

of all judicial records of the commitment proceedings initiated against the petitioner. The court may seal the commitment records if it finds that access to the records creates undue hardship for the petitioner. All hearings held in proceedings under this section shall be confidential and shall be held in closed court. The files and records of the court in proceedings under this section shall not be open to inspection by any person except the petitioner, or to other persons only upon order by the court.

Approved March 28, 1978.

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CHAPTER 697-S.F.No.291

[Coded]

*An act relating to labor; prohibiting termination of employee benefits unless certain conditions are met; amending Minnesota Statutes 1976, Chapter 181, by adding a section.*

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

Section 1. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

**[181.82] BENEFITS BASED ON JOB PERFORMANCE PROHIBITED.** No employer may terminate or threaten to terminate:

(a) group accident and health insurance coverage;

(b) group life insurance coverage; or

(c) pension benefits

for an employee, including a commissioned agent, based on the employee's job performance unless the employer has first given the employee the opportunity to continue coverage by making the same contribution the employer would have to make to continue coverage for the employee.

Approved March 28, 1978.

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CHAPTER 698-S.F.No.437

[Coded in Part]

*An act relating to assumed business names; permitting and regulating conduct of business under assumed business name; appropriating money; amending Minnesota Statutes 1976, Sections 301.09; 333.01; 333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.03; and 333.05.*

Changes or additions indicated by underline deletions by ~~strikeout~~

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

Section 1. Minnesota Statutes 1976, Section 301.09, is amended to read:

**301.09 POWERS COMMON TO CORPORATIONS.** Every corporation shall have power:

(1) To continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified, then perpetually;

(2) To sue and be sued;

(3) To adopt, use, and, at will, alter a corporate seal, but failure to affix the corporate seal, if any, shall not affect the validity of any instrument;

(4) To acquire, hold, lease, encumber, convey, or otherwise dispose of real and personal property within or without the state, and to take real and personal property by will or gift, subject to any limitation prescribed by law or the articles of incorporation;

(5) To conduct business in this state and elsewhere;

(6) To enter into obligations or contracts and to do any acts incidental to the transaction of its business or expedient for the attainment of the purposes stated in its articles;

(7) To indemnify persons against certain expenses and liabilities as provided in section 301.095; ~~and~~

(8) Unless otherwise provided in the articles of incorporation, to participate with others in any corporation, partnership, limited partnership, joint venture, trust, or other association of any kind, or in any transaction, undertaking, or arrangement which the participating corporation would have power to conduct by itself whether or not such participation involves sharing or delegation of control with or to others; and

(9) To conduct all or part of its business under one or more assumed names as provided by section 3 of this act and sections 333.01 to 333.06.

Sec. 2. Minnesota Statutes 1976, Section 333.01, is amended to read:

**333.01 COMMERCIAL ASSUMED NAMES; CERTIFICATE.** No person ~~or persons~~ shall hereafter carry on or conduct or transact a commercial business in this state under any designation, name, or style, which does not set forth the ~~full individual true~~ true name of every person interested in such business unless such person ~~or persons~~ shall file in the office of the ~~clerk of the district court of the county or counties in which the person or persons conduct or transact, or intend to conduct or transact, such business~~ secretary of state, a certificate setting forth the name under which the business is conducted or transacted, or is to be conducted or transacted, and the ~~true or real full name or names of the person or persons conducting or transacting the same, with the postoffice address of~~

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addresses of such person or persons. The certificate shall be executed and duly acknowledged by one of the persons conducting, or intending to conduct, the business. The certificate shall be published in a qualified newspaper in the county where the certificate is filed for two successive days in a daily newspaper, or for two successive weeks in a weekly newspaper in which the person has a principal or registered office for two successive issues.

Sec. 3. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

**[333.001] DEFINITIONS.** Subdivision 1. As used in this section and sections 333.01 to 333.06, the following terms shall have the meanings given, unless the context clearly indicates that a different meaning is intended.

Subd. 2. "Person" means one or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; or any other business organization.

Subd. 3. "True name" means the true full name of the natural person, if a proprietorship; the true full name of at least one general partner, if a partnership; the full corporate name as stated in its articles, if a corporation; the true full name of at least one trustee, if a trust; or the true full name of at least one beneficial owner, if any other form of business organization.

Subd. 4. "Address" means the full residential address of each natural person, trustee or beneficial owner, or any corporation, included in subdivision 3, and the address of the principal place in Minnesota where the business is conducted or transacted, if different.

