

Subd. 9. **SURVIVORS' ANNUITY.** Upon the death of a judge prior to retirement, his surviving spouse or, if there be no surviving spouse, his dependent children, shall receive an annuity, payable monthly, equal to 60 percent of the normal retirement annuity which would have been payable to the judge had the date of his death been the normal retirement date, provided that the surviving spouse or dependent children shall receive an annuity of not less than 25 percent of the judge's final average compensation.

If a judge, whose surviving spouse was not entitled to survivors benefits provided solely for judges under statutes in effect prior to January 1, 1974, shall have died prior to retirement on or after May 23, 1973 and before January 1, 1974, his surviving spouse and dependent children, if any, shall be entitled to survivors benefits as provided hereunder as if such judge had died on January 1, 1974.

Sec. 5. **APPROPRIATION.** There is appropriated from the general fund in the state treasury to the executive director of the Minnesota state retirement system the amounts specified in this section for the purposes indicated, to be available for the fiscal years ending June 30, 1975, 1976, and 1977.

Supreme and district court judges' retirement benefits	\$1,454,500
Supreme and district court judges' survivors' benefits	\$ 568,200

Sec. 6. **NON-SEVERABILITY.** If any provision of this act is declared unconstitutional, the entire act is void.

Sec. 7. This act is effective the day following enactment. Section 4 shall be retroactive to January 1, 1974.

Approved June 4, 1975.

CHAPTER 419—H.F.No.1328

[Coded in Part]

An act relating to real estate; abstracters; increasing fees and amount of bonds; changing enforcement procedures; providing for greater access to public records; changing registration requirement; amending Minnesota Statutes 1974, Sections 386.62; 386.66; 386.68; 386.70; 386.71; and Chapter 386, by adding sections.

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

Section 1. Minnesota Statutes 1974, Section 386.62, is amended to read:

386.62 **REAL ESTATE; ABSTRACTERS; REGISTRATION; CER-**

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TIFICATE OF REGISTRATION REQUIRED. No official, person, firm, association or corporation shall ~~advertise or otherwise represent, directly or indirectly, that any abstract of title to engage in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon~~ any lands in the state of Minnesota, whether registered or not, ~~is made, compiled or issued by a registered, licensed, bonded or official abstracter~~ without first obtaining a certificate of registration pursuant to the provisions of sections 386.61 to 386.76.

Sec. 2. Minnesota Statutes 1974, Section 386.66, is amended to read:

386.66 BOND OR ABSTRACTER'S LIABILITY INSURANCE POLICY. Before a certificate of registration shall be issued, the applicant shall file with the board a bond or abstracter's liability insurance policy to be approved by the president or secretary-treasurer, running to the state of Minnesota in the penal sum of at least ~~\$10,000~~ \$20,000 conditioned for the payment of such abstracter of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstracter, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least ~~\$25,000~~ \$50,000. Applicants having cash or securities or deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstracter's liability insurance policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in business. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

Sec. 3. Minnesota Statutes 1974, Section 386.68, is amended to read:

386.68 FEES. For the services specified in sections 386.61 to 386.76 fees shall be charged applicants for registration hereunder, as follows: (1) for original certificate of registration pursuant to section 386.65, subdivision 2 and subdivision 3, payable with the application, \$50; (2) on annual renewals of certificate payable with any application for renewal, ~~\$5~~ \$25; and (3) on an examination, payable at the time of

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application for examination, \$25.

Sec. 4. Minnesota Statutes, Chapter 386, is amended by adding a section to read:

[386.695] INVESTIGATION AND SUBPOENAS. Subdivision 1. When it appears by reasonable evidence that any provision of sections 386.61 to 386.76 or any rule or order hereunder has been violated or is about to be violated, the board may make necessary public or private investigations within or outside this state to aid in the enforcement of sections 386.61 to 386.76. The board may also make necessary investigation incident to the promulgation of rules hereunder.

Subd. 2. The board may require or permit any person to file a statement in writing, under oath or otherwise as the board determines, as to all the facts and circumstances concerning the matter to be investigated.

Subd. 3. For the purpose of any investigation hearing or proceeding under sections 386.61 to 386.76, the board or any person designated by it may administer oaths or affirmations, and may subpoena witnesses, compel their attendance, take evidence, and compel the production of documents or other tangible items which the board deems relevant or material to the inquiry.

Subd. 4. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the board may apply to the district court for an order for contempt.

Sec. 5. Minnesota Statutes, Chapter 386, is amended by adding a section to read:

[386.696] LEGAL ACTIONS; INJUNCTIONS. Whenever it appears to the board that any person has engaged or is about to engage in any act or practice constituting a violation of sections 386.61 to 386.76 or any rule or order hereunder, it may bring an action in the name of the state in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with sections 386.61 to 386.76 or any rule or order hereunder, or it may refer the matter to the attorney general. Upon a proper showing, a permanent or temporary injunction, restraining order, or other appropriate relief shall be granted.

