

386.46 DISPOSAL OF OBSOLETE RECORDS.

Documents, filed or recorded by the county recorder, including sheriffs certificates, land title patents, incorporations, official bonds, mechanics liens, affidavits, probate court orders, district court orders, satisfactions, warranty deeds, quitclaim deeds, lis pendens, assignments and miscellaneous documents, but still in his possession because uncalled for by ~~the~~ their owner ~~thereof~~ for ten years after ~~such~~ the filing or recording, may be destroyed by the county recorder. State and federal liens, except federal estate and gift tax liens, may be destroyed ten years after their filing or last extension and stricken from the indexes.

Approved February 19, 1982

CHAPTER 378 — S.F.No. 1408

An act relating to public utilities; prohibiting city jurisdiction over securities or indebtedness of a utility; amending Minnesota Statutes 1980, Sections 216B.36; and 216B.49, Subdivision 5.

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

Section 1. Minnesota Statutes 1980, Section 216B.36, is amended to read:

216B.36 FRANCHISES CONTINUED.

Any public utility furnishing the utility services enumerated in Laws 1974, Chapter 429 section 216B.02 or occupying streets, highways, or other public property within a municipality may be required to obtain a license, permit, right or franchise in accordance with the terms, conditions, and limitations of regulatory acts of the municipality, including the placing of distribution lines and facilities underground, and under the license, permit, right, or franchise, the utility may be obligated by any municipality to pay to the municipality fees to raise revenue or defray increased municipal costs accruing as a result of utility operations, or both, including but not limited to a sum of money based upon gross operating revenues or gross earnings from its operations in the municipality so long as the public utility shall continue to operate in the municipality, unless upon request of the public utility it is expressly released from the obligation at any time by such municipality. All existing licenses, permits, franchises and other rights acquired by any public utility or municipality prior to ~~the passage of~~ Laws April 11, 1974, Chapter 429 including the payment of existing franchise fees, shall not be impaired or affected in any respect by the passage of Laws 1974, Chapter 429 this chapter, except with respect to matters of rate and service regulation and, service area assignments, securities and indebtedness that have

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~~been are vested to in~~ the jurisdiction of the commission by Laws 1974, Chapter 429 ~~this chapter~~. However, in the event that a court of competent jurisdiction determines, or the parties by mutual agreement determine, that an existing license, permit, franchise or other right has been abrogated or impaired by Laws 1974, Chapter 429 ~~this chapter~~, or its execution, the municipality affected shall impose and the public utility shall collect an excise tax on the utility charges which from year to year yields an amount which is reasonably equivalent to that amount of revenue which then would be due as a fee, charges or other thing or service of value to the municipality under the franchise, license or permit. The authorization shall be over and above taxing limitations including, but not limited to those of section 477A.01, subdivision 18. Franchises granted pursuant to this section shall be exempt from the provisions of chapter 80C. For purposes of this section, a public utility shall include a cooperative electric association.

Sec. 2. Minnesota Statutes 1980, Section 216B.49; Subdivision 5, is amended to read:

Subd. 5. The requirements of this section are in addition to any other requirements of law and, specifically, the requirements of chapter 80A, and the rules and regulations promulgated pursuant thereto. Notwithstanding any charter or ordinance to the contrary, no city shall have jurisdiction over the securities or indebtedness of a public utility.

Approved February 19, 1982

CHAPTER 379 — S.F.No. 429

An act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1980, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.53; 183.54; 183.545; 183.60; 183.61; 183.62; amending Minnesota Statutes 1981 Supplement, Sections 183.52; 183.56; 183.57, Subdivision 2, and by adding a subdivision; and 183.59; and proposing new law coded in Minnesota Statutes, Chapter 183; repealing Minnesota Statutes 1980, Section 183.39, Subdivision 2.

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

Section 1. Minnesota Statutes 1980, Section 183.375, Subdivision 2, is amended to read:

Subd. 2. **CHIEF OF DIVISION.** Subject to the provisions of chapter 43, the commissioner shall appoint a chief and a deputy chief of the division of boiler inspection. They shall be qualified steam engineers with at least ten years of experience as such and shall be licensed as chief Grade A engineers in this

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