any a person committing any an act upon the train specified in prohibited by sections 609.605 and 609.72 with or without a warrant, and take him before a judge or to the next railway station, and deliver him take that person to the proper officer law enforcement authorities, or to the station agent, who shall take the person before the proper judge or deliver him to the officer at the next railway station. The station agent shall take the arrested person to the law enforcement authorities. Every A conductor and or station agent shall in such case possess all possesses the powers of a sheriff with a warrant in making arrests under this chapter.

629.364 AUTHORIZING ARRESTS FOR SWINDLING.

Every person may, and every conductor or other employee on any railway car or train, captain, clerk, or other employee on any boat, station agent at any depot, officer of any fair or fairground, proprietor or employee of any place of public resort, with or without warrant, shall, arrest any person found in the act of committing any of the offenses described in section 609.52, subdivision 2, clause (4), or any person who, he has good reason to believe, has been guilty of the offense, and take him before a court having jurisdiction, and make written complaint under oath against him. Every (a) The following persons shall arrest, with or without a warrant, a person found committing an offense described in section 609.52, subdivision 2, clause (4):

- (1) a conductor or other employee on a railway car or train;
- (2) a captain, clerk, or other employee on a boat;
- (3) a station agent at a depot;
- (4) an officer of a fair or fairground; or
- (5) a proprietor or employee of a public resort.

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(b) A person not required to make an arrest under clause (a) may arrest, with or without a warrant, a person found committing an offense described in section 609.52, subdivision 2, clause (4).

(c) A person making an arrest under clause (a) or (b) shall take the arrested person to the proper law enforcement authorities and have a written complaint issued against that person. A person making an arrest shall have the same power and under clause (a) or (b) has the same authority in all respects as an a peace officer with a warrant, including the power to summon assistance. The person shall also arrest the person injured by reason of the offense, and take him that person before a court, which shall require him that person to give security for his or her appearance as a witness on trial of the case. The person shall receive for his services the same compensation as is provided for sheriffs

(d) A victim of an offense described in section 609.52 who testifies at trial against the person arrested for the offense shall receive the fee for travel and attendance provided in section 357.24.

629.365 DEFINITIONS.

Subdivision 1. **APPLICABILITY.** ~~For the purposes of In~~ sections 629.365 and 629.366 the terms defined in this section have the meanings ascribed to given them.

Subd. 2. **MERCHANT.** "Merchant" means any a person who owns or has in his possession or subject to his control, possesses, or controls personal property with authority to sell the same it in the regular course of business at retail or wholesale.

Subd. 3. **PERSON.** "Person" includes an individual, a partnership, corporation, or association.

629.366 THEFT IN BUSINESS ESTABLISHMENTS; ~~DETENTION~~ OF DETAINING SUSPECTS.

Subdivision 1. **CIRCUMSTANCES JUSTIFYING DETENTION.** A merchant or merchant's employee who has reasonable cause for believing that may detain a person for the sole purpose of delivering him or her to a peace officer if the merchant or employee has reasonable cause to believe:

(1) that the person has taken, or is in the act of taking, any an article of value without paying therefor for it, from the possession of the merchant in his or her place of business or from any a vehicle or premises under his the merchant's control, with the intent wrongfully to deprive the merchant of his property or the use and benefit thereof or to appropriate the same to the use of the taker or any other person, may detain such person for the sole purpose of delivering him to a peace officer without unnecessary delay and then and there making a charge against such person to the peace officer;

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(2) that the taking is done with the intent to wrongfully deprive the merchant of the property or the use or benefit of it; or

(3) that the taking is done with the intent to appropriate the use of the property to the taker or any other person.

The merchant or employee shall deliver the detained person to a peace officer without unnecessary delay. The person detained shall be informed promptly of the purpose of the detention and shall may not be subjected to unnecessary or unreasonable force, nor to interrogation against his or her will.

Subd. 2. **ARREST.** Upon a charge being made by a merchant or merchant's employee, a peace officer may, without a warrant, arrest any a person without a warrant, whom he if the officer has reasonable cause for believing that the person has committed or attempted to commit the offense described in subdivision 1.

Subd. 3. **IMMUNITY.** No merchant, merchant's employee, or peace officer shall be is criminally or civilly liable for false arrest or false imprisonment or wrongful detention under subdivisions subdivision 1 or 2 if his the arresting person's action was is based upon reasonable cause.

629.37 ARREST BY WHEN A PRIVATE PERSON MAY MAKE AN ARREST.

A private person may arrest another:

(1) for a public offense committed or attempted in his the arresting person's presence;

(2) when such the person arrested has committed a felony, although not in his the arresting person's presence; or

(3) when a felony has in fact been committed, and he the arresting person has reasonable cause for believing the person arrested to have committed it.

629.38 DISCLOSURE OF CAUSE; MEANS USED REQUIRING A PRIVATE PERSON TO DISCLOSE CAUSE OF ARREST.

Before making an arrest such a private person shall inform the person to be arrested of the cause thereof of the arrest and require him or her to submit, except when he is in the actual commission of. The warning required by this section need not be given if the person is arrested while committing the offense or when he shall be the person is arrested on pursuit immediately after its commission committing the offense. If such a person has committed a felony, such a private person, after notice of his intention to make the arrest, if he shall be refused admittance, may break open an outer or inner door or window of a dwelling house for the purpose of making to make the same arrest if, before entering, the private person informs the person to be arrested of his or her intent to make the arrest and the private person is then refused admittance.

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629.39 REQUIRING PRIVATE PERSON MAKING ARREST, PROCEEDINGS TO DELIVER ARRESTEE TO JUDGE OR PEACE OFFICER.

Every A private person who arrests another for the commission of a public offense shall, without unnecessary delay, take him the arrested person before a judge or deliver him to a peace officer without unnecessary delay. If a person arrested escapes, the person from whose custody he or she has escaped may immediately pursue and retake him the escapee, at any time and in any place in the state. For that purpose, after notice of his intention and refusal of admittance, he the pursuer may break open any door or window of a dwelling house if the pursuer informs the escapee of his or her intent to arrest the escapee and the pursuer is refused admittance.

629.40 ALLOWING ARRESTS, ANYWHERE IN STATE.

Subdivision 1. **DEFINITION.** In this section "peace officer" has the meaning given it in section 626.84, subdivision 1, paragraph (c).

Subd. 2. **OUT OF JURISDICTION ARRESTS.** In any case wherein any sheriff, deputy sheriff, police officer, marshal, constable, or in which a peace officer may by law, either with or without a warrant, arrest any a person for or upon a charge of any criminal offense committed within his the jurisdiction of the officer, and the person to be arrested escapes from or is out of the county, statutory or home rule charter city, or town, the officer may pursue and apprehend the person to be arrested anywhere in this state.

