

services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services, and other services for the maintenance, operation, and upkeep of buildings and offices of the state government.

Approved March 19, 1986

CHAPTER 364—H.F.No. 2195

An act relating to the city of McIntosh; authorizing the city to issue bonds in excess of its net debt limitations.

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

Section 1. CITY OF MCINTOSH; BOND ISSUE.

The city council of the city of McIntosh may issue and sell general obligation bonds in a principal amount not to exceed \$300,000 as authorized by the electors of the city at the election held on November 5, 1985, for the purposes specified in the question presented to the electors. The bonds issued pursuant to this act are not subject to the limit on net debt imposed under Minnesota Statutes, chapter 475. Any levy for the payment of debt service on bonds issued pursuant to this act is not subject to the levy limitation of Minnesota Statutes, section 275.11, or any other law.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment pursuant to Minnesota Statutes, section 645.023, subdivision 1, clause (a).

Approved March 19, 1986

CHAPTER 365—H.F.No. 2216

An act relating to land surveying; providing for the surveying of lands by a county board; providing for the establishment of an office of county surveyor or the assignment of its duties; increasing the amount the Olmsted county board may appropriate annually for use as a contingent fund; providing a penalty; amending Minnesota Statutes 1984, sections 381.01; 381.02; 381.03; 381.04; 381.05; 381.06; 381.07; 381.08; 381.09; 381.10; 381.12; 381.13; 389.011; 389.02; 389.03; 389.04; 389.08; Minnesota Statutes 1985 Supplement, section 389.09, subdivision 1; Laws 1965, chapter 433, section 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 381; repealing Minnesota Statutes 1984, section 389.06.

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

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

Section 1. Minnesota Statutes 1984, section 381.01, is amended to read:

381.01 PETITION.

~~Upon~~ On petition of ~~any a~~ a town board in the case of a township, or of at least two taxpayers in ~~any a~~ a section, in the case of a section, filed with the county auditor; ~~praying therefor requesting it~~, the county board may ~~cause any such direct that the~~ township or section ~~to~~ be surveyed or subdivided.

Sec. 2. Minnesota Statutes 1984, section 381.02, is amended to read:

381.02 MEETING; NOTICE.

At its next regular meeting after ~~such the~~ the petition is filed, the county board shall fix a time and place of meeting to consider ~~the same it~~, of which three weeks' published notice, containing the substance of the petition, a description of the lands to be affected, and the names of the owners thereof as they appear in the last tax duplicate, ~~shall must~~ must be given. ~~Such The~~ The notice ~~shall must~~ must also be personally served on each occupant of land to be affected by the survey.

Sec. 3. Minnesota Statutes 1984, section 381.03, is amended to read:

381.03 HEARING; CONTRACT WITH SURVEYOR.

~~Upon~~ On the hearing of ~~such the~~ the petition, all parties interested may appear and be heard, and the county board may grant or reject the application. If granted, it shall appoint a ~~competent~~ licensed surveyor to make the survey, with whom a written contract for the performance of the work ~~shall must~~ must be made, secured by a sufficient bond executed by ~~such the~~ the surveyor and approved by the board. Two weeks' published notice of the appointment of ~~such the~~ the surveyor, specifying the date when the survey will be ~~begun begin~~, shall must be given. At the ~~time so~~ appointed time, the work shall be ~~begun begin~~, and shall continue without unnecessary delay until completed.

Sec. 4. Minnesota Statutes 1984, section 381.04, is amended to read:

381.04 DUTIES OF SURVEYOR.

~~Such The~~ The surveyor shall keep complete and accurate records and field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence and method by which corners are located or restored, and ~~full complete~~ data by which the entire survey can be relocated. Distances ~~shall must~~ must be given in feet and decimals thereof. ~~Substantial iron or stone~~ Durable magnetic monuments ~~shall must~~ must be ~~planted placed~~ at or near all restored government corners ~~reestablished~~; and the names of at least ~~three resident witnesses must be given in such notes for each monument. He or as references to the government corners. The surveyor shall make a plat upon a strong linen paper on durable reproducible material, showing all the above~~

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mentioned facts, so far as practicable, and also all tracts of land affected, with the name of the owner and acreage of each tract. ~~Such~~ The plat shall must have endorsed thereon the affidavit of the surveyor to the effect that ~~such~~ the survey and plat are correct and accurate.

