

Sec. 14. EFFECTIVE DATE.

Section 1 is effective for taxes levied in 1982 and thereafter, payable in 1983, and thereafter. Sections 2, 3, and 13, clause (a), are effective for claims based on rent paid in 1982 and thereafter, and property taxes payable in 1983 and thereafter. Sections 4, 5, and 6 are effective for sales occurring on or after May 1, 1982. Sections 7, 8, 9, 10, 11, 12, and 13, clause (b), are effective the day after final enactment.

Approved March 31, 1982

CHAPTER 642 — S.F.No. 2169

An act relating to legislative enactments; correcting erroneous, ambiguous, omitted and obsolete references and text; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results and errors of a noncontroversial nature in the 1982 regular session and the third special session of 1981; redefining drug paraphernalia to exclude items used in conjunction with permitted uses under the controlled substance law; amending Minnesota Statutes 1980, Sections 62C.142, Subdivision 3; 62D.101, Subdivision 3; 123.933, Subdivision 3; 152.01, Subdivision 18, as amended; 244.09, Subdivision 2, as amended; 327.14, Subdivision 8; 340.951, as amended; 475.61, Subdivision 3, as amended; Minnesota Statutes 1981 Supplement, Sections 56.12; 124.2125, Subdivision 1, as amended; 124.73, Subdivision 1; 273.13, Subdivision 9, as amended; 475.55, Subdivision 2, as amended; Laws 1981, Third Special Session Chapter 2, Article IV, Section 1, as amended; Laws enacted at the 1982 regular session styled as S.F. Nos. 1451, Section 20, Subdivision 1; 1538, Section 13; 1818, by adding a section; H.F. No. 1025; proposing new law coded in Minnesota Statutes, Chapter 327; repealing laws enacted at the 1982 regular session styled as H.F. Nos. 552 and 1663, Section 1.

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

Section 1. REPEALER.

H.F. No. 1663, Section 1, as enacted at the 1982 regular session, is repealed.

Sec. 2. Minnesota Statutes 1980, Section 475.61, Subdivision 3, if H.F. No. 1555, Article IV, Section 17, is enacted at the 1982 regular session, is amended to read:

Subd. 3. **IRREVOCABILITY.** Tax levies so made and filed shall be irrevocable, except as provided in this subdivision.

In each year when there is on hand any excess amount in the debt service fund of a school district at the time the district makes its property tax levies, the amount of the excess shall be certified by the school board to the county auditor

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and the auditor shall reduce the ~~amount tax levy~~ otherwise to be included in the rolls next prepared by the amount certified, unless the school board determines that the excess amount is necessary to ensure the prompt and full payment of the obligations and any call premium on the obligations, or will be used for redemption of the obligations in accordance with their terms. An amount shall be presumed to be excess if for a school district in the amount that it, together with the levy required by subdivision 1, will exceed 106 percent in excess of the amount needed to meet when due the principal and interest payments on the obligations due before the second following July 1. This subdivision shall not limit a school board's authority to specify a tax levy in a higher amount if necessary because of anticipated tax delinquency.

If the governing body, including the governing body of a school district, in any year makes an irrevocable appropriation to the debt service fund of moneys actually on hand or if there is on hand any excess amount in the debt service fund, the recording officer may certify to the county auditor the fact and amount thereof and the auditor shall reduce by the amount so certified the amount otherwise to be included in the rolls next thereafter prepared.

Sec. 3. Minnesota Statutes 1980, Section 244.09, Subdivision 2, if H.F. No. 492, Section 3, is enacted by the 1982 regular session, is amended to read:

Subd. 2. The sentencing guidelines commission shall consist of the following:

- (1) The chief justice of the supreme court or his designee;
- (2) Two district court judges appointed by the chief justice of the supreme court;
- (3) One public defender appointed by the governor upon recommendation of the state public defender;
- (4) One county attorney appointed by the governor upon recommendation of the board of governors of the county attorneys council;
- (5) The commissioner of corrections or his designee;
- (6) The chairman of the Minnesota corrections board or the board of supervised release or his designee;
- (7) One peace officer as defined in section 626.84 appointed by the governor;
- (8) One probation officer or parole officer appointed by the governor; and
- (9) Two public members appointed by the governor.

One of the members shall be designated by the governor as chairman of the commission.

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Sec. 4. S.F. No. 1818, if enacted by the 1982 regular session, is amended by adding a section to read:

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day following final enactment.

Sec. 5. S.F. No. 1538, Section 13, if enacted by the 1982 regular session is amended to read:

Sec. 13. EFFECTIVE DATE.

Sections 1 to 9 12 are effective the day after final enactment. The elected law enforcement officers serving in office on the effective date of this act shall serve until the expiration of their terms of office.