Subd. 3. **AUTHORITY FOR OUT OF JURISDICTION ARRESTS.** When any sheriff, deputy sheriff, police officer, marshal, constable, or a peace officer shall, in obedience to the order of a court, or proper police authority, or in fresh pursuit as provided in subdivision 1, be is outside of his the jurisdiction he of the officer, that officer is serving in his or her regular line of duty as fully as though he was within his or her jurisdiction.

629.401 DELAYING TO TAKE PRISONER BEFORE JUDGE.

Every public officer or other person having arrested any person upon a criminal charge, who shall willfully and wrongfully delay to take him before a judge having jurisdiction to take his examination, is guilty of a gross misdemeanor. A peace officer or other person who willfully and wrongfully delays taking an arrested person before a judge having appropriate criminal jurisdiction is guilty of a gross misdemeanor.

629.402 ARREST WITHOUT AUTHORITY.

Every It is a gross misdemeanor for a public officer, or person pretending to be a public officer, who shall knowingly, and under the pretense or color of any process, (1) to arrest any a person or detain him a person against his or her will, or shall (2) to seize or levy upon any property, or (3) to dispossess any one

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of any lands or tenements, without a regular process therefor, shall be guilty of a gross misdemeanor for those actions.

629.403 REFUSING PROHIBITING REFUSAL TO MAKE ARREST OR TO AID OFFICER MAKE ARREST.

Every person who, after having been lawfully commanded by any judge to arrest another person, willfully neglects or refuses to do so, and every person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any legal process, willfully neglects or refuses to aid the officer, is guilty of a misdemeanor. A person who willfully neglects or refuses to arrest another person after having been lawfully directed to do so by a judge is guilty of a misdemeanor.

A person who willfully neglects or refuses to aid a peace officer after being lawfully directed to aid the officer (1) in making an arrest, or (2) in retaking a person who has escaped from custody, or (3) in executing a legal process, is guilty of a misdemeanor.

629.404 COUNTIES OR MUNICIPALITIES CAUSING ARREST; REQUIRING RETURN TRANSPORTATION.

Subdivision 1. **RETURN TRANSPORTATION.** Every A county or municipality which causes to be issued a warrant for arrest for a person pursuant to under section 629.41 and Rules 3.01 and 19.01 of the rules of criminal procedure, shall furnish return transportation, upon request to the person so arrested. Such transportation shall be furnished. The person must be transported to the municipality or township of his or her residence in Minnesota after a trial or final hearing on the matter.

Subd. 2. **EXCEPTIONS.** This section shall does not apply:

(1) to arrests made outside the state pursuant to sections 629.01 to 629.291;

(2) where if the person is convicted or pleads guilty to any offense; or

(3) where if the arrest is made pursuant to under section 629.61.

629.41 AUTHORIZING JUDGES TO ISSUE PROCESS, ISSUANCE FOR ARREST.

Judges, in vacation as well as in term time, are authorized to may issue process to carry into effect the provisions of out law for the apprehension of persons charged with offenses.

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629.44 ALLOWING RECOGNIZANCE BY OFFENDER, DUTY OF JUDGE IN CASES NOT PUNISHABLE BY IMPRISONMENT IN MINNESOTA CORRECTIONAL FACILITY-STILLWATER.

In every case where the A person arrested with a warrant for an offense charged in the warrant is not punishable by imprisonment in the Minnesota Correctional Facility-Stillwater, upon request of the person arrested, may ask to enter into a recognizance. If the person asks, the peace officer making the arrest shall take him the arrested person before a judge of the county in which the arrest is made, for the purpose of entering into a recognizance without trial or examination hearing. The judge may take from him the arrested person a recognizance with sufficient sureties for his that person's appearance before the court having jurisdiction of the offense in the county, and he shall then be liberated. After the recognizance is taken, the judge shall release the arrested person. The judge taking bail shall certify that fact the release of the arrested person on bail upon the warrant, and deliver it, with the recognizance, to the person making the arrest, who. The person making the arrest shall deliver it, without unnecessary delay, to the clerk of the court before which the accused was recognized to appear. On application of the complainant, the judge who issued the warrant, or the county attorney, shall summon any witnesses as he deems the judge or county attorney considers necessary.

629.45 PROCEEDINGS IN THE CASE OF BAIL REFUSED; PROCEEDINGS REFUSAL.

If the a judge in the county where the an arrest was is made refuses to bail release the person arrested and brought before him on bail, or if no sufficient bail is not offered, the person having him officer in charge of that person shall take him or her before the judge who issued the warrant, or, in his absence. If the judge who issued the warrant is absent, the officer in charge of the arrested person shall take him or her before some other judge of the county in which the warrant was issued, to be proceeded with as directed.

629.47 HEARING OR TRIAL ADJOURNED; RECOGNIZANCE ALLOWED.

Subject to the right of the accused to a speedy trial as prescribed by the rules of criminal procedure, every a court may adjourn a hearing or trial from time to time, as occasion shall require the need arises and reconvene the hearing or trial it at the same or a different place in the county. If the person is charged with an offense not bailable, he shall be committed in the meantime; otherwise the conditions for his release shall be those specified by During the adjournment, the person being tried may be released in accordance with Rule 6.02 of the rules of criminal procedure. The maximum cash bail that may be required for a person charged with a misdemeanor shall be is double the highest cash fine which may be imposed for the offense.

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629.48 PROCEEDINGS ON FAILURE TO APPEAR ACCORDING TO BOND.

If a person released under appearance bond as provided by Rule 6.02 of the rules of criminal procedure does not appear according to the conditions of the bond, the court shall record the default and certify the bond, with the record of the default, to the district court, ~~and like proceedings.~~ The district court shall be heard thereon as upon violation of a condition of a release as hear the default in accordance with the procedures provided in Rule 6.03 of the rules of criminal procedure for hearing a violation of a condition of release.

629.49 FAILURE WHEN A PERSON FAILS TO RECOGNIZE APPREHENSION REQUIRED.

When a person fails to recognize, ~~he shall that person must~~ be apprehended ~~and.~~ The court shall order further disposition of ~~him shall be ordered~~ the apprehended person consistent with the provisions of Rule 6 of the rules of criminal procedure.

