

Presented to the governor April 27, 2001

Signed by the governor April 30, 2001, 2:59 p.m.

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**CHAPTER 64—H.F.No. 1889**

*An act relating to filings with the secretary of state; providing for the orderly revocation of delinquent foreign corporations; regulating certain transition issues under the Uniform Partnership Act of 1994; amending Minnesota Statutes 2000, sections 303.17, subdivisions 2, 3, 4; 323A.12-02.*

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

Section 1. Minnesota Statutes 2000, section 303.17, subdivision 2, is amended to read:

Subd. 2. **NOTICE TO CORPORATION.** On finding that any a default has occurred under subdivision 1, clauses (1) to (3) or (5), the secretary of state shall give notice by mail to the corporation, at its registered office in this state, that the default exists and that its certificate of authority will be revoked unless the default shall be cured within 30 days after the mailing of the notice.

Sec. 2. Minnesota Statutes 2000, section 303.17, subdivision 3, is amended to read:

Subd. 3. **REVOCATION AFTER 30 DAYS.** (a) The secretary of state shall revoke the certificate of authority of such a corporation to do business in this state if such default shall not be cured with such period of 30 days; provided, that for good cause shown the secretary of state may enlarge the period from time to time, but the aggregate of such enlargements shall not exceed 180 days or the period of any applicable extension granted by the department of revenue of time for filing the income tax return of the corporation, whichever is greater that is in default under subdivision 1, clause (4), for failure to file an annual registration form under section 303.14.

(b) The secretary of state shall revoke the certificate of authority of a corporation that is in default under subdivision 1, clauses (1) to (3) or (5), if the default is not cured within 30 days after mailing the notice under subdivision 2; provided that for good cause shown the secretary of state may extend the 30-day period from time to time, but in no event may the aggregate of all extensions granted exceed 180 days or the period of time of any applicable extension granted by the department of revenue for filing the income tax return of the corporation, whichever is greater.

Sec. 3. Minnesota Statutes 2000, section 303.17, subdivision 4, is amended to read:

Subd. 4. **CERTIFICATE OF REVOCATION.** (a) Upon revoking the certificate of authority of a corporation because of a default under subdivision 1, clauses (1) to (3) or (5), the secretary of state shall:

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(1) issue a certificate of revocation; and

(2) mail to the corporation, at its registered office in this state, a notice of the revocation.

(b) Upon revoking the certificate of authority of a corporation because of a default under subdivision 1, clause (4), the secretary of state shall issue a certificate of revocation, and the certificate must be filed in the office of the secretary of state. No further notice to the corporation is required.

(c) The secretary of state shall annually inform the attorney general and the commissioner of revenue of the methods by which the names of corporations revoked under this section during the preceding year may be determined. The secretary of state shall also make the names of the revoked corporations available in an electronic format.

Sec. 4. Minnesota Statutes 2000, section 323A.12-02, is amended to read:

**323A.12-02 APPLICABILITY.**

(a) Before January 1, 2002, chapter 323A governs only a partnership formed:

(1) after January 1, 1999, unless that partnership is continuing the business of a dissolved partnership under section 323.40; and

(2) before January 1, 1999, that elects, as provided by subsection (c), to be governed by chapter 323A.

(b) On and after January 1, 2002, chapter 323A governs all partnerships.

(c) Before January 1, 2002, a partnership voluntarily may elect, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be governed by chapter 323A. ~~The~~ Before January 1, 2002, provisions of chapter 323A relating to the liability of the partnership's partners to third parties apply to limit those partners' liability to a third party who had done business with the partnership within one year preceding the partnership's election to be governed by chapter 323A, only if the third party knows or has received a notification of the partnership's election to be governed by chapter 323A.

**Sec. 5. STATEMENT OF QUALIFICATION; GENERAL PARTNERSHIP GOVERNED BY CHAPTER 323.**

After August 31, 2001, and before January 1, 2002, a general partnership governed by Minnesota Statutes, chapter 323, may file a statement of qualification as provided by Minnesota Statutes, section 323A.10-01, to be effective January 1, 2002. A statement of qualification filed pursuant to this section:

(1) is not an election under Minnesota Statutes, section 323A.12-02, paragraph (c), to be governed by Minnesota Statutes, chapter 323A;

(2) has the same effect as a statement of qualification filed by a partnership which on the date of filing is governed by Minnesota Statutes, chapter 323A, except that the statement filed pursuant to this section takes effect on January 1, 2002; and

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(3) must include the following, clearly and conspicuously stated: "This statement of qualification is filed pursuant to Laws 2001, chapter 64, section 5, is not an election under Minnesota Statutes, section 323A.12-02, paragraph (c), to be governed by Minnesota Statutes, chapter 323A, and is to take effect on January 1, 2002, when by operation of law, Minnesota Statutes, chapter 323A, will govern the partnership that is filing this statement."

Presented to the governor April 27, 2001

Signed by the governor April 30, 2001, 2:55 p.m.

### CHAPTER 65—H.F.No. 967

*An act relating to health; permitting schools to sponsor potluck events; permitting fraternal or patriotic organizations to sell home-prepared food at certain events; amending Minnesota Statutes 2000, section 157.22.*

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

Section 1. Minnesota Statutes 2000, section 157.22, is amended to read:

#### 157.22 EXEMPTIONS.

This chapter shall not be construed to apply to:

(1) interstate carriers under the supervision of the United States Department of Health and Human Services;

(2) any building constructed and primarily used for religious worship;

(3) any building owned, operated, and used by a college or university in accordance with health regulations promulgated by the college or university under chapter 14;

(4) any person, firm, or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food or beverage establishment; provided that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of this chapter or the rules of the state commissioner of health relating to food and beverage service establishments;

(5) family day care homes and group family day care homes governed by sections 245A.01 to 245A.16;

(6) nonprofit senior citizen centers for the sale of home-baked goods; and

(7) fraternal or patriotic organizations that are tax exempt under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal Revenue Code of 1986, or organizations related to or affiliated with such fraternal or patriotic organizations. Such organizations may organize events at which home-prepared food

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