

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

Section 1. Minnesota Statutes 1978, Chapter 144, is amended by adding a section to read:

[144.123] FEES FOR DIAGNOSTIC LABORATORY SERVICES; EXCEPTIONS. Subdivision 1. Except for the limitation contained in this section, the commissioner of health shall charge a handling fee for each specimen submitted to the department of health for analysis for diagnostic purposes by any hospital, private laboratory, private clinic, or physician. No fee shall be charged to any entity which receives direct or indirect financial assistance from state or federal funds administered by the department of health, including any public health department, nonprofit community clinic, venereal disease clinic, family planning clinic, or similar entity. The commissioner of health may establish by rule other exceptions to the handling fee as may be necessary to gather information for epidemiologic purposes. All fees collected pursuant to this section shall be deposited in the state treasury and credited to the general fund.

Subd. 2. The commissioner of health shall promulgate rules, in accordance with chapter 15, which shall specify the amount of the handling fee prescribed in subdivision 1. The fee shall approximate the costs to the department of handling specimens including reporting, postage, specimen kit preparation, and overhead costs. The fee prescribed in subdivision 1 shall be \$1.50 per specimen until the commissioner promulgates rules pursuant to this subdivision.

Sec. 2. **EFFECTIVE DATE.** This act is effective July 1, 1979.

Approved April 30, 1979.

CHAPTER 50—H.F.No.638

An act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1978, Sections 5.06; 15.0411, Subdivision 2; 16.723; 16A.71; 18.023, Subdivision 3a; 43.224; 52.04, Subdivision 1; 61A.245, Subdivisions 4, 7, and 12; 112.87; 122.531, Subdivision 4; 124.17, Subdivision 1; 150A.06, Subdivision 2a; 168.041, Subdivision 2; 168A.01, Subdivisions 18 and 19; 176.611, Subdivision 6a; 179.70, Subdivision 1; 192A.25, Subdivision 2; 192A.555; 221.011, Subdivision 22; 237.295, Subdivision 3; 270.01; 270.02, Subdivision 4; 270.10, Subdivision 1; 273.02, Subdivisions 2 and 3; 273.061, Subdivision 8; 274.18; 276.07; 279.03; 281.275; 282.15; 282.341, Subdivision 2; 290.01, Subdivision 20; 294.26; 326.48, Subdivision 2; 352B.11, Subdivision 2; 352D.02, Subdivision 1; 352E.01, Subdivision 2; 353.16; 354.44, Subdivisions 4 and 6; 355.56; 356.20, Subdivision 2; 356.60, Subdivision 1; 414.033, Subdivision 1; 414.035; 420.06; 422A.09, Subdivision 3; 423.076; 458A.03, Subdivision 2; 458A.06, Subdivisions 1 and 4; 462A.05, Subdivision 16; 462A.21, Subdivision 5; 507.09; 507.10; 507.13; 507.14; 518.005, Subdivisions 3 and 4; 524.3-303; 648.31, Subdivision 1; Laws 1975, Chapter 339, Section 10; repealing Minnesota Statutes 1978, Section 144.49, Subdivisions 2, 3 and 4; Laws 1977, Chapter 11, Section 8;

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412, Section 2; Laws 1978, Chapters 538, Section 6; and 720, Section 5.

REVISOR'S BILL

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

Section 1. Minnesota Statutes 1978, Section 5.06, is amended in line 5 by deleting "secretary of state" and inserting "administrator of general services".

Sec. 2. Minnesota Statutes 1978, Section 15.0411, Subdivision 2, is amended in line 6 by deleting "and pardon board".

Sec. 3. Minnesota Statutes 1978, Section 16.723, is amended in line 3 by deleting ", effective July 1, 1974 or as soon thereafter as practicable,".

Sec. 4. Minnesota Statutes 1978, Section 16A.71, is amended to read:

16A.71 TACONITE MUNICIPAL AID ACCOUNT; CREATION; FUNCTION. A taconite municipal aid account in the apportionment fund of the state treasury is hereby created in the state treasury. All funds available to the credit of such account under section ~~298.281~~, subdivision 4 298.28, subdivision 1, clause (2) shall be deposited therein. All moneys to be paid from such account pursuant to the provisions of ~~Extra Session Laws 1971, Chapter 31, Article 30, or any other law sections 298.282 and 298.283~~ are hereby appropriated annually from said account for the purpose for which payment is to be made.

