

(2) paid wages by that employer in no more than two calendar quarters; and

(3) paid wages by that employer of less than \$3,000.

(b) This section shall only apply to benefit charges accruing after July 1, 1997.

(c) If the commissioner finds that an employer discharged the claimant, or engaged in the employment practice of discharging workers, in order to meet the requirements of paragraph (a), clauses (2) and (3), this section shall not apply. In addition, the employer's action shall constitute employer misconduct and the penalties under section 268.18, subdivision 6, shall be assessed.

Sec. 2. **[268.0511] ANNUAL PAYMENT OF SMALL LIABILITIES.**

(a) An employer may file contribution reports and pay contributions and assessments for any calendar year on an annual basis if the employer:

(1) has an experience rating of zero for that calendar year;

(2) had total taxable wages paid in the 12-month period ending the prior June 30 of less than five times the state's taxable wage base; and

(3) has no outstanding contribution or assessment liability, including penalties and interest.

(b) Contribution reports and contributions and assessments due under this section for any calendar year shall be paid on or before the following January 31.

Sec. 3. **SUNSET.**

Section 1 expires July 1, 1999.

Sec. 4. **EFFECTIVE DATE.**

Section 1 is effective July 1, 1997. Section 2 is effective January 1, 1999.

Presented to the governor May 1, 1997

Signed by the governor May 2, 1997, 3:00 p.m.

CHAPTER 81—H.F.No. 1383

An act relating to occupational safety and health; providing that certain notices are filed when placed in the United States mail; amending Minnesota Statutes 1996, section 182.661, subdivision 3b.

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

Section 1. Minnesota Statutes 1996, section 182.661, subdivision 3b, is amended to read:

Subd. 3b. **SERVICE OF NOTICES.** The contesting party shall serve a copy of the notice of contest and notice to employees, on forms provided by the commissioner, upon

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

unrepresented affected employees and authorized employee representatives on or before the date the notice of contest is filed with the commissioner. For purposes of this section, a document is considered filed upon receipt by the commissioner filing may be accomplished by United States mail addressed to the commissioner. Filing is timely if the document is deposited in the United States mail and postmarked within the time fixed for filing or otherwise timely received by the commissioner.

Sec. 2. APPLICABILITY; EFFECTIVE DATE.

Section 1 is effective August 1, 1997, and applies to enforcement proceedings commenced on or after that date.

Presented to the governor May 1, 1997

Signed by the governor May 2, 1997, 3:02 p.m.

CHAPTER 82—H.F.No. 317

An act relating to capital improvements; authorizing towns to exercise eminent domain and other powers for purposes of wastewater infrastructure; proposing coding for new law in Minnesota Statutes, chapter 444.

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

Section 1. [444.26] TOWNS; POWERS; RIGHT OF EMINENT DOMAIN.

Subdivision 1. POWERS. For the purpose of designing, planning, improving, and constructing a wastewater treatment system under section 446A.072, a town has all the powers given it under section 115.50.

Subd. 2. RIGHT OF EMINENT DOMAIN. Any town may exercise the right of eminent domain to acquire private property within or without the limits of the town for the purpose of carrying out the authority provided in this chapter, including obtaining the right-of-way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without the town limits. Chapter 117 applies to the exercise of eminent domain under this section.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor May 1, 1997

Signed by the governor May 2, 1997, 3:14 p.m.

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