629.53 PROVIDING RELEASE ON BAIL; COMMITMENT.

When at the close of an examination it appears that an offense has been committed, and that there is probable cause to believe the prisoner to be guilty, if the offense be bailable by the judge, and the prisoner offers sufficient bail or money in lieu thereof, it shall be taken, and he shall be discharged. If no sufficient bail is offered, or the offense is not bailable by the judge, he shall be committed for trial. When cash A person charged with a criminal offense may be released with or without bail in accordance with Rule 6.02 of the rules of criminal procedure. Money bail is deposited in lieu of other bail, the cash shall be the property of the accused, whether deposited by him personally that person or by any a third person in on his or her behalf. When cash money bail is accepted by a judge, he that judge shall order it to be deposited with the clerk who of court. The clerk shall retain it until the final disposition of the case and the further final order of the court relative to it disposing of the case. Upon release, in whole or in part, the amount released shall must be paid to the accused personally or upon his that person's written order. In case of conviction of the accused, the judge may order the money bail deposit to be applied upon to any fine imposed and, if the fine is less than the deposit, order the balance shall to be paid to the defendant. If the fine exceeds the money bail deposit, the deposit shall must be applied to it the fine and the defendant committed until the balance is paid. The commitment shall may not exceed one day's time for each dollar of the unpaid balance of the fine. Cash Money bail in the hands of the court or any officer of it shall be is exempt from garnishment or levy under attachment or execution.

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629.54 WITNESSES REQUIRING A WITNESS TO RECOGNIZE; COMMITMENT.

When a prisoner person charged with a criminal offense is admitted to bail, or committed by the judge, he the judge shall also bind by recognizance any witnesses against the prisoner as he deems accused whom the judge considers material, to appear and testify at the court to which the prisoner is held to answer any trial or hearing in which the accused is scheduled to appear. If the judge is satisfied that there is good reason to believe that any a witness will not perform the conditions of his the witness' recognizance unless other security shall be is given, he the judge may order him the witness to enter into a recognizance for his or her appearance, with sureties as he deems the judge considers necessary. Except in case of murder in the first degree, arson where human life is destroyed, and cruel abuse of children, he shall the judge may not commit any witness who offers to recognize, without sureties, for his or her appearance.

629.55 REFUSAL REQUIRING COMMITTAL OF WITNESSES WHO REFUSE TO RECOGNIZE.

If a witness is required to recognize, with or without sureties, who and refuses so to do so, shall be committed by the judge shall commit that witness until the witness complies with the order, or is otherwise discharged according to law. Every person held as a witness During confinement shall a person held as a witness must receive the compensation the court before whom the case is pending directs, not exceeding regular witness fees in criminal cases as provided in section 357.24. When a minor is a material witness, any other person may recognize for the appearance of the minor as a witness, or the judge may take recognizance of the minor as a witness in a sum of not more than \$50, which shall be. The recognizance is valid and binding in law notwithstanding the disability of the minor.

629.58 PROCEEDINGS ON DEFAULT REQUIRED WHEN A PERSON UNDER BOND DEFAULTS; PAYING BOND TO COURT.

When any a person, in any a criminal prosecution, is under bond either (1) to appear and answer, (2) to prosecute an appeal, or (3) to testify in any court, and fails to perform the conditions of the bond, his the default shall must be recorded, and. The court shall issue process issued against some or all of the persons bound thereby, or such of them by the bond as the prosecuting officer directs. If a person so failing to appear and answer shall be apprehended under bond fails to perform the conditions of the bond, the law enforcement authorities shall apprehend that person in the manner provided in Rule 6.03 of the rules of criminal procedure. Any After default on a bond, a surety may, by leave with permission of the court, after default, and either before or after process is issued against him, pay to the county treasurer or clerk of court the amount for which he or she was bound as surety, with such costs as the court shall may direct, and be thereupon forever discharged. Payment may be made either before or after

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process is issued. When it is made, the surety is fully discharged of his or her obligation under the bond.

629.59 RECOGNIZANCE; WHEN PENALTY REMITTED ALLOWING COURT TO FORGIVE BOND FORFEITURE PENALTY.

When any an action shall be is brought in the name of the state against a principal or surety in any a recognizance entered into by a party or witness in any a criminal prosecution, and the penalty thereof shall be adjudged is judged forfeited, the court may, upon application of any party defendant, remit the whole or any part of such forgive or reduce the penalty, and may render judgment thereon for the state, according to the circumstances of the case and the situation of the party, and upon such on any terms and conditions as it may deem considers just and reasonable.

629.60 PERMITTING ACTIONS TO RECOVER UNDER RECOGNIZANCE; WHEN ACTION NOT BARRED EVEN IF TECHNICAL NON-COMPLIANCE.

No action brought on any recognizance shall be barred or defeated, nor judgment on it arrested, by reason of any neglect or omission to note or record the default of any principal or surety at the term when it occurs, or by reason of any defect in the form of the recognizance, if it shall sufficiently appear from the tenor thereof at what court the party or witness was bound to appear, and that the court before whom it was taken was authorized by law to require and take it. When upon action brought upon any recognizance to prosecute an appeal the penalty thereof is adjudged to be forfeited, or when by leave of court the penalty has been paid to the county treasurer or clerk of court without suit or before judgment in a manner provided by law, if by law any forfeiture accrues to any person by reason of the offense of which appellant was convicted, the court may award him the sum he is entitled to out of the forfeiture If a recognizance shows that the court before whom it was entered into had authority to take it, and at what court the party or witness was bound to appear, an action brought to recover a penalty under the recognizance may not be barred, nor may judgment on it be stopped because either:

(1) the court failed to record the default of the principal or surety at the term of court when the default occurred; or

(2) the recognizance is defective in form.

In an action to recover a penalty under a recognizance entered into pending an appeal, the court may award part or all of the penalty amount to the person entitled to it under the recognizance if the court determines the amount is forfeited, or when by permission of the court the penalty has been paid to the county treasurer or clerk of court without suit or before judgment in a manner provided by law.

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629.61 ALLOWING ARREST OF DEFAULTER.

When a defendant in any indictment has been admitted to bail after verdict or trial, and neglects to appear at any the time or place at which he is bound to appear and submit to the jurisdiction of the proper court or officer, the court or officer may cause him to be have that defendant arrested in the manner as provided in Rule 6.03, Subdivision 1, of the rules of criminal procedure. In accordance with Rules 6.02 and 6.03 of the rules of criminal procedure, the court or officer may continue the release upon the same conditions or impose different or additional conditions for the principal's defendant's possible release.

629.62 APPLICATION FOR BAIL, JUSTIFICATION.

When a party in custody desires to give bail, the offense being bailable, and if a person charged with a criminal offense and in custody desires release on bail and if the district court is not in session in the county, he the person may apply to a judge of district court, or a judge of the court of appeals, upon his. The person shall apply by affidavit showing the nature of the application and, the names of the persons to be offered as bail, with and a copy of the mittimus or papers upon which he is held in custody. The judge may then, by order, direct the sheriff to bring up the party, at a time and place named, for the purpose of giving person charged to appear at a hearing to determine bail. The court shall give notice of the application shall be given to the county attorney, if within the county, and. No matters shall may be inquired into except those matters which relate to the amount of bail and the sufficiency of the sureties. Sureties shall in all cases justify by affidavit, or upon oral examination before the court A surety shall prove either by affidavit or upon oral examination by the court that his or her assets are sufficient to pay the bond penalty amount to the court if the person bound under the bond fails a condition of the bond.