Sec. 6. H.F. No. 552, as enacted by the 1982 regular session is repealed.

Sec. 7. [327.131] FRAUD.

A person who (1) obtains food, lodging, or other accommodations at a recreational camping area without paying for it, and with intent to defraud the owner or manager of the recreational camping area or (2) obtains credit at a recreational camping area by or through any false pretense, or by or through the aid, assistance, or influence of any baggage or effects in his possession and control, but not actually belonging to him, shall be guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1980, Section 327.14, Subdivision 8, is amended to read:

Subd. 8. **RECREATIONAL CAMPING AREA.** ~~The words "Recreational camping area"~~ as used in sections ~~327.07~~, 327.10, 327.11, 7, 327.14 to 327.28 ~~shall mean~~ means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor-homes, or camping trailers and whether use of ~~such~~ the accommodation is granted free of charge or for compensation. Provided, that nothing in this definition shall be ~~constructed~~ construed to include children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health regulations and also shall not include United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 273.13, Subdivision 9, if H.F. No. 1872 is enacted at the 1982 regular session, is amended to read:

Subd. 9. **CLASS 4A, 4B, 4C, AND 4D.** (1) All property not included in the preceding classes shall constitute class 4a and shall be valued and assessed at 43 percent of the market value thereof, except as otherwise provided in this subdivision.

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(2) Real property which is not improved with a structure and which is not utilized as part of a commercial or industrial activity shall constitute class 4b and shall be valued and assessed at 40 percent of market value.

(3) Commercial and industrial property, except as provided in this subdivision, shall constitute class 4c and shall be valued and assessed at 40 percent of the first \$50,000 of market value and 43 percent of the remainder, provided that in the case of state-assessed commercial or industrial property owned by one person or entity, only one parcel shall qualify for the 40 percent assessment, and in the case of other commercial or industrial property owned by one person or entity, only one parcel in each county shall qualify for the 40 percent assessment.

(4) Industrial employment property defined in section 2 3, during the period provided in section 2 3, shall constitute class 4d and shall be valued and assessed at 20 percent of the first \$50,000 of market value and 21.5 percent of the remainder.

Sec. 10. Minnesota Statutes 1980, Section 123.933, Subdivision 3, is amended to read:

Subd. 3. (a) The cost per pupil of the textbooks, individualized instructional materials and standardized tests provided for in this section for each school year shall not exceed the statewide average expenditure per pupil, adjusted pursuant to clause (b), by the Minnesota public elementary and secondary schools for textbooks, individualized instructional materials and standardized tests as computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.

(b) The cost computed in clause (a) shall be increased by an inflation adjustment equal to the percent of increase in the foundation aid formula allowance, pursuant to section ~~124.212~~ 124.2122, subdivision 1, from the second preceding school year to the current school year.

(c) The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the textbooks, individualized instructional materials and standardized tests for the pupils in each nonpublic school. The allotment shall not exceed the product of the statewide average expenditure per pupil, adjusted pursuant to clause (b), multiplied by the number of nonpublic school pupils who make requests pursuant to this section and who are enrolled as of September 15 of the current school year.

Sec. 11. Minnesota Statutes 1980, Section 340.951, if S.F. No. 358, Section 8, is enacted at the 1982 regular session, is amended to read:

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340.951 NOTICE OF INJURY.

Every person who claims damages, and every person or his insurer who claims contribution or indemnity, from any municipality owning and operating a municipal liquor store or from the licensee of any licensed ~~liquor~~ establishment for the sale of intoxicating liquor or non-intoxicating malt liquor for or on account of any injury within the scope of section 340.95, shall give a written notice to the governing body of the municipality or the licensee of ~~the liquor establishment~~, as the case may be, stating:

(1) The time and date when, and person to whom the liquor was sold or bartered;

(2) The name and address of the person or persons who were injured or whose property was damaged;

(3) The approximate time and date and the place where any injury to person or property occurred. Every municipality or licensee who claims contribution or indemnification from any other licensee or municipality shall give a written notice in the form and manner specified in this section to the other municipality or licensee.

No error or omission in the notice shall void the effect of the notice, if otherwise valid, unless the error or omission is of a substantially material nature.

In the case of claims for contribution or indemnity this notice shall be served within 120 days after the injury occurs, or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable, and no action for contribution or indemnity therefor shall be maintained unless the notice has been given. In the case of a claim for damages the notice shall be served by the claimant's attorney within 120 days of the date of entering an attorney-client relationship with the person in regard to the claim, and no action for damages shall be maintained unless the notice has been given.

