

(3) To the extent possible, each newly drawn district shall retain the same numerical designation as the previously existing district from which the newly drawn district received the largest portion of its population.

(4) The districts must not dilute the voting strength of racial or language minority populations. Where a concentration of a racial or language minority makes it possible, the districts must increase the probability that members of the minority will be elected.

(5) The districts should attempt to preserve communities of interest where that can be done in compliance with the preceding standards.

(6) Population shall be determined by use of the official population, as stated by census tracts and blocks in the official United States Census. Whenever it is necessary to modify census data in fixing a district boundary, the reapportionment commission may compute the population of any part by use of other pertinent data or may have a special enumeration made of any block or blocks using the standards of the United States Census. If the population of any block or blocks is so determined, the reapportionment commission may assume that the remainder of the census tract has the remaining population shown by the census. In every such case, the determination of the reapportionment commission as to population shall be conclusive, unless clearly contrary to the census.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by a majority of the Minneapolis park and recreation board.

Presented to the governor January 16, 1992

Signed by the governor January 17, 1992, 2:38 p.m.

CHAPTER 363—S.F.No. 1562

An act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1990, sections 92.46, subdivision 1; 290.191, subdivision 4; and 490.123, by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 82B.05, subdivision 1; 82B.11, subdivision 1; 82B.17; 82B.19, subdivision 3; 122.895, subdivision 5; 124.2615, subdivision 1; 126.22, subdivision 8; 256I.05, subdivision 1b; 273.13, subdivision 25; 297A.25, subdivision 12; 302A.461, subdivision 2; 469.101, subdivision 23; and Laws 1989, chapter 341, article 1, section 26; Laws 1991, chapter 97, section 15; chapter 265, article 4, section 34; article 6, section 67, subdivision 1; chapter 292, article 1, section 6, subdivision 2; chapter 298, article 7, section 9; chapter 333, section 38; chapter 345, article 1, section 17, subdivision 3; article 1, by adding a section; repealing Minnesota Statutes 1991 Supplement, section 136D.90, subdivision 2.

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

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

ARTICLE 1

Section 1. Minnesota Statutes 1991 Supplement, section 302A.461, subdivision 2, is amended to read:

Subd. 2. **OTHER DOCUMENTS REQUIRED.** A corporation shall keep at its principal executive office, or, if its principal executive office is outside of this state, shall make available at its registered office within ten days after receipt by an officer of the corporation of a written demand for them made by a person described in subdivision 4, originals or copies of:

- (a) Records of all proceedings of shareholders for the last three years;
- (b) Records of all proceedings of the board for the last three years;
- (c) Its articles and all amendments currently in effect;
- (d) Its bylaws and all amendments currently in effect;
- (e) Financial statements required by section 302A.463 and the financial statement for the most recent interim period prepared in the course of the operation of the corporation for distribution to the shareholders or to a governmental agency as a matter of public record;
- (f) Reports made to shareholders generally within the last three years;
- (g) A statement of the names and usual business addresses of its directors and principal officers;
- (h) Voting trust agreements described in section 302A.453;
- (i) Shareholder control agreements described in section 302A.457; and
- (j) A copy of agreements, contracts, or other arrangements or portions of them incorporated by reference under section ~~320A.401~~ 302A.401, subdivision 3.

Sec. 2. **CORRECTION 1.**

Minnesota Statutes 1991 Supplement, section 82B.05, subdivision 1, is amended to read:

Subdivision 1. **MEMBERS.** The real estate appraiser advisory board consists of 15 members appointed by the commissioner of commerce. Three of the members must be public members, four must be consumers of appraisal services, and eight must be ~~licensed~~ real estate appraisers of whom not less than two members shall be state real property appraisers, federal residential real

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property appraisers, or certified federal residential real property appraisers and not less than two members shall be certified federal general real property appraisers.

Sec. 3. CORRECTION 1.

Minnesota Statutes 1991 Supplement, section 82B.11, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** There are five classes of license for ~~licensed~~ real estate appraisers.

Sec. 4. CORRECTION 1.

Minnesota Statutes 1991 Supplement, section 82B.17, is amended to read:

82B.17 LICENSE DESIGNATION.

When a ~~licensed~~ real estate appraiser uses the designation real estate appraiser or similar terms in an appraisal report or in a contract or other instrument used by the license holder in conducting real property appraisal activities or in advertisements, the appraiser shall place the appraiser's license number adjacent to or immediately below the designation used and indicate the class of license held.

Sec. 5. CORRECTION 1.

Minnesota Statutes 1991 Supplement, section 82B.19, subdivision 3, is amended to read:

Subd. 3. **REINSTATEMENTS.** A license as a real estate appraiser that has been revoked as a result of disciplinary action by the commissioner may not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement may not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for ~~licensed~~ real estate appraiser as a condition to reinstatement of a license.