629.63 SURRENDER OF PRINCIPAL; NOTICE TO SHERIFF CONDITIONS UNDER WHICH SURETY MAY ARREST DEFENDANT.

When a surety for any person held to answer, upon any charge or otherwise, shall believe that his principal is about to abscond, or that he will not appear as required by his recognizance, or not otherwise perform the conditions thereof, he may arrest and take such principal, or cause him to be arrested and taken, before the officer who admitted him to bail, or the judge of the court before which such principal was by his recognizance required to appear, and surrender him up to such officer or judge; or any such surety may have such person arrested by the sheriff of the county by delivering to him a certified copy of the recognizance or instrument of bail under which he is held as surety, with a direction to such sheriff, endorsed thereon, requiring him to arrest such principal and bring him before such officer or judge to be so surrendered, and on the receipt thereof, and a tender or payment to him of his fees therefor, such sheriff shall arrest such principal and bring him before such officer or judge, to be so surrendered. Before any surety shall personally surrender such person, the sheriff

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shall be notified, and he or one of his deputies be present to take him into custody if he shall fail to give new bail as herein provided. If a surety believes that a defendant for whom he or she is acting as bondsperson is (1) about to flee, (2) will not appear as required by the defendant's recognizance, or (3) will otherwise not perform the conditions of the recognizance, the surety may arrest or have another person or the sheriff arrest the defendant.

If the surety or another person at the surety's direction arrests the defendant, the surety or the other person shall take the defendant before the judge before whom the defendant was required to appear and surrender the defendant to that judge.

If the surety wants the sheriff to arrest the defendant, the surety shall deliver a certified copy of the recognizance under which the defendant is held to the sheriff, with a direction endorsed on the recognizance requiring the sheriff to arrest the defendant and bring him or her before the appropriate judge.

Upon receiving a certified copy of the recognizance and payment of the sheriff's fees, the sheriff shall arrest the defendant and bring him or her before the judge.

Before a surety who has arrested a defendant who has violated the conditions of his or her release may personally surrender the defendant to the appropriate judge, the surety shall notify the sheriff. If the defendant at the hearing before the judge is unable to post increased bail or meet alternative conditions of release in accordance with Rule 6.03 of the rules of criminal procedure, the sheriff or a deputy shall take the defendant into custody.

629.64 SURRENDER OF PRINCIPAL; CONDITIONS OF RELEASE ALLOWING JUDGE TO IMPOSE NEW CONDITIONS OF RELEASE ON DEFENDANT WHO VIOLATED RELEASE.

When any principal a defendant who has violated conditions imposed on his or her release is so surrendered, the officer or to a judge to whom he is surrendered under section 629.63, the judge shall, in accordance with Rules 6.02 and 6.03 of the rules of criminal procedure, continue the release upon the same conditions or impose different or additional conditions for the principal's defendant's possible release.

629.65 FEES OF SHERIFF.

In a case involving a defendant who violated the conditions of his or her release, the sheriff shall must be allowed the same fees and mileage for making an arrest or attending before such officer or a judge as for arresting a person under a bench warrant, and. In all cases his the sheriff's fees shall be paid by the surety or sureties surrendering any principal, as provided a defendant who has violated conditions imposed, on his or her release under section 629.63.

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629.67 SURETIES ON BOND, RECOGNIZANCE, OR UNDERTAKING; AFFIDAVITS REQUIRED.

Every A personal surety upon any bond, recognizance, or undertaking given to secure the appearance of a defendant in ~~any a~~ criminal case in ~~any court of record~~ shall make an affidavit, to be attached to ~~such~~ the bond, recognizance, or undertaking, stating ~~his~~:

(1) the surety's full name;

(2) the surety's residence and post office address;

(3) whether or not ~~he~~ the affiant is surety upon any other bond, recognizance, or undertaking in any criminal case, and, if so, stating, the name of the principal, the amount of each obligation, and the court in which the ~~same~~ obligation was given; ~~also setting forth and~~

(4) the legal description of all real property owned by ~~such~~ the surety and specifying as to each parcel ~~thereof of property~~ its fair market value, what liens or encumbrances, if any, exist ~~thereon on it~~, and whether or not the ~~same~~ property is ~~his~~ the surety's homestead or is otherwise exempt from execution. ~~He may also be required by~~ The court may require the surety to make a like statement of his personal property, or so much thereof as the court shall deem necessary disclose all or some of the surety's personal property by affidavit as required for real property.

The court may, in its discretion, by written order endorsed on the bond, recognizance, or undertaking, dispense with ~~such~~ the affidavit disclosing the surety's real or personal property, or any part thereof of it, as to any surety if the court is satisfied that the surety is worth the amount in which he justifies necessary to act as surety on the bond, recognizance or undertaking to secure the defendant in a criminal case and is not a professional or habitual bondsman in criminal cases.

629.68 PROHIBITING SURETIES; TO MAKE FALSE STATEMENTS IN AFFIDAVITS; PUNISHMENT PENALTY.

Every A person who shall ~~wilfully willfully~~ and knowingly ~~make any makes~~ a false statement in ~~any an~~ affidavit made by ~~him~~, as provided in under sections 629.67 to 629.69, shall ~~be is~~ guilty of perjury, and shall be punished therefor as provided by law under section 609.48.

629.69 SURETIES; REQUIRING RECORD TO BE KEPT.

The clerk of every court of ~~record~~ shall keep a permanent book of record, in which ~~he shall record the names~~, indexed or arranged alphabetically, of names of all the sureties, whether personal or corporate, upon bonds, recognizances, or undertakings, filed in such the court, stating as to each surety his or its. The record must state the surety's name and post office address, the name of the

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principal, ~~and~~ the amount of the obligation, and where the original obligation is filed.

629.70 AUTHORIZING CORPORATE BONDS AUTHORIZED IN CRIMINAL CASES.

~~Any~~ A defendant required to give a bond, recognizance, or undertaking to secure his or her appearance in ~~any~~ a criminal case in ~~any court of record~~, may, if ~~he so elects~~, choose to give a surety bond, recognizance, or undertaking executed by a corporation authorized by law to execute such bonds, recognizances, or undertakings; ~~provided, that~~. However, the amount of the bond, recognizance, or undertaking as fixed by the court must be the same regardless of the kind of bond, recognizance, or undertaking given.

629.72 BAIL IN CASES OF DOMESTIC ASSAULT.

Subdivision 1. **ALLOWING DETENTION IN LIEU OF CITATION; RELEASE.** Notwithstanding any other law or rule ~~to the contrary~~, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting his or her spouse or other individual with whom ~~he~~ the charged person resides.

Notwithstanding any other law or rule ~~to the contrary~~, an individual who is arrested on a charge of assaulting his or her spouse or other person with whom he or she resides ~~shall~~ must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.