Sec. 5. Minnesota Statutes 1978, Section 18.023, Subdivision 3a, is amended in line 10 by inserting "or" after "471.59".

Sec. 6. Minnesota Statutes 1978, Section 43.224, is amended in line 6 by deleting "subdivision 2" and inserting "subdivision 17".

Sec. 7. Minnesota Statutes 1978, Section 52.04, Subdivision 1, is amended in clause (7), line 1 by deleting "and" after the semicolon, and in the last line of clause (10) by deleting "and" after the semicolon.

Sec. 8. Minnesota Statutes 1978, Section 61A.245, Subdivision 4, is amended in line 3 by deleting "section" and inserting "subdivision".

Sec. 9. Minnesota Statutes 1978, Section 61A.245, Subdivision 7, is amended to read:

Subd. 7. For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred

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paid-up annuity, the present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to determine the maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, the present values shall be calculated on the basis of the interest rate referred to in this subdivision and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

Sec. 10. Minnesota Statutes 1978, Section 61A.245, Subdivision 12, is amended in line 3 by deleting "the second anniversary of August 1, 1978" and inserting "August 1, 1980".

Sec. 11. Minnesota Statutes 1978, Section 112.87, is amended in line 1 by deleting "117.115" and inserting "117.155".

Sec. 12. Minnesota Statutes 1978, Section 122.531, Subdivision 4, is amended in line 3 by deleting "166" and inserting "122".

Sec. 13. Minnesota Statutes 1978, Section 124.17, Subdivision 1, Clause (5) is amended in line 12 by deleting "(3)".

Sec. 14. Minnesota Statutes 1978, Section 144.49, Subdivisions 2, 3, and 4, are repealed.

Sec. 15. Minnesota Statutes 1978, Section 150A.06, Subdivision 2a, is amended in line 5 by deleting "50A.03" and inserting "150A.03".

Sec. 16. Minnesota Statutes 1978, Section 168.041, Subdivision 2, is amended in line 5 by deleting "transportation" and inserting "public safety".

Sec. 17. Minnesota Statutes 1978, Section 168A.01, Subdivision 18, is amended in line 1 and 2 by deleting "Minnesota Statutes 1969, Section 336.9-105 (1) (i)" and inserting "section 336.9-105 (1) (m)".

Sec. 18. Minnesota Statutes 1978, Section 168A.01, Subdivision 19, is amended in line 2 by deleting "Minnesota Statutes 1969, Section 336.9-105 (1) (h)" and inserting "section 336.9-105 (1) (l)".

Sec. 19. Minnesota Statutes 1978, Section 176.611, Subdivision 6a, is amended in line 6 by deleting "\$3,437,960" and inserting "\$3,437,690".

Sec. 20. Minnesota Statutes 1978, Section 179.70, Subdivision 1, is amended in line 21 by deleting "grieving" and inserting "aggrieved".

Sec. 21. Minnesota Statutes 1978, Section 192A.25, Subdivision 2, is amended in line 1 by inserting "may" after the word "court-martial".

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Sec. 22. Minnesota Statutes 1978, Section 192A.555, is amended in line 2 by deleting "while".

Sec. 23. Minnesota Statutes 1978, Section 221.011, Subdivision 22, Clause (b) is amended in line 4 by deleting "subdivision 1, paragraph 4a" and inserting "subdivision 1c".

Sec. 24. Minnesota Statutes 1978, Section 237.295, Subdivision 3, is amended in line 2 by deleting "2 and 3" and inserting "1 and 2".

Sec. 25. Minnesota Statutes 1978, Section 270.01, is amended in lines 2 and 3 by deleting ", except as to the functions herein or by other provisions of law committed to the state tax court".

Sec. 26. Minnesota Statutes 1978, Section 270.02, Subdivision 4, is amended in line 4 by deleting ", except the tax court".

