

72A.23 **DECISION AND ORDER THEREON.** Subdivision 1. **DETERMINATION BY COMMISSIONER; FINDINGS.** If, after a hearing, as provided in section 72A.22, the commissioner shall determine that the method of competition or the act or practice in question is defined in section 72A.20, and that the person complained of has engaged in that method of competition, act, or practice, in violation of sections 72A.17 to 72A.32 he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation an order requiring him to cease and desist from engaging in that method of competition, act or practice. If the commissioner determines that an insurer has engaged in an act or practice defined in section 72A.20, subdivision 13, the cease and desist order may also require the insurer to write or renew the homeowner's insurance coverage sought by the insured or prospective insured for a specified period of up to three years without cancellation or nonrenewal by the insurer for a reason not specified in section 65A.01; after the specified period expires, cancellation or nonrenewal of the coverage may be made only as permitted by law.

Approved May 25, 1979.

CHAPTER 208—H.F.No.313

An act relating to public employees; reimbursing university systems for expenses of certain athletic leaves of absence; amending Minnesota Statutes 1978, Section 15.62, Subdivision 3.

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

Section 1. Minnesota Statutes 1978, Section 15.62, Subdivision 3, is amended to read:

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, the state shall reimburse the employer for the actual cost to the employer of employing a substitute. ~~There is appropriated the sum of \$17,596 to the department of finance for the purpose of this section; and shall be available during the biennium ending June 30, 1979.~~

Sec. 2. This act is effective for leaves granted and occurring on or after July 1, 1979.

Approved May 25, 1979.

CHAPTER 209—H.F.No.357

An act relating to professional regulation; regulating architects, engineers, surveyors, and landscape architects; adding an additional member to the board of architecture, engineering, land surveying and landscape architecture; amending Minnesota Statutes 1978,

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Sections 326.02, Subdivision 4; and 326.04.

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

Section 1. Minnesota Statutes 1978, Section 326.02, Subdivision 4, is amended to read:

Subd. 4. **PRACTICE OF LAND SURVEYING.** Any person shall be deemed to be practicing land surveying within the meaning of sections 326.02 to 326.16 who holds himself out as able to perform or who does perform any survey for the establishment or re-establishment of land boundaries; or for the subdivision and platting of land or for the determination of areas. Land surveying means the application of the principles of mathematics, physical and applied sciences and law to measuring and locating lines, angles, elevations and natural or man-made features in the air, on the surface of the earth, underground and on the beds of bodies of water for the purpose of:

(a) monumenting property boundaries;

(b) planning, designing, and platting of land and subdivisions including the topography, alignment and grades of streets; and

(c) preparing and perpetuating maps, record plats and property descriptions.

Any person who offers to perform, holds himself out as able to perform, or who does perform land surveying for others shall be practicing land surveying.

Nothing contained in the provisions of Minnesota Statutes, Sections 326.02 to 326.15, shall prohibit a licensed professional engineer, architect, or landscape architect from doing any work included in the practice of engineering, architecture and landscape architecture, if the work does not involve the establishment or reestablishment of property corners or property lines.

Sec. 2. Minnesota Statutes 1978, Section 326.04, is amended to read:

326.04 BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE. To carry out the provisions of sections 326.02 to 326.15 there is hereby created a board of architecture, engineering, land surveying and landscape architecture (hereinafter called the board) consisting of ~~sixteen~~ 17 members, who shall be appointed by the governor. Three members shall be licensed architects, five members shall be licensed engineers, one member shall be a licensed landscape architect, ~~one member~~ two members shall be a licensed land surveyor ~~surveyors~~ and six members shall be public members. Not more than one member of said board shall be from the same branch of the profession of engineering. The first landscape architect member shall be appointed as soon as possible and no later than 60 days after August 1, 1975 and shall serve for a term to end on January 1, 1977. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints;

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the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Sec. 3. The initial term of the additional land surveyor member appointed to the board of architecture, engineering, land surveying and landscape architecture pursuant to section 2 of this act shall expire the first Monday in January, 1982.

Approved May 25, 1979.

CHAPTER 210—H.F.No.370

An act relating to hospitals; providing for payment of election judges; providing hospital board members with travel and other expenses incurred in the performance of their duties; authorizing hospital boards to set compensation for board members; amending Minnesota Statutes 1978, Section 447.32, Subdivision 4, and by adding a subdivision; and Laws 1961, Chapter 115, Section 2, Subdivision 1.

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

Section 1. Minnesota Statutes 1978, Section 447.32, Subdivision 4, is amended to read:

Subd. 4. Any person desiring to be a candidate for member of the hospital board shall file with the clerk of the city or town in which he resides, not more than 60 nor less than 45 days before the election, an application to be placed on the ballot as a candidate for election either as member at large or as a member representing such city or town, and all such applications shall be forwarded forthwith to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town. Voting shall be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for, and the length of the term of, each office, with an additional blank space for the insertion of another name by the voter. The ballots shall be marked and initialed by at least two judges as official ballots and shall be used exclusively at the election. Any proposition to be voted upon may be printed on the same ballot as that provided for the election of officers or on a different ballot. The hospital board may also authorize the use of voting machines subject to the applicable provisions of chapter 206, and any laws amending or supplementing the same. Election judges may be appointed in such number as deemed necessary to receive the votes at each polling place, and may be paid by the district at a rate ~~not to exceed \$1 per hour~~ to be determined by the board. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass. After canvassing the election, the board shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for that office. The clerk shall deliver such certificate to the person entitled thereto in person or by certified mail, and each person so certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office in the manner provided in subdivision 1 if the person

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