Sec. 5. Minnesota Statutes 1984, section 381.05, is amended to read:

381.05 PLAT AS EVIDENCE.

If the board ~~approve~~ approves the plat, its certificate of approval, signed by the chairman, ~~shall must~~ be endorsed thereon, ~~and thereupon.~~ The surveyor shall then file the plat, records and field notes ~~shall be filed~~ in the office of the county recorder, ~~and shall be prima facie evidence that the survey is correct.~~ If an office for the county surveyor is maintained in a building maintained by the county for county purposes on a full-time basis, the plat, records and field notes must be filed in the surveyor's office with a copy of the plat filed in the office of the county recorder. The plats, records and field notes filed under this provision are prima facie evidence that the survey is correct. The surveyor shall pay to the recorder \$+ the current fee for filing and recording the plat, records and field notes or plat, as the case may be.

Sec. 6. Minnesota Statutes 1984, section 381.06, is amended to read:

381.06 EXPENSES; ASSESSMENT.

The surveyor shall ~~thereupon then~~ make a certified report to the board, showing in detail the entire expense of ~~such the~~ survey, which ~~shall must~~ be equitably apportioned and assessed by the board to the several tracts affected.

Sec. 7. Minnesota Statutes 1984, section 381.07, is amended to read:

381.07 ASSESSMENT; NOTICE; CONFIRMATION.

~~Upon~~ On making ~~such the~~ assessment, the board shall ~~forthwith cause give~~ one week's published notice thereof ~~to be given.~~ Such The notice ~~shall must~~ contain a description of each tract of land affected, and specify the amount assessed against ~~the same each tract,~~ the name of the supposed owner, and the time and place of meeting of the board to correct and confirm ~~such the~~ assessment. At the time and place ~~so fixed given in the notice,~~ the board, after making all proper corrections and adjustments, shall make an order confirming ~~such the~~ assessment.

Sec. 8. Minnesota Statutes 1984, section 381.08, is amended to read:

381.08 ASSESSMENT ENTERED ON TAX DUPLICATE.

~~Upon~~ On the filing of ~~such the~~ order of confirmation, the county auditor shall enter ~~upon on~~ the tax duplicate for the current year, against each such tract of land, the amount so assessed against ~~the same it,~~ which shall be collected as other taxes, and ~~go into~~ be deposited in the county revenue fund.

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

Sec. 9. Minnesota Statutes 1984, section 381.09, is amended to read:

381.09 EXPENSES, HOW PAID.

After the filing of the order of confirmation, the expenses of ~~such~~ the survey, not exceeding the amount of the assessment, ~~shall~~ must be paid out of the general revenue fund of the county in the same manner as other claims.

Sec. 10. Minnesota Statutes 1984, section 381.10, is amended to read:

381.10 APPEALS.

Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in ~~like~~ the same manner as from the determination of the board in laying out roads. On ~~such~~ an appeal the court may inquire into and review all matters relating to the survey or assessment or expenses affecting the party appealing, which are specified in the notice of appeal.

Sec. 11. Minnesota Statutes 1984, section 381.12, is amended to read:

381.12 SECTION CORNERS RELOCATED.

Subdivision 1. **SURVEYOR, EMPLOYMENT.** When it ~~shall be made to appear to the satisfaction of the county board determines~~ that the monuments established by the United States in ~~its surveys of the public lands~~ survey to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a ~~competent~~ licensed surveyor to ~~relocate and reestablish~~ preserve, restore and mark the same corners with a durable magnetic monument. ~~Such surveyor shall mark each corner reestablished by a sufficient iron or stone landmark, and The surveyor shall make full and accurate notes and data records from which his the entire survey can be relocated, and shall file a certified copy of the same, and a map of the survey with a plat, in the office of the county recorder or the office of the county surveyor if an office is maintained in a building maintained by the county for county purposes on a full-time basis. Such landmarks shall be The monuments are prima facie evidence that the points where they are located are the section, quarter section, or meander corners, as the case may be, established by of the original United States public land survey corners.~~

Subd. 2. **EXPENSE, TAX LEVY.** For the purpose of defraying the expense incurred, or to be incurred in the ~~relocation and reestablishment~~ preservation and restoration of monuments ~~pursuant to subdivision 1 under this section,~~ the county board of any county may levy a tax upon all the taxable property in the county.