Subd. 5. "Executed" means executed by one natural person, if a proprietorship; by a general partner if a general or limited partnership; by an officer, if a corporation; by a trustee, if a trust; or by a beneficial owner or managing agent, if some other form of business organization.

Sec. 4. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

**[333.035] AMENDMENT OF CERTIFICATE.** Within 60 days after the occurrence of any event which makes any statement in the last previous statement filed incorrect, an amended certificate shall be filed with proof of publication by the person conducting the business in the same manner as provided by section 333.01.

Sec. 5. Minnesota Statutes 1976, Section 333.04, is amended to read:

**333.04 SECRETARY OF STATE; DUTIES, FEES.** The several clerks of the district courts of this secretary of state shall keep an alphabetical list of all persons filing certificates provided for in assumed names filed pursuant to section 333.01 after August 1, 1978, together with trademarks, service marks, certification marks or collective marks filed

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with the secretary of state and issued pursuant to sections 333.20 and 333.21, and for the indexing and filing of such the certificates they shall receive charge the applicant a fee of \$1 prescribed by section 6. A copy of such certificate, duly certified to by the clerk of the district court in whose office the same is filed secretary of state, shall be presumptive evidence in all courts of law in this state of the facts therein contained.

Sec. 6. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

**[333.055] TERM OF CERTIFICATE; RENEWAL, NOTICES, FEES. Subdivision 1.** Filing of a certificate with proof of publication hereunder shall be effective for a term of ten years from the date of filing and upon application filed within the six month period prior to the expiration of such term or a renewal thereof, on a form prescribed by the secretary of state, the certificate may be renewed for additional ten year terms. A renewal fee as specified herein, payable to the secretary of state, shall accompany the application for renewal.

The secretary of state shall notify each person filing a certificate hereunder of the necessity of renewal thereof by writing to the last known address of the person at least six months prior to the certificate's expiration date.

Subd. 2. Any assumed name certificate of record in the district courts and in force on the effective date of this act shall continue in force without the necessity of another filing under section 5 until July 31, 1979, at which time all such certificates shall expire unless renewed as hereinafter provided. Any certificate may be renewed by filing an application with the secretary of state on a form prescribed by the secretary and paying the renewal fee prescribed by subdivision 3 within the six month period prior to the expiration of the certificate.

Subd. 3. The secretary of state shall charge and collect:

(a) For the filing of each certificate or amended certificate of an assumed name - \$20

(b) Certificate renewal fee - \$10

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of section 3 of this act and sections 333.01 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may be the same as, or similar to, one or more other assumed names already filed with the secretary of state. In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each person who has previously filed a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing.

Sec. 7. Minnesota Statutes 1976, Section 333.06, is amended to read:

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**333.06 PLEADING FAILURE TO FILE CERTIFICATE; COSTS.** If any person or persons conducting a business contrary to the terms of section 3 of this act and sections 333.01 to 333.06 shall, prior, to the filing of the certificate and proof of publication therein prescribed, commence a civil action, including an action to recover possession of real property in any court of this state on account of any contract made by, or transaction had on behalf of the business, the defendant may plead such failure in abatement of the action; and all proceedings had in the action shall thereupon be stayed until the certificate provided for by section 3 of this act and sections 333.01 to 333.06 is duly filed, and the defendant, in case he prevails in the action, shall also be entitled to tax ~~\$\$~~ \$50 costs, in addition to such other statutory costs as ~~are now may be~~ allowed by law, and, in case he does not prevail in the action, shall be entitled to deduct ~~\$\$~~ \$50 from the judgment otherwise recoverable therein and if a judgment for money is not otherwise recoverable therein, he shall be entitled to tax \$50 costs.

Sec. 8. **APPROPRIATION.** The sum of \$63,300 is appropriated from the general fund to the secretary of state for the purpose of this act for the fiscal year ending June 30, 1979. The approved complement of the office of secretary of state is increased by three persons.

Sec. 9. Minnesota Statutes 1976, Sections 333.03 and 333.05 are repealed.

Approved March 28, 1978.

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**CHAPTER 699-S.F.No.645**

[Coded]

*An act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.203; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.*

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

Section 1. **[144.211] CITATION.** Sections 1 to 18 may be cited as the "vital statistics act."

Sec. 2. **[144.212] DEFINITIONS.** Subdivision 1. As used in sections 1 to 18, the following terms have the meanings given:

Subd. 2. "Commissioner" means the commissioner of health.

Subd. 3. "File" means to present a vital record for registration.

Subd. 4. "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or dead fetus.

Subd. 5. "Registration" means the acceptance of a vital record for filing by a ~~Changes~~ or additions indicated by underline deletions by ~~strikeout~~