If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, ~~he shall~~ the arrested person must be brought before the nearest available judge of the county court or county municipal court in the county in which the alleged assault took place without unnecessary delay as provided ~~in~~ by court rule.

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person ~~shall~~ must be ordered released pending trial or hearing on his or her personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings. If the judge ~~so~~ determines release is not advisable, ~~he~~ the judge may impose any conditions of release ~~which~~ that will reasonably assure the appearance of the person for

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subsequent proceedings, or may fix the amount of money bail without other conditions upon which the arrested person may obtain his release.

Subd. 3. **RELEASE.** If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed in by court rule, ~~he shall~~ the arrested person must be released by the arresting authorities, and a citation ~~shall~~ must be issued in lieu of continued detention.

Subd. 4. **SERVICE OF ORDER FOR PROTECTION.** If an order for protection is issued ~~pursuant to~~ under section 518B.01 while the arrested person is still in detention, the order ~~shall~~ must be served upon the arrested person during detention if possible.

ARTICLE 11

Section 1. Minnesota Statutes 1984, chapter 631, is amended to read:

631.02 CONTINUANCE; DEFENDANT COMMITTED, WHEN ALLOWING CONTINUANCES FOR SUFFICIENT CAUSE.

~~When an indictment shall be called for trial, or at any time previous thereto, upon sufficient cause shown by either party, the court may direct the trial to be postponed to another day in the same term, or to another term, and all affidavits read upon the application shall be filed with the clerk at the same time~~ A continuance may be granted by the court when a case is called for trial, or at any time during pretrial proceedings, upon motion of either the prosecution or defense. The moving party must show sufficient cause for the continuance. Affidavits in support of the motion for continuance must be filed with the clerk of court. When a defendant who has given bail ~~shall appear~~ appears for trial, the court may, ~~in its discretion,~~ at any time after ~~such~~ the appearance, order ~~him~~ the defendant committed to the custody of the proper officer of the county, ~~to abide the pending judgment or further order of the court.~~

631.04 EXCLUDING MINORS FROM ATTENDANCE AT CRIMINAL TRIALS; DUTY OF OFFICER; PENALTY.

No person A ~~minor~~ under the age of 17 years, ~~who is~~ not a party to, witness in, or directly interested in a criminal prosecution or trial ~~being heard~~ before ~~any~~ a district, county, or municipal court, ~~shall attend or may not~~ be present at the trial. ~~Every~~ A police officer, constable, sheriff, or other officer in charge of a court and attending upon the trial of ~~any~~ a criminal case in the court, shall exclude ~~every~~ a minor ~~under age of 17~~ from the room in which the trial is being held, ~~except.~~ This section does not apply when the minor is permitted to attend by order of the court before which the trial is being held. ~~Any~~ A police officer, constable, sheriff, or deputy sheriff who knowingly neglects or refuses to

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carry out the provisions of this section ~~shall be~~ is guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$25.

631.045 EXCLUSION OF EXCLUDING SPECTATORS FROM THE COURTROOM.

At the trial of a complaint or indictment for a violation of sections 609.341 to 609.3644, or 617.246, subdivision 2, ~~where~~ when a minor under 18 years of age is the person upon, with, or against whom the crime is alleged to have been committed, the judge may exclude the public from the courtroom during the victim's testimony of ~~the victim~~ or during all or part of the remainder of the trial upon a showing that closure is necessary to protect a witness or ensure fairness in the trial. ~~Opportunity shall be provided for~~ The judge shall give the prosecutor, defendant and members of the public the opportunity to object to the closure ~~prior to any~~ before a closure order. The judge shall specify the reasons for closure in ~~any an~~ order closing all or part of the trial. Upon closure the judge shall only admit persons who have a direct interest in the case.

631.05 REQUIRING A JUROR MAY TO TESTIFY, WHEN; VIEW HE OR SHE HAS PERSONAL KNOWLEDGE RESPECTING FACT IN CONTROVERSY; VIEW.

If a juror has ~~any~~ personal knowledge respecting a fact in controversy in a cause, ~~he~~ the juror shall declare it in open court during the trial. If, during the retirement of a jury, a juror ~~shall declare~~ declares a fact, which could be evidence in the cause, as of his own knowledge, the jury shall return into court; ~~and~~. In either of these cases, the juror making the statement shall be sworn as a witness and examined in the presence of the parties. The court may order a view by ~~any~~ a jury impaneled to try a criminal case in accordance with Rule 26.03, Subdivision 10, of the rules of criminal procedure.

631.06 QUESTIONS OF LAW AND FACT, HOW DECIDED; ALLOCATION OF DECISION MAKING TO COURT AND JURY.

On the trial of an indictment for any offense, questions of law shall be decided by the court, ~~except in cases of criminal defamation, saving the right of the defendant to except, and questions of fact by the jury; and, although the jury may find a general verdict which shall include questions of law as well as of fact, it shall receive as law what shall be laid down by the court as such~~ In criminal trials, the court shall decide questions of law, except in cases of criminal defamation, and the jury shall decide questions of fact. The defendant may object to a decision of the court on a matter of law. Although the jury may return a general verdict including questions of law as well as fact, it shall receive as law the court's instructions.

631.07 ORDER OF FINAL ARGUMENT.

When the giving of evidence ~~shall be~~ is concluded ~~upon the trial of any indictment, in a criminal trial~~ unless the cause shall be case ~~is~~ submitted on either

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or both sides without argument, the plaintiff shall ~~commence~~ begin and the defendant conclude the argument to the jury.

631.09 JURY; HOW AND WHERE THE JURY MUST BE KEPT WHILE DELIBERATING; REQUIRING SEPARATE ACCOMMODATIONS FOR JURORS.

After hearing the charge the jury may either decide in court, or retire for deliberation, if it shall not agree without retiring, one or more officers shall be sworn to take charge of it, and it shall be kept together in some private and convenient place, without food or drink except water, unless otherwise ordered by the court, and no person shall be permitted to speak to or communicate with it or any one of its number unless by order of court, nor listen to the deliberations; and it shall be returned into court when agreed, or when so ordered by the court At the close of the evidence and after the court has charged the jury, the jury may decide the case in court or retire for deliberation. If the jury cannot agree on a verdict without retiring, the court shall swear one or more officers to take charge of the jury. The jury must be kept together in some private and convenient place without food or drink except water unless ordered by the court. No person may be permitted to speak or communicate with any juror, unless by order of court, nor may a person listen to its deliberations. The jury must be returned to court upon agreeing on a verdict or when so ordered by the court. In case of mixed juries counties shall provide adequate, separate quarters for male and female jurors with proper accommodations and, in the event, if the county fails to provide proper accommodations, the court shall order the jurors kept to be housed in a suitable hotel for the night.

This section applies only in cases where ~~if~~ the jury has failed to agree.

