

The conclusive presumption in this subdivision applies to a settlement agreement entered into on or after January 15, 1982, whether the injury to which the settlement applies occurred prior to or on or after January 15, 1982.

Sec. 9. [525.6199] GUARDIANSHIP, CONSERVATORSHIP; WORKERS' COMPENSATION PROCEEDINGS.

Subdivision 1. REFERRAL. When a matter is referred under section 176.092, subdivision 3, the court shall determine whether the employee or dependent is a minor or an incapacitated person, shall appoint a guardian or conservator if the employee or dependent is a minor or an incapacitated person, and shall return the matter to the source of referral.

Subd. 2. COURT OVERSIGHT. The court shall oversee the use of monetary benefits paid to a guardian or conservator as provided in this chapter or under rule 145 of the general rules of practice for the district courts. There is a rebuttable presumption that a settlement or award approved by the commissioner of the department of labor and industry or a compensation judge is reasonable and fair to the employee or dependent.

Subd. 3. COSTS. Subject to the approval of the court, the insurer or self-insured employer shall pay the costs and a reasonable attorney fee of the employee or dependent associated with the appointment of a guardian or conservator required under section 176.092.

Sec. 10. EFFECTIVE DATE.

Section 1 is effective August 1, 1993, and applies to all workers' compensation insurance policies issued or renewed on or after that date. Section 2 is effective the day following final enactment. Sections 3 to 5 and 7 to 9 are effective August 1, 1993, and apply to all monetary benefits paid on or after that date, without regard to the date of injury.

Presented to the governor May 12, 1993

Signed by the governor May 14, 1993, 3:41 p.m.

CHAPTER 195—S.F.No. 490

An act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in Washington county to the city of Oakdale; authorizing the conveyance of an easement across department of natural resources-fisheries land.

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

Section 1. WASHINGTON COUNTY; SALE OF TAX-FORFEITED LAND.

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(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, Washington county may sell to the city of Oakdale the tax-forfeited land bordering public waters that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The conveyance must be in a form approved by the attorney general and must require that any sales by the city of Oakdale of the land described in paragraph (c) be by public sale to the highest bidder.

(c) The land that may be conveyed is located in Washington county and consists of those lots described as follows: Lots 2, 3, 6, 7, 8, and 9, Block 2, Sun Meadow First Addition, Washington county.

(d) The county has determined that the county's land management interests would best be served if the lands were controlled by the city of Oakdale.

Sec. 2. EASEMENT ACROSS STATE LANDS; LOTUS LAKE FISH BARRIER.

(a) Notwithstanding Minnesota Statutes, section 84.631, the commissioner of natural resources shall convey a right-of-way easement for ingress and egress to the fee title owner of land described as follows: that part of Government Lot One (1), Section One (1), Township One Hundred Sixteen (116), Range Twenty-Three (23), Carver county, described as follows:

Beginning at a point on the East line of Government Lot One (1) distant 1775.00 feet South of the Northeast corner of the Southeast Quarter of said Section One (1); thence at right angles West 183.00 feet; thence at right angles South 150.00 feet; thence deflecting to the left 67 degrees 43 minutes distant 197.76 feet to the East line of said Government Lot 1; thence North along said East line to the point of beginning, except the East 33 feet taken for State Highway No. 101, according to the U.S. Government Survey. Also, that part of Government Lot One (1), Section One (1), Township One Hundred Sixteen (116), Range Twenty-three (23), described as follows: Commencing at a point to the East line of Government Lot One (1) distant 1775.00 feet South of the Northeast corner of the Southeast Quarter of said Section One (1); thence at right angles West 183.00 feet to the actual point of beginning; thence continuing West along the last described course 50.00 feet; thence at right angles South 129.51 feet; thence deflecting to the left 67 degrees 43 minutes distant 54.04 feet; thence deflecting to the left 112 degrees 17 minutes distant 150.00 feet to the point of beginning.

(b) The conveyance must be in a form approved by the attorney general.