Sec. 6. CORRECTION 1.

Laws 1989, chapter 341, article 1, section 26, is amended to read:

Sec. 26. REPEALER.

Section 23 is repealed ~~September~~ January 1, 1991 1992.

Sec. 7. CORRECTION 1.

Laws 1991, chapter 97, section 15, is amended to read:

Sec. 15. EXISTING LICENSES.

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

Licenses issued pursuant to Minnesota Statutes, chapter 82B, before the effective date of this act remain valid and in effect until ~~September~~ January 1, 1994 1992. A licensee who satisfies the examination or education requirements of Minnesota Statutes, section 82B.225, no later than ~~August~~ December 31, 1991, is eligible for licensure under Minnesota Statutes, section 82B.11, subdivision 2.

Sec. 8. **CORRECTION 2.**

Subdivision 1. INCONSISTENT AMENDMENTS. The amendment to Minnesota Statutes 1990, section 549.09, subdivision 1, paragraph (b), clause (2), contained in Laws 1991, chapter 266, section 10, prevails over the amendment to Minnesota Statutes 1990, section 549.09, subdivision 1, paragraph (b), clause (2), contained in Laws 1991, chapter 321, section 7.

Subd. 2. EFFECTIVE DATE. Subdivision 1 is effective August 1, 1991.

Sec. 9. **CORRECTION 4.**

Laws 1991, chapter 298, article 7, section 9, is amended to read:

Sec. 9. **ADVISORY TASK FORCE ON PARATRANSIT.**

Subdivision 1. **CREATION; MEMBERSHIP.** The regional transit board shall establish a paratransit advisory task force under section 15.059, subdivision 6, consisting of the following members:

(1) two members representing the regional transit board, appointed by the chair of the board;

(2) two members representing the department of human services, appointed by the commissioner of human services;

(3) one member representing the department of transportation, appointed by the commissioner of transportation;

(4) one member representing the metropolitan transit commission, appointed by the chair of the commission;

(5) one member representing the council on disability, appointed by the council;

(6) one member representing nonprofit providers, appointed by the commissioner of human services;

(7) one member representing for-profit providers, appointed by the commissioner of human services;

(8) one member representing the senior community, appointed by the commissioner of human services;

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

(9) one member representing the metropolitan area, appointed by the chair of the metropolitan council; and

(10) two members representing users of paratransit, appointed by the chair of the board.

The ~~committee~~ task force shall expire December 31, 1991.

Subd. 2. **ADMINISTRATION.** The regional transit board and the department of human services shall provide staff and administrative services for the ~~committee~~ task force. The organizations whose representatives are listed in subdivision 1, clauses (4) to (8), shall provide information, staff, and technical assistance for the ~~committee~~ task force as needed.

Subd. 3. **STUDIES.** The ~~committee~~ task force shall study the feasibility of consolidating and coordinating existing metro mobility service trips with existing department of human services medical assistance service trips in the metropolitan area. The ~~committee~~ task force shall consult affected persons and organizations not represented by members appointed under subdivision 1, including day training and rehabilitation centers, nursing homes, and intermediate care facilities for the mentally retarded.

Subd. 4. **REPORT.** The commissioner of human services and the chair of the regional transit board shall jointly submit the report and recommendations to the legislature and the governor no later than December 31, 1991.

Subd. 5. **DEFINITION.** For the purposes of this section, "metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Sec. 10. **CORRECTION 5.**

Minnesota Statutes 1991 Supplement, section 256I.05, subdivision 1b, is amended to read:

Subd. 1b. **RATES FOR UNCERTIFIED BOARDING CARE HOMES.** Effective July 1, 1992, the maximum rate for a boarding care home not certified to receive medical assistance is equal to 65 percent of the average nursing home level "A" rate in effect for the geographic area in which the boarding care home is located; ~~except that a facility's rate must not be reduced by more than ten percent for the year ending June 30, 1992.~~ This is effective until June 30, 1993. A noncertified boarding care home licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, is exempt from this rate limit. The commissioner shall study the numbers of facilities and residents that will be affected by the limit in this subdivision, the number of facilities likely to close because of the limit, the available alternatives for affected residents, methods of relocating or securing alternative placements for residents, and other effects of the limit. The commissioner shall provide a report to the legislature by January 1, 1992, on the commissioner's findings and recommendations relating to the rate limit.

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

Sec. 11. CORRECTION 6.