Sec. 27. Minnesota Statutes 1978, Section 270.10, Subdivision 1, is amended to read:

270.10 ORDERS, DECISIONS, REPORTS. Subdivision 1. **IN WRITING; APPROVAL BY ATTORNEY GENERAL.** All orders and decisions of the commissioner of revenue, or any of his subordinates, respecting any tax, assessment, or other obligation, shall be in writing, filed in the offices of the department. No order or decision increasing or decreasing any tax, assessment, or other obligation by a sum exceeding \$500 on real or personal property, or the assessed valuation thereof, or other obligation relating thereto, the result of which is to increase or decrease the total amount payable including penalties and interest, by a sum exceeding \$1,000, and no order or decision increasing or decreasing any other tax by a sum exceeding \$1,000 exclusive of penalties and interest, shall be made without the written signature or facsimile signature of the commissioner, a deputy commissioner, assistant commissioner, division director, or acting division director in each case. Written notice of every order granting a reduction, abatement, or refundment exceeding \$1,000 of any tax exclusive of penalties and interest, shall be given within five days to the attorney general. The attorney general shall forthwith examine such order, and if he deems the same proper and legal he shall approve the same in writing, and may waive the right of appeal therefrom in behalf of the state; otherwise he shall take an appeal from the order in behalf of the state as herein provided; but written approval of the commissioner or his deputy and written notice to the attorney general, shall not be required with respect to the following orders: (1) orders reducing assessed valuation of property by reason of its classification as a homestead; ~~(2)~~ (2) orders not involving refunds which have the effect only of correcting income and franchise tax assessments to conform to the amounts shown on final returns filed as provided by section 290.42, clause ~~(5)~~ (6); ~~(4)~~ (3) original orders for the refundment of gasoline and special fuel taxes.

Sec. 28. Minnesota Statutes 1978, Section 273.02, Subdivision 2, is amended in line 1 by deleting "Laws 1943, Chapter 632, as amended" and inserting "subdivisions 1 to 3"; and in lines 4 and 5 by deleting "Laws 1943, Chapter 632, as amended," and inserting "subdivisions 1 to 3".

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Sec. 29. Minnesota Statutes 1978, Section 273.02, Subdivision 3, is amended in line 1 by deleting "Laws 1943, Chapter 632," and inserting " subdivisions 1 to 3 ".

Sec. 30. Minnesota Statutes 1978, Section 273.061, Subdivision 8, Clause (7), is amended in line 6 by deleting "biennial".

Sec. 31. Minnesota Statutes 1978, Section 274.18, is amended in line 2 by deleting "odd-numbered".

Sec. 32. Laws 1975, Chapter 339, Section 10, is amended in line 3 and 4 by deleting "all even-numbered".

Sec. 33. Minnesota Statutes 1978, Section 276.07, is amended to read:

276.07 UNDIVIDED INTEREST; PAYMENT AND RECEIPT. Any person holding an undivided interest in any property in this state listed for taxation, including mortgagees, lessees, and others, who by law or contract are required or entitled to pay taxes to protect any right, title, interest, claim, or lien held by them in, to, or upon undivided interests in land, may pay the taxes on such undivided interests, and on such payment the county treasurer ~~shall~~ may give his receipt for the amount so paid and specify the interest so paid on, and shall enter on his tax list the name of the person who paid such taxes and the interest paid, and shall report to the county auditor the payment of such taxes upon such undivided interests. Thereupon such undivided interests shall be exempt from proceedings to enforce the collection of the same tax against other undivided interests upon which such tax has not been paid, and the collection of such tax upon the undivided interests upon which the taxes have not been paid shall be proceeded with in the same manner as to such undivided interests as though it were a separate description.

Sec. 34. Minnesota Statutes 1978, Section 279.03, is amended to read:

279.03 INTEREST ON DELINQUENT REAL ESTATE TAXES. The rate of interest on delinquent real estate taxes ~~levied in the year 1930 and 1931 is hereby fixed at ten percent per annum; and the rate of interest on delinquent real estate taxes levied in the year 1932 and subsequent years is hereby fixed at eight percent per annum. The rate of interest on delinquent taxes levied in the year 1942 and subsequent years is hereby fixed at six percent per annum.~~ All provisions of law providing for the calculation of interest at any different rate on delinquent taxes in any notice or proceeding in connection with the payment, collection, sale, or assignment of delinquent taxes, or redemption from such sale or assignment are hereby amended to correspond herewith. In calculating such interest for any fractional part of a year ~~on taxes levied in 1930 and 1931 it shall be calculated on the basis of five-sixths of one percent for any month or major fraction thereof; and in calculating such interest for any fractional part of a year on taxes levied in 1932 and subsequent years, it shall be calculated on the basis of two-thirds of one percent for any month or major fraction thereof. In calculating such interest for any fractional part of a year on taxes levied in 1942 and subsequent years, it shall be calculated on the basis of one-half of one percent for any month or major fraction thereof.~~

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Such interest shall be calculated from the second Monday of May following the year in which the taxes became due, on the full amount of the taxes, penalties and costs accrued.