Actual notice of sufficient facts to reasonably put the governing body of the municipality or the licensee of ~~the liquor establishment~~, as the case may be, or its insurer, on notice of a possible claim, shall be construed to comply with the notice requirements herein.

No action shall be maintained for injury under section 340.95 unless commenced within two years after the injury.

Sec. 12. H.F. No. 1025, if enacted by the 1982 regular session, is amended by adding a section to read:

Sec. 4. EFFECTIVE DATE.

Section 2 is effective for sales of motorized bicycles occurring after the day following final enactment of sections 1 to 4.

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Sec. 13. Minnesota Statutes 1981 Supplement, Section 56.12, if H.F. No. 1576 is enacted at the 1982 regular session, is amended to read:

56.12 ADVERTISING; TAKING OF SECURITY; PLACE OF BUSINESS.

No licensee shall advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action which is false, misleading, or deceptive. The commissioner may order any licensee to desist from any conduct which he shall find to be a violation of the foregoing provisions.

The commissioner may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. A statement of rates of charge that meets the requirements of the federal Truth-in-Lending Act and regulations thereunder shall be deemed full compliance with this section.

A licensee may take a lien upon real estate as security for any loan exceeding \$2,700 in principal amount made under this chapter. The provisions of sections 47.20 and 47.21 do not apply to loans made under this chapter, except as provided in this section. No loan secured by a first lien on a borrower's primary residence shall be made pursuant to this section if the proceeds of the loan are used to finance the purchase of the borrower's primary residence, unless:

(1) the proceeds of the loan are used to finance the purchase of a manufactured home; or

(2) the proceeds of the loan are used in whole or in part to satisfy the balance owed on a contract for deed. The rate of interest charged on such a loan made after August 1, 1984, shall not exceed the rate provided in section 47.20, subdivision 4a.

If the proceeds of the loan are used to finance the purchase of the borrower's primary residence, the licensee shall consent to the subsequent transfer of the real estate if the existing borrower continues after transfer to be obligated for repayment of the entire remaining indebtedness. The licensee shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the property used as collateral, and (2) executes an agreement in writing with the licensee whereby the transferee assumes the obligations of the existing borrower under the loan instruments. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument. A licensee may charge a fee not in excess of one-tenth of one percent of the remaining unpaid principal balance in the event

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the loan is assumed by the transferee and the existing borrower continues after the transfer to be obligated for repayment of the entire assumed indebtedness. A licensee may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee and the existing borrower is released from all obligations under the loan instruments, but in no event shall the fee exceed \$150.

A licensee making a loan under this chapter secured by a ~~loan~~ lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

No licensee shall conduct the business of making loans under this chapter within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, if the commissioner finds that the character of the other business is such that it would facilitate evasions of this chapter or of the rules and regulations lawfully made hereunder. The commissioner may promulgate rules dealing with such other businesses.

No licensee shall transact the business or make any loan provided for by this chapter under any other name or at any other place of business than that named in the license. No licensee shall take any confession of judgment or any power of attorney. No licensee shall take any note or promise to pay that does not accurately disclose the principal amount of the loan, the time for which it is made, and the agreed rate or amount of charge, nor any instrument in which blanks are left to be filled in after execution. Nothing herein is deemed to prohibit the making of loans by mail.

Sec. 14. S.F. No. 1451, Section 20, Subdivision 1, if enacted at the 1982 regular session, is amended to read:

[473.877] Subdivision 1. **AUTHORITY.** Any agreement under section 471.59 to jointly or cooperatively manage or plan for the management of surface water as required by sections 18 to 25 may provide for a joint board having:

(a) the authority to prepare and adopt a plan meeting the requirements of section 21;

(b) the authority to review and approve local water management plans as provided in section 22;

(c) the authority of a watershed district under chapter 112 to regulate the use and development of land when one or more of the following conditions exists: (1) the local government unit exercising planning and zoning authority over the land under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a local water management plan approved and adopted in accordance with the requirements of section ~~44~~ 22 or has not adopted the implementation program described in the plan; (2) an application to the local government unit for a permit for the use and development of land requires an amendment to

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or variance from the adopted local water management plan or implementation program of the local unit; (3) the local government unit has authorized the organization to require permits for the use and development of land.

(d) other powers necessary to exercise the authority under clauses (a) to (c), including the power to enter into contracts for the performance of functions with governmental units or persons.

Sec. 15. Minnesota Statutes 1980, Section 62C.142, Subdivision 3, if S.F. No. 1706 is enacted at the 1982 regular session, is amended to read:

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Subd. 3. **APPLICATION.** Subdivision 1 applies to every subscriber contract which is delivered, issued for delivery, renewed or amended on or after July 19, 1977.