Subdivision 1. **APPORTIONMENT OF NET INCOME.** Minnesota Statutes 1990, section 290.191, subdivision 4, is amended to read:

Subd. 4. **APPORTIONMENT FORMULA FOR CERTAIN MAIL ORDER BUSINESSES.** If the business consists exclusively of the selling of tangible personal property and services in response to orders received by United States mail or telephone, and 99 percent of the taxpayer's property and payroll is within Minnesota, then the taxpayer may apportion net income to Minnesota based solely upon the percentage that the sales made within this state in connection with the trade or business during the tax period are of the total sales wherever made in connection with the trade or business during the tax period. Property and payroll factors are disregarded. In determining eligibility for this subdivision:

(1) the sale not in the ordinary course of business of tangible or intangible assets used in conducting business activities must be disregarded; and

(2) property and payroll at a distribution center outside of Minnesota are disregarded if the sole activity at the distribution center is the filling of orders, and no solicitation of orders occurs at the distribution center.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective for taxable years beginning after December 31, 1990.

Sec. 12. CORRECTION 7.

Subdivision 1. **CLASS 4C PROPERTY.** Minnesota Statutes 1991 Supplement, section 273.13, subdivision 25, is amended to read:

Subd. 25. **CLASS 4.** (a) Class 4a is residential real estate containing four or more units and used or held for use by the owner or by the tenants or lessees of the owner as a residence for rental periods of 30 days or more. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other than hospitals exempt under section 272.02, and contiguous property used for hospital purposes, without regard to whether the property has been platted or subdivided. Class 4a property has a class rate of 3.5 percent of market value for taxes payable in 1992, and 3.4 percent of market value for taxes payable in 1993 and thereafter.

(b) Class 4b includes:

(1) residential real estate containing less than four units, other than seasonal residential, and recreational;

(2) manufactured homes not classified under any other provision;

(3) a dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b).

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Class 4b property has a class rate of 2.8 percent of market value for taxes payable in 1992, 2.5 percent of market value for taxes payable in 1993, and 2.3 percent of market value for taxes payable in 1994 and thereafter.

(c) Class 4c property includes:

(1) a structure that is:

(i) situated on real property that is used for housing for the elderly or for low- and moderate-income families as defined in Title II, as amended through December 31, 1990, of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency and financed by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) situated on real property that is used for housing the elderly or for low- and moderate-income families as defined by the Minnesota housing finance agency law of 1971, as amended, or rules adopted by the agency pursuant thereto and financed by a loan made by the Minnesota housing finance agency pursuant to the provisions of the act.

This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or for the original term of the loan.

(2) a structure that is:

(i) situated upon real property that is used for housing lower income families or elderly or handicapped persons, as defined in section 8 of the United States Housing Act of 1937, as amended; and

(ii) owned by an entity which has entered into a housing assistance payments contract under section 8 which provides assistance for 100 percent of the dwelling units in the structure, other than dwelling units intended for management or maintenance personnel. Property is classified as class 4c under this clause for the term of the housing assistance payments contract, including all renewals, or for the term of its permanent financing, whichever is shorter; and

(3) a qualified low-income building as defined in section 42(c)(2) of the Internal Revenue Code of 1986, as amended through December 31, 1990, that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1990; or (ii) meets the requirements of that section and receives public financing, except financing provided under sections 469.174 to 469.179, which contains terms restricting the rents; or (iii) meets the requirements of section 273.1317. Classification pursuant to this clause is limited to a term of 15 years.

For all properties described in clauses (1), (2), and (3) and in paragraph (d), the market value determined by the assessor must be based on the normal

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approach to value using normal unrestricted rents unless the owner of the property elects to have the property assessed under Laws 1991, chapter 291, article 1, section 55. If the owner of the property elects to have the market value determined on the basis of the actual restricted rents, as provided in Laws 1991, chapter 291, article 1, section 55, the property will be assessed at the rate provided for class 4a or class 4b property, as appropriate. Properties described in clauses (1)(ii), (3), and (4) may apply to the assessor for valuation under Laws 1991, chapter 291, article 1, section 55. The land on which these structures are situated has the class rate given in paragraph (b) if the structure contains fewer than four units, and the class rate given in paragraph (a) if the structure contains four or more units. This clause applies only to the property of a nonprofit or limited dividend entity.

(4) a parcel of land, not to exceed one acre, and its improvements or a parcel of unimproved land, not to exceed one acre, if it is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units, if any, on all land owned by the trust are leased to or occupied by lower income families or individuals. This clause does not apply to any portion of the land or improvements used for nonresidential purposes. For purposes of this clause, a lower income family is a family with an income that does not exceed 65 percent of the median family income for the area, and a lower income individual is an individual whose income does not exceed 65 percent of the median individual income for the area, as determined by the United States Secretary of Housing and Urban Development. For purposes of this clause, "neighborhood real estate trust" means an entity which is certified by the governing body of the municipality in which it is located to have the following characteristics:

(a) it is a nonprofit corporation organized under chapter 317A;

(b) it has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws;

(c) it limits membership with voting rights to residents of the designated community; and

(d) it has a board of directors consisting of at least seven directors, 60 percent of whom are members with voting rights and, to the extent feasible, 25 percent of whom are elected by resident members of buildings owned by the trust; and

