

Subd. 3. The sum of \$150,000 is appropriated from the general fund to the state board of health for the biennium ending June 30, 1977 for the purposes specified in section 12, subdivision 1.

Subd. 4. The sum of \$150,000 is appropriated from the general fund to the state board of health for the biennium ending June 30, 1977 for the purposes specified in section 12, subdivision 2.

Subd. 5. The sum of \$500,000 is appropriated to the general contingent fund for the purposes specified in section 11, subdivisions 1 through 4, to be expended in the manner prescribed in Minnesota Statutes 1974, Section 3.30.

Subd. 6. The sum of \$50,000 is appropriated from the general fund to the state board of health for the biennium ending June 30, 1977 for the purpose of administering section 8.

Sec. 14. **EFFECTIVE DATE.** The effective date of this act is July 1, 1975 except for section 11, subdivisions 1 to 4, which shall be effective July 1, 1976.

Approved February 11, 1976.

CHAPTER 10—S.F.No.234

[Coded]

An act relating to eminent domain; providing for payments and benefits in negotiated acquisitions under no threat of eminent domain; waiver of benefits; amending Minnesota Statutes 1974, Chapter 117, by adding a section.

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

Section 1. Minnesota Statutes 1974, Chapter 117, is amended by adding a section to read:

[117.521] EMINENT DOMAIN; WAIVER OF RELOCATION BENEFITS. Subdivision 1. Any owner-occupant of property who (a) prior to any action by the acquiring authority indicating an intent to acquire the property whether or not the owner-occupant is willing to sell, requests that the property be acquired through negotiation, or (b) has clearly shown an intent to sell the property on the public market prior to any inquiry or action by the acquiring authority, may voluntarily waive any relocation assistance, services, payments and benefits, for which he is eligible under chapter 117 by signing a waiver agreement specifically describing the type and amounts of relocation assistance, services, payments and benefits for which he is eligible, separately listing those being waived, and stating that the agreement is voluntary and not made under any threat of acquisition by eminent do-

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main by the acquiring authority. Prior to execution of the waiver agreement by the owner-occupant, the acquiring authority shall explain the contents thereof to the owner-occupant.

Any waiver not voluntarily agreed to is invalid, and the burden of proof shall be upon the acquiring authority to show that the agreement was entered into voluntarily. A statement at trial by a witness not involved in the acquisition of the property, that the contents of the waiver agreement were explained to the owner-occupant in a manner understandable to the owner-occupant, describing the method of explanation, that the owner-occupant appeared to understand the terms and conditions of the waiver agreement, that no express or implied threats of taking the property by eminent domain, or any other threats intended to induce the owner-occupant to waive his or her relocation assistance benefits, were made to the owner-occupant by any employee or official of the acquiring authority throughout the entire process of acquisition of the property, and that the owner-occupant appeared to voluntarily enter into the agreement, shall, unless decided otherwise by the court, shift the burden of proof to the person claiming that the agreement was not entered into voluntarily.

Subd. 2. The owner of a rental property whose property is being acquired through negotiation as a result of either subdivision 1, clause (a) or (b), may waive only his right to relocation assistance, services, payments and benefits as outlined in subdivision 1, and non-owner occupants of the property being acquired shall receive all relocation assistance, services, payments and benefits for which they are eligible, notwithstanding the provision of subdivision 1.

Subd. 3. The provisions of subdivisions 1 and 2 of this section shall not apply to the acquisition of properties situated wholly or in part within any district for development authorized under Laws 1971, Chapters 548 or 677; or Laws 1973, Chapters 196, 761, or 764; or Laws 1974, Chapter 485; or Minnesota Statutes, Chapters 462, or 458.

Subd. 4. The provisions of this act shall not limit any existing rights to waive relocation benefits.

Approved February 20, 1976.

CHAPTER 11—S.F.No.370

An act relating to solemnization of marriage; authorizing solemnization of marriage among Native Americans by Indian holy men; amending Minnesota Statutes 1974, Section 517.18.

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

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