Subd. 3. **UNITED STATES PUBLIC LAND SURVEY MONUMENT RECORD.** (a) A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:

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(1) there is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or

(2) the land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or in the office of the county recorder for the county in which the corner is located; or

(3) the witness ties referred to in an existing United States public land survey monument record have been destroyed.

(b) A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in section 160.15, subdivision 5.

(c) A United States public land survey monument record must show the position of the corner and must include all the following elements:

(1) the identity of the corner, as referenced to the United States public land survey system;

(2) a description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;

(3) if possible, reference ties to at least three witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;

(4) a plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;

(5) a description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;

(6) whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;

(7) whether the corner was restored through lost corner proportionate methods;

(8) the directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and

(9) the signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

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(d) A reasonable fee for professional services may be paid to the surveyor filing the certificate with the respective county, on approval and determination of the fee by resolution of the county board.

Sec. 12. Minnesota Statutes 1984, section 381.13, is amended to read:

381.13 TOWNSHIP LANDMARKS.

In every county containing a population exceeding 5,000, the county board shall cause to be placed by a ~~competent~~ licensed surveyor at the northeast corner of each congressional township a ~~permanent landmark, which shall be either a stone not less than eight inches square and two feet long, or an iron post not less than two inches square and 30 inches long, having a head six inches square~~ durable magnetic monument having a head not less than 3-1/2 inches in diameter and a length of 20 inches. ~~Such landmark shall~~ The monument must be embedded its full length in the ground; ~~and have plainly cut or engraved on the top thereof letters and figures indicating the number of the section, township, and range. The county board shall pay from the treasury the expense of preparing and placing such landmarks shall be paid out of the county treasury installing the monuments,~~ and the place where the ~~same monument is located shall be~~ is prima facie evidence of the northeast corner of such township. Any person who shall remove, destroy, or deface any such landmark shall be guilty of a misdemeanor.

Sec. 13. [381.19] VIOLATIONS; PENALTY.

Any person who willfully removes, destroys, or defaces a monument lawfully erected is guilty of a misdemeanor.

Sec. 14. Minnesota Statutes 1984, section 389.011, is amended to read:

389.011 QUALIFICATIONS; APPOINTMENT; ELECTION; TERMINATION OF OFFICE; PERFORMANCE OF DUTIES; BONDS.

Subdivision 1. **QUALIFICATIONS.** ~~Any~~ A county surveyor elected or appointed after July 1, 1961, or ~~any~~ a surveyor designated to perform the professional duties of a county surveyor after July 1, 1961, ~~shall~~ must be ~~registered~~ licensed in Minnesota as a land surveyor as provided in chapter 326. ~~Such~~ The professional duties ~~shall~~ of a county surveyor include any of the duties involved in the practice of land surveying as provided in chapter 326. ~~Any~~ A county surveyor or other surveyor designated to perform the duties of a county surveyor ~~at all times~~ must be licensed in Minnesota as a land surveyor while holding such office or while such designation is in effect ~~shall be~~ duly registered in Minnesota as a land surveyor. Failure on the part of ~~any such a~~ land surveyor to keep his ~~registration~~ license current ~~shall be deemed adequate~~ is grounds for the board of county commissioners to declare ~~said~~ the office vacant and to appoint a ~~properly~~ qualified person to such office. As used in this section, the term land surveyor ~~shall mean~~ means a surveyor ~~duly registered~~ licensed in Minnesota as a land surveyor.

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Any A county surveyor or other licensed surveyor designated to perform the duties of a county surveyor after July 1, 1961, before entering upon his duties, in addition to such bond and oath of office as ~~may be~~ is required to be filed, shall file a certified ~~copy~~ evidence of his ~~registration~~ license as a land surveyor for record with the county recorder and each ~~year~~ license period thereafter while holding such office or designation shall file a certified ~~copy~~ evidence of his ~~certificate of registration~~ license renewal for the then current ~~year~~ period with the county recorder on or before ~~January 10~~ of each year the license expiration date.