(5) except as provided in subdivision 22, paragraph (c), real property devoted to temporary and seasonal residential occupancy for recreation purposes, including real property devoted to temporary and seasonal residential occupancy for recreation purposes and not devoted to commercial purposes for more than 250 days in the year preceding the year of assessment. For purposes of this clause, property is devoted to a commercial purpose on a specific day if any portion of the property is used, or available for use for residential occupancy, and a fee is charged for residential occupancy. Class 4c also includes commercial use real property used exclusively for recreational purposes in con-

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junction with class 4c property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 250 days in the year preceding the year of assessment and is located within two miles of the class 4c property with which it is used. Class 4c property classified in this clause also includes the remainder of class 1c resorts;

(6) real property up to a maximum of one acre of land owned by a nonprofit community service oriented organization; provided that the property is not used for a revenue-producing activity for more than six days in the calendar year preceding the year of assessment and the property is not used for residential purposes on either a temporary or permanent basis. For purposes of this clause, a "nonprofit community service oriented organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, fraternal, civic, or educational purposes, and which is exempt from federal income taxation pursuant to section 501(c)(3), (10), or (19) of the Internal Revenue Code of 1986, as amended through December 31, 1990. For purposes of this clause, "revenue-producing activities" shall include but not be limited to property or that portion of the property that is used as an on-sale intoxicating liquor or nonintoxicating malt liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling alley, a retail store, gambling conducted by organizations licensed under chapter 349, an insurance business, or office or other space leased or rented to a lessee who conducts a for-profit enterprise on the premises. Any portion of the property which is used for revenue-producing activities for more than six days in the calendar year preceding the year of assessment shall be assessed as class 3a. The use of the property for social events open exclusively to members and their guests for periods of less than 24 hours, when an admission is not charged nor any revenues are received by the organization shall not be considered a revenue-producing activity;

(7) post-secondary student housing of not more than one acre of land that is owned by a nonprofit corporation organized under chapter 317A and is used exclusively by a student cooperative, sorority, or fraternity for on-campus housing or housing located within two miles of the border of a college campus; and

(8) manufactured home parks as defined in section 327.14, subdivision 3.

Class 4c property has a class rate of 2.3 percent of market value, except that seasonal residential recreational property not used for commercial purposes under clause (5) has a class rate of 2.2 percent of market value for taxes payable in 1992, and for taxes payable in 1993 and thereafter, the first \$72,000 of market value has a class rate of two percent and the market value that exceeds \$72,000 has a class rate of 2.5 percent.

(d) Class 4d property includes:

(1) a structure that is:

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(i) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the Farmers Home Administration;

(ii) located in a municipality of less than 10,000 population; and

(iii) financed by a direct loan or insured loan from the Farmers Home Administration. Property is classified under this clause for 15 years from the date of the completion of the original construction or for the original term of the loan.

The class rates in paragraph (c), clauses (1), (2), and (3) and this clause apply to the properties described in them, only in proportion to occupancy of the structure by elderly or handicapped persons or low and moderate income families as defined in the applicable laws unless construction of the structure had been commenced prior to January 1, 1984; or the project had been approved by the governing body of the municipality in which it is located prior to June 30, 1983; or financing of the project had been approved by a federal or state agency prior to June 30, 1983. Classification under this clause is only available to property of a nonprofit or limited dividend entity.

(2) For taxes payable in 1992, 1993 and 1994, only, buildings and appurtenances, together with the land upon which they are located, leased by the occupant under the community lending model lease-purchase mortgage loan program administered by the Federal National Mortgage Association, provided the occupant's income is no greater than 60 percent of the county or area median income, adjusted for family size and the building consists of existing single family or duplex housing. The lease agreement must provide for a portion of the lease payment to be escrowed as a nonrefundable down payment on the housing. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. The application must be accompanied by an affidavit or other proof required by the assessor to determine qualification under this clause.

(3) For taxes payable in 1992, 1993 and 1994, only, federally acquired buildings under four units and appurtenances, together with the land upon which they are located that is leased to a nonprofit corporation organized under chapter 317A that qualifies for tax exempt status under United States Code, title 26, section 501(c), or a housing and redevelopment authority authorized under sections 469.001 to 469.047; the purpose of the lease must be to allow the nonprofit corporation to provide transitional housing for homeless persons under the program established in Code of Federal Regulations, title 55, section 49489. As used in this clause, "transitional housing" has the meaning given in section 268.38, subdivision 1, except that the two-year restriction does not apply. If the property is purchased from the federal government by the nonprofit corporation for the purpose of continuing to provide transitional housing after the expiration of the lease, the property shall continue to be eligible for this classification. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. The application must be accompanied by an affidavit or other

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proof required by the county assessor to determine qualification under this clause. Property qualifying under this clause in 1992, 1993, or 1994 continues to receive a two percent class rate until the five-year lease has expired provided that the property continues to be used for the purposes as described in this clause.