631.12 DISCHARGE OF CONDITIONS UNDER WHICH A JURY MAY BE DISCHARGED WITHOUT VERDICT.

If, After the retirement of the jury, the court may discharge it if:

(1) one of the jurors ~~shall become~~ becomes so sick as to prevent the continuance of his duty or if that he or she cannot continue to serve on the jury;

(2) the jury shall be ~~is~~ unable to agree upon a verdict; or

(3) any other accident or cause ~~shall occur~~ occurs to prevent the jury from being kept together for deliberation, it may be discharged by the court.

631.13 CONDITIONS UNDER WHICH A SECOND TRIAL IS PERMITTED.

In all cases where ~~if~~ a jury shall be ~~is~~ discharged or prevented from giving a verdict by reason because of accident, disagreement, or other cause, ~~except when the defendant shall be discharged from the indictment during the progress of the trial, or after the cause shall be submitted to it, the cause case~~ may be

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again tried at the same or another term, unless the defendant is discharged during the trial or after the case has been submitted to the jury.

631.14 ALLOWING VERDICT FOR LESSER INCLUDED OFFENSE.

Upon an indictment or complaint for an offense consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment or complaint, and guilty of any degree inferior ~~thereto;~~ to that. Upon an indictment or complaint for any an offense, the jury may find the defendant not guilty of the ~~commission thereof~~ committing it, and guilty of an attempt to commit ~~the same;~~ it. Upon an indictment or complaint for murder, if the jury ~~shall find~~ finds the defendant not guilty ~~thereof,~~ it may, upon the same indictment or complaint, find the defendant guilty of manslaughter in any degree. In all other cases, the defendant may be found guilty of any offense, ~~the commission of which is necessarily included in that offense with which he the defendant is charged in the indictment or complaint.~~

631.15 ALLOWING VERDICT AS TO SOME DEFENDANTS, AND DISAGREEMENT AS TO OTHERS.

~~On an indictment against several,~~ If the jury cannot agree upon a verdict as with respect to all defendants in a trial involving multiple defendants, it may render a verdict as to those defendants in regard to whom it does agree, on which a judgment shall be entered accordingly; ~~and.~~ The case ~~as to the rest~~ defendants not receiving a verdict may be tried by another jury.

631.17 REQUIRING CLERK OF COURT TO READ VERDICT, RECEPTION OF TO JURY.

When a verdict such as the court may receive is returned, the clerk shall immediately file it in open court and read it to the jury, and ~~inquire of~~ ask the jurors if it is their verdict. If ~~any a juror shall disagree~~ disagrees, that fact shall be entered upon the minutes, and the court shall send the jury again sent out; ~~but,~~ to deliberate further. If no disagreement is expressed by the jury, the verdict is complete, and the court shall discharge the jury shall be discharged from the case. The clerk shall ~~forthwith~~ immediately record ~~sueh~~ the verdict in full in the court minutes.

631.20 HEARING ON PUNISHMENT.

After a plea or verdict of guilty, in a case where a if the court has discretion is ~~conferred upon the court~~ as to the extent of the punishment, the court, upon the suggestion of and if either party suggests that there are aggravating or mitigating circumstances which may be properly taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, considered in imposing sentence, the court may hear the same issue summarily, at a specified time, and upon ~~sueh~~ notice to the adverse party as it may direct. ~~Sueh~~

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The aggravating or mitigating circumstances ~~shall~~ must be presented by the testimony of witnesses examined in open court.

631.21 ALLOWING DISMISSAL OF CAUSE; RECORD OF REASONS FOR UPON COURT'S OR PROSECUTOR'S MOTION.

The court may, ~~either of its own motion or upon the application of the prosecuting officer, and in furtherance of justice,~~ order any a criminal action, whether prosecuted upon indictment, ~~information,~~ or complaint, to be dismissed; ~~but in that case.~~ The court may order dismissal of an action either on its own motion or upon motion of the prosecuting attorney and in furtherance of justice. If the court dismisses an action, the reasons for the dismissal ~~shall~~ must be set forth in the order, and entered upon the minutes, ~~and.~~ The recommendations of the prosecuting officer in reference ~~thereto~~ to dismissal, with his or her reasons ~~therefor~~ for dismissal, ~~shall~~ must be stated in writing and filed as a public record with the official files of the case.

631.22 CHALLENGES CLASSIFIED; REQUIRING SEVERAL DEFENDANTS MUST TO JOIN IN CHALLENGE.

A challenge is an objection made to a trial jury, and is of two kinds:

- (1) to the panel; and
- (2) to an individual juror.

When several defendants are tried together, they cannot sever the challenge, but shall join ~~therein~~ in making the challenge.

631.36 EXAMINATION OF CHALLENGED JUROR EXAMINED; EVIDENCE AT VOIR DIRE.

Upon the trial of a challenge to an individual juror, he At a voir dire examination, a challenged juror may be examined as a witness to prove or disprove the challenge, ~~and is bound to.~~ The juror shall answer every question pertinent to the inquiry and. When challenged on the ground that he or she is not a citizen of the United States, ~~his~~ the juror's own testimony ~~shall be is~~ competent evidence of the fact of naturalization, without other evidence; ~~but his.~~ The juror's testimony on the issue of citizenship may be disputed by the challenger. At a voir dire examination either party may examine other witnesses may also be examined on either side, and. The rules of evidence applicable to the trial of other issues ~~shall~~ govern the admission or exclusion of testimony ~~on the trial of the challenge~~ at a voir dire examination.

631.40 JUDGMENT ON CONVICTION; JUDGMENT ROLL DEFINED.

When judgment upon a conviction ~~shall be~~ is rendered, the clerk of court shall enter the ~~same judgment~~ judgment upon the minutes, stating briefly the offense for which the conviction was had, ~~and.~~ The clerk shall then immediately annex

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attach together and file the following papers, which constitute specified in clauses (1) to (5). The judgment roll consists of the papers specified in clauses (1) to (5):

(1) a copy of the minutes of challenge ~~interposed~~ made by the defendant to the panel of the grand jury, or to an individual grand juror, and the proceedings and decisions ~~thereon~~ on the challenges;

(2) the indictment or complaint and a copy of the minutes of the plea or ~~demurrer~~ motion to dismiss or to grant appropriate relief;

(3) a copy of the minutes of ~~any a~~ challenge interposed made to the panel of the trial jury or to an individual juror, and the proceedings and decision ~~thereon~~ on the challenge;

(4) a copy of the minutes of the trial; and

(5) a copy of the minutes of the judgment;

(6) the bill of exceptions, if there be one.