Any A county surveyor holding that office on July 1, 1961, who was elected or appointed for a term beginning prior to July 1, 1959, ~~shall be deemed~~ is eligible for reelection or appointment to the office of county surveyor in the county in which he was last elected or appointed; ~~and if he is subsequently elected or appointed to that office; and is not a registered~~ licensed land surveyor, in lieu of a ~~certificate of registration~~ license as a land surveyor, he shall file with the county recorder a certified copy of his certificate of election or the resolution of appointment for the term beginning prior to July 1, 1959.

Subd. 2. **ELECTION, TERM, APPOINTMENT; TERMINATION OF OFFICE.** (1) In any county having less than 200,000 inhabitants and in which the office is vacant by reason of no person having been elected and qualified for the position; the board of county commissioners may by resolution duly adopted at least six months before the end of the term of office of the county surveyor; declare the office terminated. If such resolution is adopted no person shall be elected or appointed to the office of county surveyor so long as such resolution remains in effect. The county board by resolution adopted at least six months before the date of any general election may rescind its action terminating the office. Such resolution rescinding its action terminating the office shall state whether the office shall be filled henceforth by election or by appointment.

If the resolution does not state that the office shall be filled by appointment the county surveyor shall be elected at the next general election according to law. If the office of county surveyor is to be filled by appointment the board of county commissioners shall within 30 days of said resolution appoint a land surveyor to such office.

In the resolution terminating the office the board of county commissioners may designate a land surveyor who shall perform all professional duties of a county surveyor as provided by law. As to any duties of a county surveyor which are not of a professional nature said duties shall be performed by the county engineer.

(2) In any a county in which the office of county surveyor has not been abolished by law the board of county commissioners may by resolution duly adopted at least six months before the end of the term of the office of county surveyor declare its intention to fill the office by appointment. Having adopted

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~~such a~~ the resolution the board of county commissioners shall fill the office of county surveyor by appointment of a land surveyor to the office not less than 30 days before the end of the term of office of the incumbent. When so appointed the county surveyor ~~shall serve~~ serves for such term as determined by the board ~~commencing upon~~ beginning with the expiration of the term of the incumbent but not to ~~exceed~~ exceeding four years.

(3) (2) In ~~any a~~ a county ~~wherein~~ where the office county surveyor has not been ~~terminated or~~ made appointive under the provisions of this section or abolished under other provisions of law, ~~there shall be elected~~ a county surveyor must be elected in the manner provided by law. The term of office of the county surveyor ~~shall be~~ is four years and until his successor is elected and qualified, and ~~begin~~ begins on the first day of January next succeeding his election.

(4) (3) If the office of county surveyor is vacant by reason of no qualified person having been elected to the office or the board of county commissioners having failed to appoint a person to the office, or is otherwise vacant ~~or if the office has been terminated,~~ and no land surveyor has been designated to perform the professional duties of the office and there are duties which prior to January 1, 1961, had been the responsibility of the county surveyor, the officer requiring ~~such~~ these duties to be performed may retain a land surveyor to perform ~~such~~ the duties at the compensation set by the county board.

Subd. 3. **BOND, OATH.** ~~Any A~~ A county surveyor appointed or elected after July 1, 1961, before entering ~~upon~~ on his duties shall give bond to the state, approved by the county board, in the sum of \$2,000 conditioned ~~for~~ on the faithful discharge of his duties, ~~which.~~ The bond, together with his the oath, ~~together with a~~ and certified copy evidence of his registration license as a land surveyor or his certificate of election ~~shall~~ must be filed for record with the county recorder.

Subd. 4. **RESIDENCE OF SURVEYOR.** Notwithstanding any other provision of law ~~any a~~ a land surveyor appointed by a board of county commissioners as a county surveyor, or ~~any a~~ a land surveyor designated by the board to perform the duties of county surveyor, need not be a resident of the county in which he is appointed as county surveyor or designated to perform the duties of county surveyor. ~~Any county engineer may be elected or appointed county surveyor provided he is registered in Minnesota as a land surveyor.~~

Sec. 15. Minnesota Statutes 1984, section 389.02, is amended to read:

389.02 DEPUTIES; SURVEYS, RECORDS.

The county surveyor may appoint ~~such~~ deputies as he ~~thinks proper,~~ deems necessary, and is responsible for the faithful and correct performance of ~~whose their~~ duties he ~~shall be responsible.~~ He shall make all surveys within his county ordered by any court, public board, or officer, ~~or required by any person.~~ He shall keep a fair and correct record of each survey made by himself or deputy, in a ~~book~~ file to be provided by the county board, which he shall turn over to his successor in office. He shall ~~number such surveys progressively~~ assign each

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survey a unique number and preserve a copy of the field notes, which shall be complete and accurate, and calculations of each ~~such~~ survey, with ~~the~~ its number thereof properly endorsed thereon; ~~a copy of which, with a fair and accurate plat, together with a certificate of survey, shall be furnished by such surveyor to any person requesting the same.~~ The surveyor must furnish to any person requesting it a copy of the field notes, calculations and survey number.