Class 4d property has a class rate of two percent of market value.

(e) Residential rental property that would otherwise be assessed as class 4 property under paragraph (a); paragraph (b), clauses (1) and (3); paragraph (c), clause (1), (2), (3), or (4), is assessed at the class rate applicable to it under Minnesota Statutes 1988, section 273.13, if it is found to be a substandard building under section 273.1316. Residential rental property that would otherwise be assessed as class 4 property under paragraph (d) is assessed at 2.3 percent of market value if it is found to be a substandard building under section 273.1316.

Subd. 2. **EFFECTIVE DATE.** Subdivision 1 is effective for taxes levied in 1991, payable in 1992, and thereafter.

Sec. 13. **CORRECTION 11.**

Minnesota Statutes 1991 Supplement, section 469.101, subdivision 23, is amended to read:

Subd. 23. **SUPPLYING SMALL BUSINESS CAPITAL.** Notwithstanding any contrary law, the authority may participate with public or private corporations or other entities, whose purpose is to provide seed or venture capital to small businesses that have facilities located or to be located in the district. For that purpose the authority may use not more than ~~--- ten~~ ten percent of available annual net income or \$~~---~~ \$1,000,000 annually, whichever is less, to invest in equities or acquire equity-type investments. These investments can be made directly in eligible corporations or entities or acquired through participation in a public or private seed or venture capital fund. The participation by the authority may not exceed in any year 25 percent of the total amount of funds provided for venture or seed capital purposes by all of the participants. The corporation, entity, or fund shall report in writing each six months to the commissioners of the authority all investments and other action taken by it since the last report. Funds contributed to the corporation or entity must be invested pro rata with each contributor of capital taking proportional risks on each investment. As used in this subdivision, the term "small business" has the meaning given it in section 645.445, subdivision 2.

Sec. 14. **CORRECTION 14.**

Subdivision 1. The amendment to Minnesota Statutes 1990, section 92.67, subdivision 1, made by Laws 1991, chapter 254, article 2, section 23, is of no effect.

Subd. 2. Minnesota Statutes 1990, section 92.46, subdivision 1, is amended to read:

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

Subdivision 1. **PUBLIC CAMPGROUNDS.** (a) The director may designate suitable portions of the state lands withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public campgrounds. The director may have the land surveyed and platted into lots of convenient size, and lease them for cottage and camp purposes under terms and conditions the director prescribes, subject to the provisions of this section.

(b) A lease may not be for a term more than 20 years. The lease may allow renewal, from time to time, for additional terms of no longer than 20 years each. The lease may be canceled by the commissioner 90 days after giving the person leasing the land written notice of violation of lease conditions. The lease rate shall be based on the appraised value of leased land as determined by the commissioner of natural resources and shall be adjusted by the commissioner at the fifth, tenth, and 15th anniversary of the lease, if the appraised value has increased or decreased. For leases that are renewed in 1991 and following years, the lease rate shall be five percent of the appraised value of the leased land. The appraised value shall be the value of the leased land without any private improvements and must be comparable to similar land without any improvements within the same county. The minimum appraised value that the commissioner assigns to the leased land must be substantially equal to the county assessor's estimated market value of similar land adjusted by the assessment/sales ratio as determined by the department of revenue.

(c) By July 1, 1986, the commissioner of natural resources shall adopt rules under chapter 14 to establish procedures for leasing land under this section. The rules shall be subject to review and approval by the commissioners of revenue and administration prior to the initial publication pursuant to chapter 14 and prior to their final adoption. The rules must address at least the following:

- (1) method of appraising the property; and
- (2) an appeal procedure for both the appraised values and lease rates.

(d) All money received from these leases must be credited to the fund to which the proceeds of the land belong.

Notwithstanding section 16A.125 or any other law to the contrary, 50 percent of the money received from the lease of permanent school fund lands leased pursuant to this subdivision shall be deposited into the permanent school trust fund. However, in fiscal years 1987, 1988, 1989, 1990, 1991, ~~and 1992~~, 1993, and 1994, the money received from the lease of permanent school fund lands that would otherwise be deposited into the permanent school fund is hereby appropriated to survey, appraise, and pay associated selling costs of lots as required in section 92.67, subdivision 3. The money appropriated may not be used to pay the cost of surveying lots not scheduled for sale. Any money designated for deposit in the permanent school fund that is not needed to survey, appraise, and pay associated selling costs of lots, as required in section 92.67, shall be deposited in the permanent school fund. The commissioner shall add to the appraised value of any lot offered for sale the costs of surveying, appraising,

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and selling the lot, and shall first deposit into the permanent school fund an amount equal to the costs of surveying, appraising, and selling any lot paid out of the permanent school fund. Any remaining money shall be deposited into any other contributing funds in proportion to the contribution from each fund. In no case may the commissioner add to the appraised value of any lot offered for sale an amount more than \$700 for the costs of surveying and appraising the lot.