631.41 REQUIRING THE CLERK OF COURT TO DELIVER TRANSCRIPT OF MINUTES OF SENTENCE TO SHERIFF.

When ~~any~~ a person convicted of an offense ~~shall be is~~ sentenced to pay a fine or costs, or to be imprisoned in the county jail or the Minnesota correctional facility-Stillwater, the clerk of the court shall, as soon as ~~may be~~ possible, make out and deliver to the sheriff or ~~his a~~ deputy a transcript from the minutes of the court of ~~such the~~ conviction and sentence. A duly certified by such clerk, which shall be a transcript is sufficient authority for the sheriff to execute such the sentence; and he. Upon receiving the transcript, the sheriff shall execute the same accordingly sentence.

631.412 TRANSFER OF FEMALE PRISONERS; FEMALE TO ACCOMPANY REQUIRING A WOMAN CUSTODIAL ESCORT FOR WOMEN INMATES WHO ARE BEING TRANSFERRED.

Every sheriff and every other person having the legal custody of any female person charged with crime or the detention of any female person are hereby required, when such female person is being conducted to or from one place to another over 25 miles apart, to have a suitable female person accompany such female person, and every When a sheriff or other correctional officer has custody of a woman charged with or convicted of a crime and transfers that woman more than 25 miles, that sheriff or other correctional officer shall provide the transferee with a woman custodial escort. A sheriff in every county of this state is hereby authorized to may employ, when the occasion exists, a suitable female person woman to carry out the provisions of this section. The expenses of such the woman's employment shall must be paid out of any county funds not otherwise appropriated.

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631.425 RELEASING OFFENDERS FOR EMPLOYMENT OF OFFENDERS AT THEIR CUSTOMARY WORK.

Subdivision 1. **DEFINITIONS.** ~~For the purposes of (a) The definitions in this subdivision apply to this section.~~

(b) "Court" means ~~any~~ a court having criminal jurisdiction;

(c) "Sheriff" includes a chief of police and workhouse superintendent; ~~and.~~

(d) "Jail" includes a county jail, workhouse, and lockup.

Subd. 2. **DISCRETION OF COURT.** ~~Any~~ A convicted ~~prisoner~~ person at the time ~~he is sentenced of sentencing~~ to jail, or at any time prior to before commitment, may in the discretion of the sentencing court be committed under this section. ~~If so committed, the sentence shall so provide~~ The court shall cite this section in the sentence if a person is committed under this section.

Subd. 3. **CONTINUATION OF EMPLOYMENT.** If the person ~~so~~ committed under this section has been regularly employed, the sheriff shall arrange for a continuation of the employment insofar as possible without interruption. If the person is not employed ~~on any job,~~ the sheriff or any suitable person or agency designated by the court shall make every effort to secure some suitable employment for ~~him that person.~~ Any prisoner so An inmate employed shall under this section must be paid a fair and reasonable wage for ~~such work performed~~ and shall must work at fair and reasonable hours per day and per week.

Subd. 4. **CONFINEMENT WHEN NOT EMPLOYED.** Unless the court otherwise directs, each ~~prisoner shall inmate~~ must be confined in jail during ~~such the time as he the inmate~~ is not employed, or, if the inmate is employed, between the times of employment.

Subd. 5. **EARNINGS.** The earnings of the ~~prisoner an inmate~~ may be collected by the sheriff, probation department, welfare board or suitable person or agency designated by the court. From the earnings, the person or agency designated to collect them may pay:

(1) the cost of the ~~prisoner's inmate's~~ maintenance, both inside and outside the jail, but the charge for maintenance inside the jail ~~shall may~~ not exceed the legal daily allowance for board allowed the sheriff for ordinary ~~prisoners, and,~~ inmates;

(2) to the extent directed by the court, pay the support of ~~his~~ dependents, if any;

(3) court costs and fines; and

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(4) court-ordered restitution, if any. Any balance shall must be retained until his the inmate's discharge when it shall be and then paid to him the inmate.

Subd. 6. **REDUCTION OF SENTENCE.** The term of the prisoner's inmate's sentence may be reduced by one-fourth, if in the opinion of the court his the inmate's conduct, diligence, and general attitude merit such reduction.

Subd. 7. **VIOLATION OF SENTENCE; PROCEDURE.** In case of the violation of the conditions laid down for his If the inmate violates a condition of work release relating to conduct, custody and or employment, the prisoner shall inmate must be returned to the court; and it may. The court then (1) may require that the balance of his the inmate's sentence be spent in actual confinement and, (2) may cancel any earned reduction of his the inmate's term, and he may be found (3) may find the inmate in contempt of court.

Subd. 8. **SHERIFF; EXTRA COMPENSATION.** The sheriff shall receive such extra compensation and mileage as the county board or local governing board determines shall determine how much extra compensation and mileage the sheriff is entitled to under this section.

Subd. 9. **EMPLOYMENT IN ANOTHER COUNTY.** The court may by order authorize the sheriff to whom the prisoner inmate is committed to arrange with another sheriff for the employment of the prisoner inmate in the other's other sheriff's jurisdiction, and while so. When the inmate is employed to be in the other's in the other jurisdiction, the inmate is in the custody of that jurisdiction's sheriff, but in other respects to be and continue is subject to the commitment.

Subd. 10. **COUNTY WELFARE BOARD; DUTIES.** Any A committing court or sheriff may request the county welfare board or any other welfare agency, public or private, to provide appropriate services to a prisoner an inmate or his the inmate's family.

Subd. 11. **APPLICABLE IN CONTEMPT CASES.** The provisions of this section shall extend apply to a person committed to the county jail by a court of record upon an adjudication of contempt of court.

Subd. 12. **REPORT BY COURT.** On December 31 of each year, each court that has committed a prisoner in accordance with this section shall file with the department of corrections, in such a form as may be prescribed by the department, (1) the number of persons committed, (2) the offenses for which they were committed, (3) the number who had previously been sentenced under this section, and such (4) other statistical information as shall be prescribed by the department.

631.43 SENTENCE WHEN PUNISHMENT NOT PRESCRIBED.

When no punishment shall be is provided by statute, the court shall award such sentence as the convicted person to a term of imprisonment that, in view of

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the degree and aggravation of the offense, shall is not be cruel, unusual, or repugnant to the person's constitutional rights of the party.

631.44 RECOGNIZANCE TO KEEP PEACE.

Every court before whom any When a person shall be is convicted upon an indictment for any of an offense not punishable by death or imprisonment in the Minnesota correctional facility-Stillwater or county jail, in addition to the punishment prescribed by law, the sentencing court may require such the person to recognize, with sufficient sureties, in a reasonable sum, to keep the peace and be of good behavior for any a term of not more than two years, and to stand committed. The court may require the person to be detained in custody until he shall so that person agrees to recognize. The recognizance is in addition to the punishment prescribed by law. It must be with sufficient sureties and in a reasonable sum.

631.45 PROCEEDINGS REQUIRED IF BREACH OF RECOGNIZANCE TO KEEP PEACE; BREACH.

In case of the breach of the conditions of any such a recognizance entered into under section 631.44, the same proceedings shall must be had that are by law prescribed in relation to for recognizances to keep the peace.

