

Presented to the governor October 2, 1989

Signed by the governor October 3, 1989, 4:05 p.m.

CHAPTER 2—H.F.No. 2

An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 1988, section 580.04, as amended; Laws 1989, chapters 282, article 2, section 85; 304, section 140; 328, article 3, section 13, subdivisions 1 and 4; 335, article 4, section 109, subdivision 1; and 340, article 1, section 17; repealing Laws 1989, chapter 209, article 1, section 6.

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

Section 1. **TRUST LAW.** Subdivision 1. Laws 1989, chapter 340, article 1, section 17, is amended to read:

Sec. 17. [501B.20] HOLDER OF A GENERAL POWER.

For purposes of giving notice, waiving notice, initiating a proceeding, granting consent or approval, or objecting with regard to any proceedings under this chapter, the sole holder or all coholders of a presently exercisable or testamentary general power of appointment, power of revocation, or unlimited power of withdrawal are deemed to represent ~~the~~ and act for beneficiaries to the extent that their interests as objects, takers in default, or otherwise are subject to the power.

Subd. 2. This section takes effect January 1, 1990.

Sec. 2. **REAL PROPERTY LAW.** Subdivision 1. Laws 1989, chapter 328, article 3, section 13, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** This section applies to mortgages executed after December 31, 1989, under which there has been a default in the payment of money existing for at least 60 days as of the date of the filing of the complaint or motion provided for in this section. This section applies only when the mortgaged premises are:

- (1) ten acres or less in size;
- (2) improved with a residential dwelling consisting of less than five units which is neither a model home nor a dwelling under construction; and
- (3) not property used in agricultural production ~~within the meaning of Laws 1986, chapter 398, section 5.~~

New language is indicated by underline, deletions by ~~strikeout~~.

This section applies to foreclosures by action under chapter 581 and to foreclosures by advertisement under chapter 580.

Subd. 2. This section is effective the day following final enactment.

Sec. 3. **REAL PROPERTY LAW.** Subdivision 1. Laws 1989, chapter 328, article 3, section 13, subdivision 4, is amended to read:

Subd. 4. **SUMMONS AND COMPLAINT.** In a foreclosure by advertisement, the party foreclosing a mortgage or holding the sheriff's certificate of sale may initiate a proceeding in district court to reduce the mortgagor's redemption period under this section. The proceeding must be initiated by the filing of a complaint, naming the mortgagor, or the mortgagor's personal representatives or assigns of record, as defendant, in district court for the county in which the mortgaged premises are located. If the proceeding is commenced after the foreclosure sale, the holders of junior liens and interests entitled to notice under subdivision 3 must also be named as defendants. The complaint must identify the mortgaged premises by legal description and must identify the mortgage by the names of the mortgagor and mortgagee, and any assignee of the mortgagee; the date of its making; and pertinent recording information. The complaint must allege that the mortgaged premises are:

- (1) ten acres or less in size;
- (2) improved with a residential dwelling consisting of less than five units, which is not a model home or a dwelling under construction;
- (3) not property used in agricultural production ~~within the meaning of Laws 1986, chapter 398, section 5;~~ and
- (4) abandoned.

The complaint must request an order reducing the mortgagor's redemption period to five weeks. When the complaint has been filed, the court shall issue a summons commanding the person or persons named in the complaint to appear before the court on a day and at a place stated in the summons. The appearance date shall be not less than 15 nor more than 25 days from the date of the issuing of the summons. A copy of the filed complaint must be attached to the summons.

Subd. 2. This section is effective the day following final enactment.

Sec. 4. **WELL AND BORING RULES.**

(a) The rules adopted by the commissioner of health under chapter 156A are not repealed by Laws 1989, chapter 326, article 3, section 48, and continue to be effective.

(b) Paragraph (a) is effective the day following final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 5. REPEALER.

(a) Laws 1989, chapter 209, article 1, section 6, is repealed.

(b) Paragraph (a) is effective the day following final enactment.

Sec. 6. **REAL ESTATE LAW.** Subdivision 1. Minnesota Statutes 1988, section 580.04, as amended by Laws 1989, chapter 328, article 3, section 6, is amended to read:

580.04 REQUISITES OF NOTICE.

Each notice shall specify:

(1) the name of the mortgagor and of the mortgagee, and of the assignee of the mortgage, if any, and the original principal amount secured by said mortgage;

(2) the date of the mortgage, and when and where recorded, except where the mortgage is upon registered land, in which case the notice shall state that fact, and when and where registered;

(3) the amount claimed to be due thereon, and taxes, if any, paid by the mortgagee at the date of the notice;

(4) a description of the mortgaged premises, conforming substantially to that contained in the mortgage;

(5) the time and place of sale;

(6) the time allowed by law for redemption by the mortgagor, the mortgagor's personal representatives or assigns; and

(7) if the party foreclosing the mortgage desires to preserve the right to reduce the redemption period under section 582.032 after the first publication of the notice, the notice must also state in capital letters: "THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION ~~580.032~~ 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."