Sec. 15. **CORRECTION 12.**

Laws 1991, chapter 345, article 1, section 17, subdivision 3, is amended to read:

Subd. 3. Intertechnologies Group
10,954,000 5,431,000

Summary by Fund

General	6,794,000	<u>5,494,000</u>	1,271,000
Special Revenue		4,160,000	4,160,000

The appropriation from the special revenue fund is for recurring costs of 911 emergency telephone service.

\$3,900,000 is appropriated as a loan from the general fund to the STARS revolving fund. This amount shall be repaid before the end of the biennium. Notwithstanding any law to the contrary, the commissioner of administration shall have authority to transfer contributed capital between department of administration internal service or enterprise funds. Notwithstanding any other law to the contrary, the commissioner of administration may, with the approval of the commissioner of finance, make loans from an internal service or enterprise fund to another internal service or enterprise fund.

\$150,000 the first year is for the commissioner of the department of administration and the STARS staff to conduct a study to develop models for the use of STARS telecommunications regions under joint powers or other agreements. The models shall be used to:

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(1) coordinate development of applications or programs that combine the needs of education, state and local governments, or other public sector users of STARS services;

(2) determine the local telecommunications approaches that work best to distribute applications or programs transported by STARS within the region; and

(3) identify needs for shared video facilities and develop agreements and ways to prioritize or schedule their use equitably.

The study shall focus on current and future telecommunications needs that result from joint activities of STARS customers in the two telecommunications regions that will be served by STARS from Duluth and Rochester and shall describe pilot projects that could be used to validate the study findings.

The study shall be submitted to the appropriate committees of the legislature by December 31, 1991.

\$201,100 the first year and \$205,800 the second year must be subtracted from the amount that would otherwise be payable to local government aid under Minnesota Statutes, chapter 477A, in order to fund the local government records program and the intergovernmental information systems activity.

Sec. 16. CORRECTION 13.

Laws 1991, chapter 345, article 1, is amended by adding a section to read:

Sec. 119. EFFECTIVE DATE.

Sections 91 and 117, subdivision 6, are effective January 1, 1993.

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

Sec. 17. Laws 1991, chapter 292, article 1, section 6, subdivision 2, is amended to read:

Subd. 2. COMMUNITY SERVICES.

40,043,000 40,329,000

The commissioner of finance shall adjust the base for the county probation reimbursement program, described in Minnesota Statutes, section 260.311, subdivision 5, to a level that allows the state to maintain a 50 percent reimbursement level to counties for the biennium beginning July 1, 1993.

During the biennium ending June 30, 1993, whenever offenders are assigned for the purpose of work under agreement with a state department or agency, local unit of government, or other government subdivision, the state department or agency, local unit of government, or other government subdivision must certify to the appropriate bargaining agent that the work performed by inmates will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Notwithstanding Minnesota Statutes, section 609.105 or any other provision of law to the contrary, a felony offender sentenced in a community corrections act county may not be committed to the custody of the commissioner of corrections under an executed sentence of imprisonment if the time remaining in the offender's sentence, minus credit for prior imprisonment, is 60 days or less unless the offender's sentence was presumptively executed under the sentencing guidelines. Notwithstanding any provision of law to the contrary, these

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offenders may be sentenced to imprisonment in a local jail or workhouse. ~~This does not apply~~ provision applies to offenders whose sentences were executed at the time of sentencing and to offenders whose sentences were executed after revocation of a stayed felony sentence.

Sec. 18. CORRECTION 20.

Minnesota Statutes 1990, section 490.123, is amended by adding a subdivision to read:

Subd. 1c. ADDITIONAL EMPLOYER CONTRIBUTION. In the event that the employer contribution under subdivision 1b and the assets of the judges retirement fund are insufficient to meet reserve transfers to the Minnesota postretirement investment fund or payments of survivor benefits before July 1, 1993, the necessary amount is appropriated from the general fund to the executive director of the Minnesota state retirement system, upon certification by the executive director to the commissioner of finance.

Sec. 19. CORRECTION 21.

Subdivision 1. **SALES TAX; OCCASIONAL SALES.** Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12, is amended to read:

Subd. 12. **OCCASIONAL SALES.** (a) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale are exempt.

(b) This exemption does not apply to sales of tangible personal property primarily used in a trade or business unless (1) the sale occurs in a transaction subject to or described in section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031, or 1033 of the Internal Revenue Code of 1986, as amended through December 31, 1990; ~~or~~; (2) the sale is between members of an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986, as amended through December 31, 1990; (3) the sale is a sale of farm machinery; (4) the sale is a farm auction sale; or (5) the sale is a sale of substantially all of the assets of a trade or business conducted by an individual or by a partnership all of the partners of which are individuals.