631.46 REQUIRING AN OFFENDER TO SERVE JAIL SENTENCE; IN ANOTHER COUNTY WHEN NO JAIL IS AVAILABLE IN COUNTY OF OFFENSE.

When it shall appear to the court at the time of passing sentence upon any convict to be punished by confinement in the county jail that If a sentence requires imprisonment at a local correctional facility and there is no suitable jail facility in the county in which the offense was committed, it the court may order the sentence to be executed in any other county where there shall be is a suitable jail; and facility. The county in which the offense was committed shall pay the expense of supporting him shall be paid by the county in which the offense was committed the inmate.

631.461 SENTENCES ALLOWING SENTENCE OF CONVICTS OF-FENDER TO A WORKHOUSE OR CORRECTIONAL OR WORK FARM.

When a sentence may be for an offense includes imprisonment in a county jail, the court may sentence the offender may be sentenced to and imprisoned imprisonment in a workhouse, or workfarm correctional or work farm if there be is one in the county where he the offender is tried or where the offense was committed, and if there be no workhouse or workfarm in the county where the offender is tried or where the offense was committed, then. If not, the court may sentence the offender may be sentenced to and imprisoned imprisonment in a workhouse or workfarm correctional or work farm in any county in this state; provided, that. However, the county board of the county where the offender is

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tried shall have some agreement for the receipt, maintenance, and confinement of the prisoners inmates with the ~~latter~~ county where the offender has been sentenced to imprisonment. The place of imprisonment shall must be specified in the sentence. ~~Convicts~~ Inmates may be removed from one place of confinement to another when so as provided by statute.

631.471 CONVICTS PROTECTED PROTECTING INMATES; CERTAIN FORFEITURES ABOLISHED.

Every convict An inmate sentenced to imprisonment shall be ~~is~~ under the protection of the law, and any an unauthorized injury to his person is punishable ~~in the same manner just as if he the inmate were not convicted or sentenced~~. A conviction for ~~any a~~ crime does not work a forfeiture of any real or personal property, real or personal, or of any right or interest therein in property. ~~All~~ Forfeitures in the nature of deodands, or in a case of suicide, or where a person flees from justice, are abolished.

631.48 PENALTY MAY INCLUDE COSTS OF PROSECUTION.

In all a criminal ~~actions~~ action, upon conviction of the defendant, in addition to the ~~punishment prescribed~~ and as a part of the sentence, the court may adjudge order as part of the sentence that defendant shall pay the whole or any part of the disbursements of the prosecution, ~~and~~. The court may order this payment in addition to any other penalty authorized by law which it may impose. The payment thereof of the disbursements of prosecution may be enforced in the same manner as the sentence, or by execution against property. When collected, such the disbursements shall must be paid into the treasury of the county where of conviction was had, but this shall payment may not interfere with the payment of officers', witnesses', or jurors' fees.

631.50 ALIEN CONVICTS INMATES OR MENTALLY ILL PERSONS; REQUIRING NOTICE TO UNITED STATES IMMIGRATION OFFICERS.

When any a person convicted of a felony, or found to be mentally ill, shall be is committed to the Minnesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud, the county jail, or any other state or county institution which is supported, wholly or in part, by public funds, ~~it shall be the duty of the chief executive officer, sheriff, or other officer in charge of such the state or county institution to shall at once inquire into the nationality of such the person, and,~~ If it shall ~~appear~~ appears that such the person is an alien, ~~to the officer shall~~ immediately notify the United States immigration officer in charge of the district in which such the correctional facility, jail, or other institution is located, of (1) the date of and the reasons for such the alien commitment, (2) the length of time for which committed, (3) the country of which he the alien is a citizen, and (4) the date on which and the port at which he the alien last entered the United States.

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**631.51 CERTIFIED COPIES OF INDICTMENT OR COMPLAINT
FURNISHED TO IMMIGRATION OFFICERS.**

Upon the official request of ~~the a~~ United States immigration officer ~~in charge of the territory or district in which is located any to a court committing an alien, for the after~~ conviction of a felony, ~~to any state or county institution which is supported, wholly or in part, by public funds, it shall be the duty of the clerk of such the committing court to shall~~ furnish the officer without charge a certified copy of the complaint, ~~information,~~ or indictment ~~and,~~ the judgment ~~and,~~ sentence, and any other record pertaining to the case of the convicted alien if:

(1) the immigration officer is in charge of the district or territory in which the court is located; and

(2) the state or county institution is supported, in whole or in part, by public funds.

ARTICLE 12

Section 1. EFFECT OF CHANGES.

The legislature intends the changes in the language of the laws amended by articles 1 to 12 of this act to be exclusively changes in style. No change is intended to alter or shall be construed by a court or other authority to alter the meaning of a law.

If a section is amended by articles 1 to 12 of this act and also by another act adopted in 1985 and the amendments cannot be edited together in the next publication of Minnesota Statutes, the amendment by articles 1 to 12 of this act shall be without effect.

ARTICLE 13

Section 1. Minnesota Statutes 1984, section 14.47, subdivision 8, is amended to read:

Subd. 8. **SALES AND DISTRIBUTION OF COMPILATION.** Any compilation, reissue, or supplement published by the revisor shall be sold by the revisor for a reasonable fee and its proceeds deposited in the general fund. An agency shall purchase from the revisor the number of copies of the compilation or supplement needed by the agency. The revisor shall provide without charge copies of each edition of any compilation, reissue, or supplement to the persons or

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bodies listed in this subdivision. Those copies must be marked with the words "State Copy" and kept for the use of the office. The revisor shall distribute:

(a) 25 copies to the office of the attorney general;

(b) 12 copies for the legislative commission for review of administrative rules;

(c) 3 copies to the revisor of statutes for transmission to the Library of Congress for copyright and depository purposes;

(d) 150 copies to the state law library;

(e) 10 copies to the law school of the University of Minnesota; and

(f) one copy of any compilation or supplement to each county library maintained pursuant to section 134.12 or 375.33 upon its request, except in counties containing cities of the first class. If a county has not established a county library pursuant to section 134.12 or 375.33, the copy will be provided to any public library in the county upon its request.

Approved May 30, 1985

CHAPTER 266 — S.F.No. 196

An act relating to children and families; requiring the county attorney to prosecute failure to report child abuse or neglect; clarifying factors to consider in awarding maintenance in marriage dissolution actions; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; clarifying requirements following reports of child abuse or neglect; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; 518.552; 518.64, subdivision 2; 609.379; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, 10, 11, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1984, section 388.051, subdivision 2, is amended to read:

Subd. 2. **SPECIAL PROVISION; GROSS MISDEMEANORS PROVISIONS.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 8; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

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