

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Approved May 22, 1979.

CHAPTER 144—S.F.No.1327

An act relating to commerce; making a variety of changes in the administrative duties of the department of commerce; setting a time limit on requests for hearings on orders denying, revoking or suspending franchises; eliminating certain real estate license examination requirements; transferring and amending certain administrative powers relating to collection agencies; amending Minnesota Statutes 1978, Sections 80C.12, Subdivision 2; 82.21, Subdivision 1; 82.22, Subdivision 1; 332.311; 332.43, Subdivision 1; repealing Minnesota Statutes 1978, Sections 332.31, Subdivisions 4 and 5; and 332.43, Subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1978, Section 80C.12, Subdivision 2, is amended to read:

Subd. 2. Upon the entry of an order under subdivision 1 without a hearing, the commissioner shall promptly serve a copy of the order upon the subject applicant, registrant, franchisor or other person. The order shall state the reasons for its issuance and shall either order a hearing, which shall be set for no later than 20 days from the date of the order, or specify that upon the written request of the applicant, registrant, franchisor, or other person, the matter will be set for hearing within 15 days after receipt of the request; provided that with the consent of the applicant, registrant, franchisor or other person a hearing may be held subsequent to the expiration of either period specified herein. If no hearing is requested within 30 days of service of the order and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of chapter 15, shall affirm, modify or vacate the order.

Sec. 2. Minnesota Statutes 1978, Section 82.21, Subdivision 1, is amended to read:

82.21 **FEES.** Subdivision 1. **AMOUNTS.** The following fees shall be paid to the commissioner:

(a) A fee of \$50 for each initial individual broker's license, and a fee of \$25 for each annual renewal thereof;

(b) A fee of \$25 for each initial salesperson's license, and a fee of \$10 for each

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annual renewal thereof;

(c) A fee of \$50 for each initial corporate or partnership license, and a fee of \$25 for each annual renewal thereof;

(d) A fee of \$10 for each examination taken to satisfy the requirements of this chapter;

(e) (d) A fee not to exceed \$20 per year for payment to the education, research and recovery fund in accordance with section 82.34;

(f) (e) A fee of \$10 for each transfer.

Sec. 3. Minnesota Statutes 1978, Section 82.22, Subdivision 1, is amended to read:

82.22 **EXAMINATIONS.** Subdivision 1. **GENERALLY.** Each applicant for a license must pass an examination conducted by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to act as a real estate broker or as a real estate salesperson. ~~Any applicant who fails to pass the examination for a real estate salesperson's license after two attempts may not take another examination prior to the expiration of six months from the time the applicant took the last examination.~~

Sec. 4. Minnesota Statutes 1978, Section 332.311, is amended to read:

332.311 **TRANSFER OF ADMINISTRATIVE FUNCTIONS.** The powers, duties, and responsibilities of the ~~department of labor and industry~~ consumer services section under sections 332.31 to 332.45 relating to collection agencies are hereby transferred to and imposed upon the ~~section of consumer services~~ commissioner of securities in the department of commerce.

Sec. 5. Minnesota Statutes 1978, Section 332.43, Subdivision 1, is amended to read:

332.43 **DELINQUENT COLLECTION AGENCIES.** ~~Subdivision 1.~~ If the ~~consumer services section~~ commissioner shall determine that a licensee is insolvent or that he has collected accounts but has failed to remit money due to any claimant ~~or forwarder~~ within ~~60~~ 45 days from the end of the month in which collection was made, or when the license of a collection agency has expired or terminated for any reason whatsoever, the ~~consumer services section~~ commissioner, if it ~~he~~ shall determine such action necessary to protect the public interest, may apply to the district court for the county in which the main office of such agency is located for ~~an order authorizing it to take possession of the assets and the books and records~~ appointment of a receiver to receive the assets of the licensee for the purpose of liquidating or rehabilitating its business and or for such other relief as the nature of the case and the interest of the claimants or forwarders may require. ~~The court, after citing the licensee to show cause why the consumer services section should not be authorized to take possession of the assets and books of account and records for the purpose of liquidating or rehabilitating the business of the licensee; and after hearing the allegations and proofs of the parties and determining the facts; may~~

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upon the merits dismiss the application; order the consumer services section to act as trustee for the rehabilitation of such agency; or, if it shall find such action necessary for the protection of the public, issue its order authorizing the consumer services section to take possession of the said books and records and or to liquidate the business and or granting such other relief as it may deem necessary under the circumstances. The reasonable and necessary expenses of the receivership shall constitute the first claim on the bond.

Sec. 6. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make such changes in terminology as may be required to record the powers, duties and responsibilities which are transferred by section 4.

Sec. 7. Minnesota Statutes 1978, Sections 332.31, Subdivisions 4 and 5; and 332.43, Subdivisions 2 and 3, are repealed.

Sec. 8. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved May 22, 1979.

CHAPTER 145—H.F.No.31

An act relating to taconite and semi-taconite companies; withdrawing the right to exercise eminent domain; authorizing the grant of licenses, permits and leases of state owned land; amending Minnesota Statutes 1978, Section 117.47; repealing Minnesota Statutes 1978, Sections 117.46; and 117.461.

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

Section 1. Minnesota Statutes 1978, Section 117.47, is amended to read:

117.47 **PERMITS; LICENSES.** The commissioner of natural resources is authorized to may grant permits and licenses or leases on and across lands owned by the state for any of the purposes set forth in section 117.46 to any corporation or association engaged in or preparing to engage in the business of mining and beneficiating taconite as defined in section 298.23, or semi-taconite as defined in section 298.34, for the purpose of providing the corporation or association necessary easements, rights of way and surface rights over, through and across such lands for the erection and maintenance of pipe lines, pole lines, conduits, sluiceways, roads, railroads and tramways. The commissioner may grant permits and licenses or leases for flowage rights, rights to transport crude ore, concentrates or waste materials over such state owned lands, and to may lease state owned lands for the depositing of stripping, lean ores, tailings, or waste products of such business. Such permits, licenses or leases, may also authorize the use of state owned lands by such corporation or association for plants and other buildings necessary to the proper carrying on of such business and may grant water rights and other rights requisite to the construction of wharves, piers, breakwaters, or similar facilities necessary to the carrying

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