Sec. 16. Minnesota Statutes 1984, section 389.03, is amended to read:

389.03 COMPENSATION; RECORDS.

Except as otherwise provided by law, the county board shall fix the compensation of county surveyors or their deputies, including their necessary expenses; ~~shall be fixed by the board of county commissioners.~~ All records of surveys ~~shall be~~ are public records and ~~open~~ must be made available by the county surveyor at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide ~~for~~ to the county surveyor all proper and necessary ~~books~~ files for keeping ~~such~~ these records. ~~Such~~ The county ~~record book of survey shall~~ records must be kept in the office of the county surveyor or of the county recorder of the county, ~~in event if an office for the county surveyor is maintained in the court house a building maintained by the county for county purposes on a full-time basis~~ then ~~such~~ the records shall be kept in the office of the county surveyor.

Sec. 17. Minnesota Statutes 1984, section 389.04, is amended to read:

389.04 RULES FOR SURVEYS.

In all surveys the basis for the courses ~~shall~~ must be expressed according to the true meridian; and the variation of the magnetic meridian from the true meridian shall be expressed on the plat, with the year, month, and day of the survey defined. In subdividing townships, sections, or parts of sections, as established by the United States survey thereof, and in ~~reestablishing~~ restoring lost or obliterated government corners, the county surveyor shall follow the rules established by or pursuant to acts of congress, and all such surveys shall be made in strict conformity to the original survey made by the United States.

Sec. 18. Minnesota Statutes 1984, section 389.08, is amended to read:

389.08 FILING OF SURVEYS IN CERTAIN COUNTIES.

In any county in which there is a county surveyor ~~and the surveyor who~~ maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51, require that ~~any registered a licensed~~ land surveyor who ~~shall perform~~ performs a survey of land for an individual or corporation ~~shall~~ must file a true and correct copy of the survey in the office of the county surveyor within 30 days after completion of the survey. The county surveyor shall determine the manner of filing, and all incidents thereof; shall be deter-

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mined by the county surveyor. All surveys so filed shall be are public records and shall must be made available by the county surveyor at all reasonable times for inspection by any person.

Sec. 19. Minnesota Statutes 1985 Supplement, section 389.09, subdivision 1, is amended to read:

Subdivision 1. **PLATS AND SURVEYS IN CERTAIN COUNTIES.** In any county in which there is a county surveyor ~~and the surveyor who~~ maintains an office on a full-time basis in a building maintained by the county for county purposes, the county board may, by ordinance adopted in accordance with section 375.51, require that each subdivision plat or registered land survey plat ~~shall or condominium plat~~ must be approved by the county surveyor before recording. The ~~proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county board shall establish a schedule of fees charged to proprietors of plats for this service.~~

Sec. 20. Laws 1965, chapter 433, section 1, as amended by Laws 1967, chapter 645, section 1, is amended to read:

Section 1. **OLMSTED COUNTY; INCIDENTAL COSTS AND EXPENSES.**

In addition to the amount authorized by Minnesota Statutes ~~1965, Section 375.16~~ 375.161, the county board of Olmsted county may annually appropriate from the county revenue fund a sum not exceeding ~~\$1,000~~ \$3,500 as a contingent fund for use by the ~~chairman~~ chair of the county board at ~~his~~ the chair's discretion to pay for incidental costs and expenses incurred in expediting the business of the county of Olmsted. The fund shall be under the exclusive control of the ~~chairman~~ chair of the county board, subject to post audit by the county board.

Sec. 21. **REPEALER.**

Minnesota Statutes 1984, section 389.06, is repealed.

Sec. 22. **LOCAL APPROVAL.**

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the county board of Olmsted county.

Approved March 19, 1986

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