(c) The easement granted is: A 12.00 foot easement for ingress and egress over and across that part of Government Lot One (1), Section 1, Township 116, Range 23, Carver County, described as follows:

Commencing at the southeast corner of said Section 1; thence on an

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assumed bearing of North 205.00 feet along the east line of said Section 1 to the point of beginning; thence continuing North 430.65 feet along the east line of said Section 1 to the southeast corner of that tract of land filed for record on October 30, 1973, in Book 114 of Deeds, page 447; thence North 67 degrees 43 minutes 00 seconds West 251.80 feet along the south line of said tract to its southwest corner; thence North, 65.00 feet along the west line of said tract; thence North 89 degrees 17 minutes 39 seconds West, 223.37 feet; thence North 48 degrees 25 minutes 13 seconds West, 107.06 feet; thence North 75 degrees 46 minutes 32 seconds West, 117.98 feet; thence South 87 degrees 23 minutes 08 seconds West, 168.93 feet; thence South 77 degrees 22 minutes 17 seconds West, 189.00 feet, more or less, to the water's edge of Lotus Lake; thence southeasterly along the water's edge of Lotus Lake to a point which bears North 69 degrees 00 minutes 00 seconds West from the point of beginning; thence South 69 degrees 00 minutes 00 seconds East 846.00 feet, more or less, to the point of beginning.

The centerline of said easement is described as follows:

Beginning at a point on the East line of said Government Lot 1, distant 1931.80 feet south from the Northeast corner of said Southeast Quarter; thence southwesterly 110.13 feet, along a curve to the left, having a radius of 300.00 feet, a central angle of 21 degrees 01 minutes 56 seconds, a chord distance of 109.51 feet and chord bearing of South 66 degrees 20 minutes 51 seconds West; thence westerly 98.77 feet, along a reverse curve to the right, having a radius of 71.50 feet and a central angle of 79 degrees 08 minutes 47 seconds; thence northerly 64.86 feet, along a compound curve to the right, having a radius of 100.00 feet and a central angle of 37 degrees 09 minutes 40 seconds to the northerly line of said property and there said line terminates.

For the purpose of this description, the side lines of said easement are to terminate at the north line of the above described property.

(d) The consideration received by the state for its conveyance of the easement shall be the value of the easement as established by the state's appraisal, less the appraised value of the easement the state is acquiring from the fee title owner of the land described in paragraph (a). The commissioner shall appraise and review both easements. Appraisal costs associated with the easement the state is granting shall be the state's responsibility. All other actual appraisal costs incurred by the commissioner shall be the fee title owner's responsibility.

(e) Conveyance of the easement shall take place only after the fee title owner of the land described in paragraph (a), has donated to the state of Minnesota a right-of-way easement for ingress and egress in connection with the operation, maintenance and repair of the Lotus Lake Fish Barrier which is located in the lands described in paragraph (c), approximately 60 feet westerly of the east line of the above described property in the outlet stream from Lotus Lake. Said easement shall be: A 12.00 foot easement for ingress and egress over and across that part of Government Lot 1, Section 1, Township 116, Range 23, Carver county, Minnesota, described as follows:

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Beginning at a point on the East line of said Government Lot 1, distant 1775.00 feet south from the Northeast corner of the Southeast Quarter of said Section 1; thence at right angles west, a distance of 233.00 feet; thence at right angles south, a distance of 129.51 feet; thence deflecting to the left 67 degrees 43 minutes, a distance of 251.80 feet to the East line of said Government Lot 1; thence north along said East line to the point of beginning, except the East 33.00 feet taken for State Highway No. 101. The centerline of said easement is described as follows:

Beginning at a point on the East line of said Government Lot 1, distant 1931.80 feet south from the Northeast corner of said Southeast Quarter; thence southwesterly 110.13, along a curve to the left, having a radius of 300.00 feet, a Central angle of 21 degrees 01 minutes 56 seconds, a chord distance of 109.51 feet and a chord bearing of South 66 degrees 20 minutes 51 seconds West and there said centerline terminates. For the purpose of this description, the side lines of said easement are to terminate at the South and East lines of the above described property.

(f) Both easements conveyed shall be perpetual and be drafted in a form approved by the attorney general. Any changes to the easement must be mutually agreed upon by all parties and approved as to form and execution by the attorney general.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor May 12, 1993

Signed by the governor May 14, 1993, 10:06 p.m.

CHAPTER 196—S.F.No. 464

An act relating to game and fish; color of outer clothing required in firearms deer zones; amending Minnesota Statutes 1992, section 97B.071.

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

Section 1. Minnesota Statutes 1992, section 97B.071, is amended to read:

97B.071 ~~RED OR~~ BLAZE ORANGE REQUIREMENTS.

A person may not hunt or trap during the open season in a zone or area where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is ~~red or~~ bright red or blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square.

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