The provisions of this section shall not apply to any taxes which have heretofore been bid in by an actual purchaser at a May tax sale or which have heretofore been assigned.

Sec. 35. Minnesota Statutes 1978, Section 281.275, is amended in lines 7 and 8 by deleting "Section 500 (2)" and inserting " 50 U.S.C.A. App., Section 560 (2) "; and in lines 13 and 14 by deleting "Section 200 to Section 205," and inserting " 50 U.S.C.A. App., Sections 520 to 525, ".

Sec. 36. Minnesota Statutes 1978, Section 282.15, is amended in line 16 by deleting "first day of May" and inserting " second day of January ".

Sec. 37. Minnesota Statutes 1978, Section 282.341, Subdivision 2, is amended in line 3 by deleting "May first" and inserting " January 2 ".

Sec. 38. Minnesota Statutes 1978, Section 290.01, Subdivision 20, Clause (a) is amended in subclause (8), line 6 by deleting "and" after the semicolon; in subclause (10), line 2 by deleting "and" after the semicolon; and, in subclause (13), line 7 by inserting " and " after the semicolon.

Sec. 39. Minnesota Statutes 1978, Section 294.26, is amended in line 2 by deleting "294.27" and inserting " 294.25 ".

Sec. 40. Minnesota Statutes 1978, Section 326.48, Subdivision 2, is amended in line 17 by deleting "board" and inserting " department ".

Sec. 41. Minnesota Statutes 1978, Section 352B.11, Subdivision 2, Clause (d), is amended in line 12 by deleting "\$400" and inserting in lieu " 40 percent of the average monthly salary ".

Sec. 42. Laws 1978, Chapter 720, Section 5, is repealed.

Sec. 43. Minnesota Statutes 1978, Section 352D.02, Subdivision 1, Clause (2) is amended in line 3 by deleting "subdivision 3" and inserting " subdivisions 4 and 4a ".

Sec. 44. Minnesota Statutes 1978, Section 352E.01, Subdivision 2, is amended to read:

Subd. 2. **PEACE OFFICER.** "Peace officer" means:

(a) A police officer employed by the state of Minnesota or any governmental subdivision within the state to enforce the criminal laws;

(b) A Minnesota highway patrol officer;

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(c) A sheriff or fulltime deputy sheriff with power of arrest by warrant;

(d) A state conservation officer as defined in section 84.028, subdivision 3;

(e) A person employed by the bureau of criminal apprehension as a police officer with power of arrest by warrant;

(f) A correction officer employed at any correctional institution and charged with maintaining the safety, security, discipline and custody of inmates at such institutions;

(g) A firefighter; ~~for the purposes of sections 352E.01 to 352E.05, is a person~~ employed on a fulltime basis by a fire department of any governmental subdivision of the state who is engaged in the hazards of fire fighting or a regularly enrolled member of a volunteer fire department who is engaged in the hazards of fire fighting;

(h) A good samaritan; ~~for the purposes of sections 352E.01 to 352E.05, is a person~~ who complies with the request or direction of a peace officer to assist the officer; and

(i) A reserve police officer or a reserve deputy sheriff acting under the supervision and authority of a political subdivision.

Sec. 45. Minnesota Statutes 1978, Section 353.16, is amended to read:

353.16 AUDIT OF BOOKS AND ACCOUNTS; INSURANCE LAWS NOT APPLICABLE. None of the laws of this state regulating insurance or insurance companies shall apply to the retirement association or any of its funds. The books and accounts of the association and the retirement fund shall be examined and audited annually, if funds and personnel permit, by the legislative auditor of the state and a full and detailed report thereof made to the board of trustees. The cost of such examination shall be paid by the retirement association in accordance with the provisions of section ~~16A.125, subdivision 9~~ 16A.127, subdivision 7. For the purposes of this section the public employees retirement association shall be considered a ~~board~~ state agency as referred to in ~~subdivision 9~~ section 16A.127, subdivision 7.

Sec. 46. Minnesota Statutes 1978, Section 354.44, Subdivision 4, is amended in line 14 by deleting "section" and inserting "subdivision".

Sec. 47. Minnesota Statutes 1978, Section 354.44, Subdivision 6, is amended in the last line by deleting "section" and inserting "subdivision".

Sec. 48. Minnesota Statutes 1978, Section 355.56, is amended in line 4 by deleting "Minnesota Statutes, Sections 354.05 to 354.14 and 354.31 to 354.55" and inserting "chapter 354".

