

sioner may establish separate rates for different classes of residents based on their relative care needs.

(g) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment, and reported actual license fees required by the Minnesota department of health, for each nursing home as an operating cost of that nursing home. Total real estate tax liability and, actual special assessments paid, and license fees paid as required by the Minnesota department of health, for each nursing home (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e).

Sec. 4. APPROPRIATION.

Money in the nursing home advisory council fund is appropriated to the Minnesota board on aging for the purposes of section 1 to be available until June 30, 1987.

Approved May 31, 1985

CHAPTER 268 — S.F.No. 276

An act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; amending Minnesota Statutes 1984, section 358.15; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

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

Section 1. Minnesota Statutes 1984, section 358.15, is amended to read:

358.15 **BY WHOM TAKEN IN THIS STATE EX OFFICIO NOTARY PUBLIC.**

The following ~~named~~ officers ~~shall~~ have power to take and certify ~~acknowledgments~~ the powers of a notary public within the state:

(1) every member of the legislature, while still a resident in the district from which ~~he was~~ elected; but ~~he shall receive~~ no fee or compensation may be received for ~~so doing~~ exercising these powers. The form of ~~his~~ the official signature in ~~such~~ these cases ~~shall be~~ is: "A.B., Representative (or Sena-

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tor), District, Minnesota, ex officio notary public. My term expires January 1, 19.....;”

(2) the judges and clerks and deputy clerks of all courts, residing within the state, including those of the circuit and district courts of the United States, and resident United States commissioners;

(3) notaries public and the clerks or recorders of towns, and cities; and

(4) (3) court commissioners, county recorders, and county auditors, and their several deputies, and county commissioners, all within their respective counties.

Sec. 2. [358.41] DEFINITIONS.

As used in sections 2 to 10:

(1) “Notarial act” means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(2) “Acknowledgment” means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

(3) “Verification upon oath or affirmation” means a declaration that a statement is true made by a person upon oath or affirmation.

(4) “In a representative capacity” means:

(i) for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;

(ii) as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(iii) as an attorney in fact for a principal; or

(iv) in any other capacity as an authorized representative of another.

(5) “Notarial officer” means a notary public or other officer authorized to perform notarial acts.

Sec. 3. [358.42] NOTARIAL ACTS.

(a) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person

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appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

(d) In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

(e) In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in section 336.3-509.

(f) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer, or (iii) is identified on the basis of identification documents.

Sec. 4. [358.43] NOTARIAL ACTS IN THIS STATE.

(a) A notarial act may be performed within this state by the following persons:

- (1) a notary public of this state,
- (2) a judge, clerk, or deputy clerk of any court of this state,
- (3) a person authorized by the law of this state to administer oaths, or
- (4) any other person authorized to perform the specific act by the law of this state.

(b) Notarial acts performed within this state under federal authority as provided in section 6 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

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

Sec. 5. [358.44] NOTARIAL ACTS IN OTHER JURISDICTIONS OF THE UNITED STATES.

(a) A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

- (1) a notary public of that jurisdiction;
- (2) a judge, clerk, or deputy clerk of a court of that jurisdiction; or
- (3) any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in section 5 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(d) The signature and indicated title of an officer listed in subsection (a)(1) or (a)(2) conclusively establish the authority of a holder of that title to perform a notarial act.

Sec. 6. [358.45] NOTARIAL ACTS UNDER FEDERAL AUTHORITY.

(a) A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

- (1) a judge, clerk, or deputy clerk of a court;
 - (2) a commissioned officer on active duty in the military service of the United States;
 - (3) an officer of the foreign service or consular officer of the United States;
- or
- (4) any other person authorized by federal law to perform notarial acts.

(b) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(c) The signature and indicated title of an officer listed in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of a holder of that title to perform a notarial act.

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

Sec. 7. [358.46] FOREIGN NOTARIAL ACTS.

(a) A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:

- (1) a notary public or notary;
- (2) a judge, clerk, or deputy clerk of a court of record; or
- (3) any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(c) A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

(d) An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

(e) An official stamp or seal of an officer listed in subsection (a)(1) or (a)(2) is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

(f) If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 8. [358.47] CERTIFICATE OF NOTARIAL ACTS.

(a) A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) and it:

- (1) is in the short form set forth in section 9;

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(2) is in a form otherwise prescribed by the law of this state;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by section 3.

Sec. 9. [358.48] SHORT FORMS.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 8, subsection (a):

(1) For an acknowledgment in an individual capacity:

State of

County of

This instrument was acknowledged before me on(date) by
.....(name(s) of person(s)).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)
My commission expires:

(2) For an acknowledgment in a representative capacity:

State of

County of

This instrument was acknowledged before me on(date) by
.....(name(s) of person(s)) as(type of authority, e.g.,
officer, trustee, etc.) of(name of party on behalf of
whom the instrument was executed).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)
My commission expires:

(3) For a verification upon oath or affirmation:

State of

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County of

Signed and sworn to (or affirmed) before me on(date) by
...(name(s) of person(s) making statement).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)
My commission expires:

(4) For witnessing or attesting a signature:

State of

County of

Signed or attested before me on(date) by(name(s) of
person(s)).

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)
My commission expires:

(5) For attestation of a copy of a document:

State of

County of

I certify that this is a true and correct copy of a document in the
possession of

Dated:

.....
(Signature of notarial officer)

(Seal, if any)

.....
Title (and Rank)
My commission expires:

Sec. 10. [358.49] SHORT TITLE.

Sections 2 to 10 may be cited as the uniform law on notarial acts.

Sec. 11. NOTARIAL ACTS AFFECTED BY THIS ACT.

Sections 2 to 10 apply to notarial acts performed after July 31, 1985.

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

Sec. 12. **REPEALER.**

Minnesota Statutes 1984, sections 358.32, 358.33, 358.34, 358.35, 358.36, 358.37, 358.38, 358.39, and 358.40 are repealed.

Sec. 13. **TIME OF TAKING EFFECT.**

This act takes effect August 1, 1985.

Approved May 31, 1985

CHAPTER 269 — S.F.No. 279

An act relating to natural resources; eliminating the mandatory shooting by conservation officers of dogs pursuing deer; restricting the shooting by others; increasing the penalty for owners of dogs that kill deer; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

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

Section 1. Minnesota Statutes 1984, section 100.29, subdivision 19, is amended to read:

Subd. 19. Any person may, and it shall be the duty of every conservation officer to, kill any dog pursuing or killing deer or moose, and no action for damages shall be maintained against the person for the killing. The owner of any dog which is found pursuing or killing deer, moose, or domestic livestock shall be guilty of a petty misdemeanor. A dog that is known to have killed or which is observed wounding, killing, or pursuing in a manner which endangers a big game animal may be killed by a peace officer or conservation officer, or, between January 1 and July 14, by any person. The officer or person is not liable for damages for killing the dog. The owner of the dog is guilty of a petty misdemeanor and is subject to a civil penalty of up to \$500 for each violation.

Sec. 2. Minnesota Statutes 1984, section 347.01, is amended to read:
347.01 **OWNER'S LIABILITY; PENALTY.**

(a) Owners or keepers of any dog or dogs, that kill, wound, or worry any domestic animal or animals, shall be jointly and severally liable to the owner of such animal or animals for all damages done by such dog or dogs, without proving notice to or knowledge by any such owner or keeper of such dog or dogs, that any or either of them was mischievous or disposed to kill or worry any domestic animal.

(b) The owner of any dog that kills or pursues domestic livestock is guilty of a petty misdemeanor.

Approved May 31, 1985

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