For purposes of this subdivision, a "farm auction" is a public auction conducted by a licensed auctioneer if substantially all of the property sold consists of property used in the trade or business of farming and property not used primarily in a trade or business.

Subd. 2. EFFECTIVE DATE.

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Subdivision 1 is effective retroactive for sales made after June 30, 1991. No refunds of tax may be paid under this section except as provided in this subdivision. A purchaser must file a claim for refund containing the information required in section 289A.50 and any other information required by the commissioner, including receipts or other proof of payment. A purchaser is considered a taxpayer for purposes of section 289A.50. Notwithstanding section 289A.50, subdivision 2, a vendor who has collected a tax from the purchaser may not claim a refund under this section.

Sec. 20. FINAL FOUR CORRECTION.

Subdivision 1. Laws 1991, chapter 333, section 38, is amended to read:

Sec. 38. TEMPORARY AUTHORITY; CHARTER CARRIERS OF PASSENGERS.

(a) The transportation regulation board may issue a temporary permit to a motor carrier to operate as a charter carrier of passengers if the board finds that:

(1) the service to be provided under the temporary certificate will be provided during the month of January 1992 in connection with or related to the 1992 National Football League championship game or during the last week in March through the second week in April 1992 in connection with or related to the 1992 NCAA Men's Basketball Final Four Tournament;

(2) the petitioner for the temporary permit is fit and able to conduct the proposed operations; and

(3) the petitioner's vehicles meet the applicable safety standards of the commissioner of transportation.

(b) Notwithstanding Minnesota Statutes, section 221.121, subdivision 2, a holder of a temporary permit under this section is not required to seek a permanent permit from the board. The board may charge a registration fee of not more than \$10 for each vehicle that will be operated under authority of the permit. All permits issued by the board under this section expire on a date specified in the permit, but not later than ~~January 31~~ April 15, 1992.

(c) All provisions of Minnesota Statutes, chapter 221, not inconsistent with this section, apply to permits issued under this section.

(d) In granting temporary permits under this section, the board shall, to the maximum feasible extent, give priority to Minnesota-based carriers.

Subd. 2. EFFECTIVE DATE. Subdivision 1 is effective the day following its final enactment.

Sec. 21. EFFECTIVE DATE.

Sections 13 and 17 take effect the day after final enactment.

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ARTICLE 2

CORRECTIONS, EDUCATION FUNDING

Section 1. CORRECTION AA.

Laws 1991, chapter 265, article 6, section 67, subdivision 1, is amended to read:

Sec. 67. REPEALER.

Subdivision 1. **JULY 1, 1991.** Minnesota Statutes 1990, sections 124C.02; 136D.27, subdivision 1; 136D.74, subdivision 2; 136D.76, subdivision 3; 136D.87, subdivision 1; and 275.125, subdivisions subdivision 8d, are repealed.

Sec. 2. CORRECTION CC.

Minnesota Statutes 1991 Supplement, section 136D.90, subdivision 2, is repealed.

Sec. 3. CORRECTION GG.

Minnesota Statutes 1991 Supplement, section 126.22, subdivision 8, is amended to read:

Subd. 8. **ENROLLMENT VERIFICATION.** For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department of education shall pay 88 percent of the basic revenue of the district to the eligible program and 12 percent of the basic revenue to the resident district within 30 days after the eligible program verifies enrollment using the form provided by the department. For a pupil attending an eligible program part time, basic revenue shall be reduced proportionately, according to the amount of time the pupil attends the program, and the payments to the eligible program and the resident district shall be reduced accordingly. A pupil for whom payment is made according to this section may not be counted by any district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made for a pupil under this subdivision, a school district shall not reimburse a program under section 126.23 for the same pupil.

Sec. 4. CORRECTION HH.

Laws 1991, chapter 265, article 4, section 34, is amended to read:

Sec. 34. EFFECTIVE DATE.

Section 10, subdivision 4, is effective July 1, 1991. Section 10, subdivisions 1, 2, 3, 5, 6, and 7, are effective July 1, 1992. ~~Reimbursements according to Section 11 are available is effective July 1, 1992.~~

Sec. 5. CORRECTION JJ.

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

Minnesota Statutes 1991 Supplement, section 124.2615, subdivision 1, is amended to read:

Subdivision 1. **PROGRAM REVIEW AND APPROVAL.** By February 15, ~~1991~~ 1992, for the 1991-1992 school year or by January 1 of subsequent school years, a district must submit to the commissioners of education, health, human services, and jobs and training:

- (1) a description of the services to be provided;
- (2) a plan to ensure children at greatest risk receive appropriate services;
- (3) a description of procedures and methods to be used to coordinate public and private resources to maximize use of existing community resources, including school districts, health care facilities, government agencies, neighborhood organizations, and other resources knowledgeable in early childhood development;
- (4) comments about the district's proposed program by the advisory council required by section 121.831, subdivision 7; and
- (5) agreements with all participating service providers.