Sec. 49. Minnesota Statutes 1978, Section 356.20, Subdivision 2, is amended to read:

Subd. 2. (1) State employees retirement fund.

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(2) Public employees retirement fund.

(3) Teachers retirement fund.

(4) Highway patrolmen's retirement fund.

~~(5) Metropolitan transit commission-transit operating division employees retirement plan.~~

(6) (5) Minneapolis teachers retirement fund association.

(7) (6) St. Paul teachers retirement fund association.

(8) (7) Duluth teachers retirement fund association.

(9) (8) Municipal employees retirement board of Minneapolis.

~~(10) (9) University of Minnesota police retirement plan.~~

~~(11) (10) University of Minnesota faculty retirement plan.~~

~~(12) (11) Judges retirement fund.~~

~~(13) (12) Any police or firefighter's relief association enumerated in section 69.77, subdivision 1a.~~

Sec. 50. Laws 1978, Chapter 538, Section 6, is repealed.

Sec. 51. Minnesota Statutes 1978, Section 356.60, Subdivision 1, Clause (a) is amended in line 2 by deleting "356.21" and inserting "356.20".

Sec. 52. Minnesota Statutes 1978, Section 414.033, Subdivision 1, is amended in line 1 by deleting "The annexation of".

Sec. 53. Minnesota Statutes 1978, Section 414.035, is amended in line 2 by deleting "." after "414.0325" and inserting "or".

Sec. 54. Minnesota Statutes 1978, Section 420.06, is amended in line 5 by deleting "exclusively".

Sec. 55. Minnesota Statutes 1978, Section 422A.09, Subdivision 3, Clause (5), is amended in line 7 by deleting "are" and inserting "is".

Sec. 56. Minnesota Statutes 1978, Section 423.076, is amended in line 4 by deleting "or 423.26".

Sec. 57. Minnesota Statutes 1978, Section 458A.03, Subdivision 2, is amended in lines 4 and 5 by deleting ".", and acts amendatory thereof and supplementary thereto".

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Sec. 58. Minnesota Statutes 1978, Section 458A.06, Subdivision 1, is amended in lines 3 and 4 by deleting “, and acts amendatory thereof and supplementary thereto”.

Sec. 59. *Minnesota Statutes 1978, Section 458A.06, Subdivision 4, is amended in line 19 by deleting “and acts amendatory thereof and supplementary thereto”.*

Sec. 60. Minnesota Statutes 1978, Section 462A.05, Subdivision 16, is amended in line 3 by deleting “Laws 1974, Chapter 441” and inserting “ section 462A.03, subdivision 11 ”; and in lines 5 and 14 by deleting “Laws 1974, Chapter 441” and inserting “ sections 462A.01 to 462A.24 ”.

Sec. 61. Minnesota Statutes 1978, Section 462A.21, Subdivision 5, is amended in line 2 by deleting “Laws 1974, Chapter 441” and inserting “ sections 462A.01 to 462A.24 ”.

Sec. 62. Minnesota Statutes 1978, Section 507.09, is amended in line 5 by deleting “and are hereby” and inserting “ are ”.

Sec. 63. Minnesota Statutes 1978, Section 507.10, is amended in line 4 by deleting “507.08” and inserting “ 507.09 ”.

Sec. 64. Minnesota Statutes 1978, Section 507.13, is amended in line 4 by deleting “507.08” and inserting “ 507.09 ”.

Sec. 65. Minnesota Statutes 1978, Section 507.14, is amended in line 2 by deleting “507.08” and inserting “ 507.09 ”.

Sec. 66. Minnesota Statutes 1978, Section 518.005, Subdivision 3, is amended in line 1 by deleting “518.001” and inserting “ 518.002 ”.

Sec. 67. Minnesota Statutes 1978, Section 518.005, Subdivision 4, is amended in line 1 by deleting “518.001” and inserting “ 518.002 ”.

Sec. 68. Minnesota Statutes 1978, Section 524.3-303, Clause (a), subclause (6) is amended in lines 1 and 2 by deleting “and that the application is not within section 524.3-304”.

Sec. 69. Minnesota Statutes 1978, Section 648.31, Subdivision 1, is amended in lines 6 and 7 by deleting “a table showing the terms of the district courts.”.

Sec. 70. Laws 1977, Chapter 11, Section 8, is repealed.

Sec. 71. Laws 1977, Chapter 412, Section 2, is repealed.

Approved April 30, 1979.

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