Subdivisions 2 and 2a apply to every subscriber contract which is delivered, issued for delivery, renewed, or amended on or after ~~August 1, 1982~~ March 1, 1983.

Sec. 16. Minnesota Statutes 1980, Section 62D.101, Subdivision 3, if S.F. No. 1706 is enacted at the 1982 regular session, is amended to read:

Subd. 3. **APPLICATION.** Subdivision 1 applies to every health maintenance contract which is delivered, issued for delivery, renewed or amended on or after July 19, 1977.

Subdivisions 2 and 2a apply to every health maintenance contract which is delivered, issued for delivery, renewed, or amended on or after ~~August 1, 1982~~ March 1, 1983.

Sec. 17. Laws 1981, Third Special Session Chapter 2, Article IV, Section 1, if H.F. No. 1555, Article VII, Section 3, is enacted at the 1982 regular session, is amended to read:

[121.904] Subd. 4a. LEVY RECOGNITION.

(a) "School district tax settlement revenue" means the current, delinquent, and mobile home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 9 of this article which are for the fiscal year payable in that fiscal year; or

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(3) one-sixth of the amount of the spread levy in the current calendar year, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, Chapter 20, Section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, Chapter 261, Section 4;

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 18. Minnesota Statutes 1981 Supplement, Section 124.73, Subdivision 1, is amended to read:

Subdivision 1. The board of any school district may borrow money upon negotiable tax anticipation certificates of indebtedness, in the manner and subject to the limitations set forth in sections 124.71 to 124.76, for the purpose of anticipating general taxes theretofore levied by the district for school purposes, but the aggregate of such borrowing under this subdivision shall never exceed 50 percent of such taxes which are due and payable in the calendar year, and as to which taxes no penalty for nonpayment or delinquency has attached. In determining the amount of taxes due and payable in the calendar year, any amounts paid by the state to replace such taxes, whether paid in that calendar year or not, shall be included.

Sec. 19. Minnesota Statutes 1980, Section 475.55, Subdivision 2, if H.F. No. 1872, Article III, Section 2, is enacted at the 1982 regular session, is amended to read:

Subd. 2. **SUPERSESSION.** The provisions of this section shall supersede any maximum interest rate fixed by any other law or a city charter with respect to obligations of the state or any municipality or governmental or public subdivision, district, corporation, commission, board, council, or authority of whatsoever kind, including warrants or orders issued in evidence of allowed claims for property or services furnished to the issuer, but shall not limit the

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interest on any obligation issued pursuant to a law or charter authorizing the issuer to determine the rate or rates of interest.

Sec. 20. Minnesota Statutes 1981 Supplement, Section 124.2125, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article II, Section 8, if H.F. No. 1555 is enacted at the 1982 regular session, is amended to read:

Subdivision 1. **DISCRETIONARY ALLOWANCE; DEFINITION.** "Discretionary allowance" means the amount of revenue per pupil unit used to compute discretionary aid for a particular school year and the discretionary levy for use in that school year. The discretionary allowance shall equal the formula allowance for the school year times the ratio of the discretionary mill rate to the basic maintenance mill rate for levies for use in that school year, rounded to the nearest cent. However, the discretionary allowance for the 1982-1983 school year shall be computed as though the formula allowance were \$1,416 and the basic maintenance mill rate were .023.

Sec. 21. **EFFECT OF AMENDMENTS ON REPEALS BY THIS ACT.**

Regardless of the order of final enactment of this act and the acts it amends, the amendments or repeals in this act shall be given effect. Notwithstanding Minnesota Statutes, Sections 645.26, Subdivision 3, 645.33, or other law, an amendment in this act shall prevail over any other act amending the same provisions of law in an irreconcilable manner.

Sec. 22. Minnesota Statutes 1980, Section 152.01, Subdivision 18, if S.F. No. 1758 is enacted by the 1982 regular session, is amended to read:

Subd. 18. **DRUG PARAPHERNALIA.** "Drug paraphernalia" means all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, (3) testing the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect of a controlled substance.

Sec. 23. **EFFECTIVE DATE.**

Sections 4, 8, 10, 12, 18, 19 and 21 are effective the day following final enactment. Section 1 is effective on the effective date of H.F. No. 1663, Section 1, as enacted at the 1982 regular session. Section 2 is effective July 1, 1982. Section 3 is effective January 24, 1983. Section 9 is effective July 1, 1983. Section 11 is effective the day following final enactment of S.F. No. 358 enacted at the 1982 regular session. Sections 13 and 14 are effective August 1, 1982. Sections 15 and 16 are effective March 1, 1983. Sections 17 and 20 are effective July 1, 1982. Section 22 is effective August 1, 1982.

Approved March 31, 1982

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