Sec. 6. Minnesota Statutes 1974, Section 386.70, is amended to read:

386.70 DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES; INVALIDATING BONDS. The board may at any time require any abstractor holding a certificate under the provisions hereof, upon 30 days notice, to show cause why any bond or insurance policy

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should not be held and declared insufficient and invalid or why such certificate should not be recalled or annulled, or why such certificate should not be recalled or annulled for violation of the provisions of sections 386.61 to 386.76, or for conviction of the holder of such certificate of a felony, or for habitual carelessness or inattention to business, or for fraudulent practices: If the certificate be held by a firm or corporation, then the provisions hereof shall be applicable to the managing members or officers thereof. The certificate of such firm or corporation may be recalled or annulled pursuant to the provisions of this section for failure to have in its employ competent abstracters. Upon the cancellation of any certificate the holder thereof may appeal to the district court from the decision of the board; such appeal may be taken within 30 days by the service of a written notice of appeal together with a bond in the amount of \$250 to be approved by the secretary-treasurer of the board; conditioned that in case the order is affirmed or the appeal dismissed; that the appellant will pay the cost of the appeal. Sections 216.25 to 216.27 shall apply on appeal so far as they are applicable. Such appeal to come on for hearing before the district court of the county in which such certificate holder shall have his place of business at the next regular term of said court. Subdivision 1. The board may by order deny, suspend or revoke any certificate, may censure an abstracter holding a certificate or may hold and declare a bond or insurance policy insufficient and invalid if it finds (1) that the order is in the public interest, and (2) that the applicant or abstracter holding the certificate or, if the holder of the certificate is a firm or corporation, any officer, director, partner, employee or agent thereof:

(a) Has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) Has engaged in a fraudulent, deceptive or dishonest practice;

(c) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) Has failed to reasonably supervise his employees or agents so as to cause injury or harm to the public;

(e) Has been convicted of a felony;

(f) Has been habitually careless or inattentive to business;

(g) Has failed to employ competent abstracters; or

(h) Has violated or failed to comply with any provision of sections 386.61 to 386.76 or any rule or order hereunder.

Subd. 2. The board may promulgate rules and regulations further
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specifying and defining those actions and omissions which constitute fraudulent, deceptive or dishonest practices, and establishing standards of conduct for abstracters.

Subd. 3. The board shall issue an order requiring the abstracter holding a certificate or applicant for a certificate to show cause why the certificate should not be revoked or suspended, or the holder censured, or a bond or insurance policy declared insufficient and invalid, or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with the provisions of chapter 15. After the hearing, the board shall enter an order making such disposition of the matter as the facts require. If the holder or applicant fails to appear at a hearing of which he has been duly notified, such person may be deemed in default, and the proceeding may be determined against him upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Subd. 4. The board may delegate to a hearing examiner its authority to conduct a hearing. The examiner shall make proposed findings of fact and submit them to the board. The examiner shall have the same power as the board to compel the attendance of witnesses, to examine them under oath, to require the production of books, papers and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state.

Subd. 5. Orders of the board shall be subject to judicial review pursuant to chapter 15.

Subd. 6. The board may promulgate rules of procedure concerning all hearings and other proceedings conducted pursuant to sections 386.61 to 386.76.

Sec. 7. Minnesota Statutes 1974, Section 386.71; is amended to read:

386.71 REGISTERED ABSTRACTERS, ACCESS TO PUBLIC RECORDS. Except as provided in Laws 1974, Chapter 435, Section 3.11 (c), registered abstracters shall have access during ordinary office hours to the public records in the office of the register of deeds in the county in which such abstracter is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a registered abstracter, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the perfor-

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mance of his official duties.

Approved June 4, 1975.

CHAPTER 420—H.F.No.1331

An act relating to the soil and water conservation commission; providing for the membership of the commission; amending Minnesota Statutes 1974, Section 40.03, Subdivision 1.

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

Section 1. Minnesota Statutes 1974, Section 40.03, Subdivision 1, is amended to read:

40.03 SOIL AND WATER CONSERVATION COMMISSION; MEMBERSHIP. Subdivision 1. **MEMBERS.** There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation commission to be composed of ~~nine~~11 members, ~~five~~seven of whom shall be ~~either~~ elected supervisors ~~or past supervisors~~ of soil and water conservation districts selected as herein provided. Four members thereof shall be ex officio members composed of the following: The director of the agricultural extension service of the University of Minnesota; the dean of the institute of agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture. The director of the agricultural extension service may designate the associate director of the agricultural extension service to act in his stead as a member of the commission, with all his rights and privileges. The designation shall be filed with the secretary of state. Similarly, the dean of the institute of agriculture may designate the associate dean of the institute of agriculture to act in his stead, with all his rights and privileges, which designation also shall be filed with the secretary of state. The commission shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The commission may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of municipalities and such other organizations and governmental agencies as may be deemed necessary to serve as advisory members. The other ~~five~~seven members of said commission shall be appointed by the governor from nominees who are ~~either~~ elected representatives ~~or past supervisors~~ of the state soil and water conservation districts, recommended by the state association of soil and water conservation district supervisors submitted to the governor, and in the event of a failure to submit such nominees to the governor he shall make the necessary appointments from present or past supervisors of soil and water conservation districts. One member shall be appointed from each department

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