Subd. 2. This section is effective the day following its final enactment.

Sec. 7. **CREDIT UNION AND NONPROFIT LAW.** Subdivision 1. Laws 1989, chapter 304, section 140, is amended to read:

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Sec. 140. EFFECTIVE DATES.

Sections 1 to 120 ~~and~~, 122 to 128, and 130 are effective August 1, 1989. Sections 121, 129, 131 to 136, and ~~138~~ 139 are effective January 1, 1991.

Subd. 2. The dates provided by Laws 1989, chapter 304, section 140, as amended by this section replace the dates provided before the amendments, whether or not the amended dates are retroactive.

Subd. 3. This section is effective the day following final enactment.

Sec. 8. PARTITION FENCES. Subdivision 1. Laws 1989, chapter 335, article 4, section 109, subdivision 1, is amended to read:

Sec. 109. REPEALER.

Subdivision 1. **STATUTORY SECTIONS.** Minnesota Statutes 1988, sections 11A.22; 84.0911, subdivisions 1 and 3; 85.051; 89.04; 93.221; 116J.968; 190.26; 344.03, subdivision 2; and 469.121, subdivision 1, are repealed.

Subd. 2. Minnesota Statutes 1988, section 344.03, subdivision 1, is reenacted and its repeal by Laws 1989, chapter 335, article 4, section 109, is of no effect. This section takes effect the day after final enactment.

Sec. 9. FEDERAL RECEIPTS FOR PRENATAL CARE OUTREACH PROGRAM.

For the biennium ending June 30, 1991, federal money received as a result of state expenditures for the prenatal care outreach program established under Minnesota Statutes 1988, section 256B.04, subdivision 17, as added by Laws 1989, chapter 282, article 3, section 42, is appropriated to the commissioner of human services for the program. This section is effective the day following final enactment.

Sec. 10. Subdivision 1. Laws 1989, chapter 282, article 2, section 85, is amended to read:

Sec. 85. Minnesota Statutes 1988, section 245A.14, is amended by adding a subdivision to read:

Subd. 6. **DROP-IN CHILD CARE PROGRAMS.** Except as expressly set forth in this subdivision, drop-in child care programs must be licensed as a drop-in program under the rules governing child care programs operated in a center. Drop-in child care programs are exempt from the requirements in Minnesota Rules, parts 9503.0040; 9503.0045, subpart 1, items F and G; 9503.0050, subpart 6, except for children less than 2-1/2 years old; one-half the requirements of 9503.0060, subpart 4, item A, subitems (2), (5), and (8), subpart 5, item A, subitems (2), (3), and (7), and subpart 6, item A, subitems (3) and (6); 9507.0070; and 9503.0090, subpart 2. A drop-in child care program must be

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operated under the supervision of a person qualified as a director and a teacher. A drop-in child care program must maintain a minimum staff ratio for children age 2-1/2 or greater of one staff person for each ten children, except that there must be at least two persons on staff whenever the program is operating. If the program has additional staff who are on call as a mandatory condition of their employment, the minimum ratio may be exceeded only for children age 2-1/2 or greater, by a maximum of four children, for no more than 20 minutes while additional staff are in transit. The minimum staff-to-child ratio for infants up to 16 months of age is one staff person for every four infants. The minimum staff-to-child ratio for children age 17 months to 30 months is one staff for every seven children. In drop-in care programs that serve both infants and older children, children up to age 2-1/2 may be supervised by assistant teachers, as long as other staff are present in appropriate ratios. The minimum staff distribution pattern for a drop-in child care program serving children age 2-1/2 or greater is: the first staff member must be a teacher; the second, third, and fourth staff members must have at least the qualifications of a child care aide; the fifth staff member must have at least the qualifications of an assistant teacher; the sixth, seventh, and eighth staff members must have at least the qualifications of a child care aide; and the ninth staff person must have at least the qualifications of an assistant teacher. The commissioner by rule may require that a drop-in child care program serving children less than 2-1/2 years of age must serve these children in an area separated from older children; and may permit children age 2-1/2 and older may to be cared for in the same child care group.

Subd. 2. This section takes effect the day after final enactment.

Sec. 11. GRAIN STORAGE ACTIONS.

Laws 1989, chapter 187, does not apply to bar an action for breach of a contract for sale of a grain storage structure that is an improvement to real property if the action would have been permissible under Minnesota Statutes 1988, section 336.2-725. This section applies only to actions pending on the effective date of this section. This section takes effect the day after final enactment.

Presented to the governor October 2, 1989

Signed by the governor October 4, 1989, 10:50 a.m.

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