Each commissioner may review and comment on the program, and make recommendations to the commissioner of education, within 30 days of receiving the plan.

Sec. 6. CORRECTION MM.

Minnesota Statutes 1991 Supplement, section 122.895, subdivision 5, is amended to read:

Subd. 5. **RIGHTS OF OTHER TEACHERS UPON DISSOLUTION.** (a) This subdivision applies to a teacher who:

- (1) has a continuing contract with the cooperative; and
- (2) either did not have a continuing contract with any member district or does not return to a member district according to the procedures set forth in subdivision 4, paragraph (b).

(b) By May 10 of the school year in which the cooperative provides the notice required by subdivision 3, clause (1), the cooperative shall provide to each teacher described in subdivision 4 and this subdivision a written notice of available teaching positions in any member district to which the cooperative was providing services at the time of dissolution. Available teaching positions are all teaching positions that, during the school year following dissolution:

- (1) are positions for which the teacher is licensed; and
- (2) are not assigned to a continuing contract teacher employed by a member

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school district after any reasonable realignments which may be necessary under the applicable provisions of section 125.12, subdivision 6a or 6b, to accommodate the seniority rights of teachers employed by the member district.

(c) On or before June 1 of the school year in which the cooperative provides the notice required by subdivision 3, clause (1), any teacher wishing to do so must file with the school board a written notice of the teacher's intention to exercise the teacher's rights to an available teaching position. Available teaching positions shall be offered to teachers in order of their seniority within the dissolved cooperative.

(d) Paragraph (e) applies to:

(1) a district that was a member of a dissolved cooperative; or

(2) any other district that, except as a result of open enrollment according to section 120.062, provides essentially the same instruction provided by the dissolved cooperative to pupils enrolled in a former member district.

(e) For five years following dissolution of a cooperative, a district to which this ~~subdivision~~ paragraph applies may not appoint a new teacher or assign a probationary or provisionally licensed teacher to any position requiring licensure in a field in which the dissolved cooperative provided instruction until the following conditions are met:

(1) a district to which this ~~subdivision~~ paragraph applies has provided each teacher formerly employed by the dissolved cooperative, who holds the requisite license, written notice of the position; and

(2) no teacher holding the requisite license has filed a written request to be appointed to the position with the school board within 30 days of receiving the notice.

If no teacher files a request according to clause (2), the district may fill the position as it sees fit. During any part of the school year in which dissolution occurs and the first school year following dissolution, a teacher may file a request for an appointment according to this paragraph regardless of prior contractual commitments with other member districts. Available teaching positions shall be offered to teachers in order of their seniority on a combined seniority list of the teachers employed by the cooperative and the appointing district.

(f) A teacher appointed according to this subdivision is not required to serve a probationary period. The teacher shall receive credit on the appointing district's salary schedule for the teacher's years of continuous service under contract with the cooperative and the member district and the teacher's educational attainment at the time of appointment or shall receive a comparable salary, whichever is less. The teacher shall receive credit for accumulations of sick leave and rights to severance benefits as if the teacher had been employed by the member district during the teacher's years of employment by the cooperative.

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

Sec. 7. **EFFECTIVE DATE.**

The amendments made by corrections AA, GG, and JJ are effective July 1, 1991.

Presented to the governor January 16, 1992

Signed by the governor January 17, 1992, 2:45 p.m.

CHAPTER 364—S.F.No. 1598**VETOED**

CHAPTER 365—S.F.No. 1623

An act relating to intoxicating liquor; authorizing the city of Brooklyn Park to issue an on-sale license to the city's economic development authority for a restaurant at the Edinburgh, U.S.A. golf course; specifying that the city is the licensee for purposes of civil liability and insurance.

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

Section 1. **BROOKLYN PARK; ON-SALE INTOXICATING LIQUOR LICENSE.**

The city of Brooklyn Park may issue to the Brooklyn Park economic development authority, and the Brooklyn Park economic development authority may hold, an on-sale intoxicating liquor license for the Edinburgh, U.S.A. golf course grounds, clubhouse, and restaurant located in the city of Brooklyn Park. A license issued under this section is in addition to all other licenses authorized under Minnesota Statutes, section 340A.413. The city shall set the license fee. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The provisions of Minnesota Statutes, sections 340A.603 to 340A.604, apply to the establishment licensed under this section as if the establishment were a municipal liquor store; provided that the commissioner of public safety may not impose any penalty on the establishment under those sections if the city has imposed a comparable or greater penalty on the licensee for the same offense.

Sec. 2. **LIABILITY.**

The city of Brooklyn Park is the licensee under section 1 for purposes of compliance with Minnesota Statutes, section 340A.409. The city of Brooklyn Park is deemed the seller of alcoholic beverages under the license authorized by section 1 for purposes of Minnesota Statutes, sections 340A.801 to 340A.802.

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