

ly retarded pupil cannot be transported on a regular school bus, the state shall reimburse each district or unorganized territory for the transportation or board and lodging of a ~~mentally retarded or otherwise handicapped pupil~~ when approved by the state board, at rates to be determined by the state board, but this amount shall not exceed \$225 annually for each such pupil. Actual transportation costs may be reimbursed but shall not exceed \$225 annually for each such pupil. Transportation funds may be used to reimburse for expenditures in conveying mentally retarded or otherwise handicapped pupils between home and school and within the school plant.

*When it is necessary to provide board and lodgings for a nonresident handicapped pupil in a district maintaining special classes, reimbursement may be made for the actual cost of board and lodgings but not to exceed \$900 per annum. This amount may be in addition to the reimbursement for transportation of such child from the place where the pupil is boarded to the school building.*

Sec. 2. Extra Session Laws 1959, Chapter 71, Article I, Section 17, is amended by adding a new subdivision to read:

**[120.17] Subd. 5. School of parents' choice.** *Nothing in this chapter shall be construed as preventing parents of a handicapped educable child from sending such child to a school of their choice, if they so elect, subject to admission standards and policies to be adopted pursuant to the provisions of Chapter 248 and all other provisions of Chapter 71, Extra Session Laws 1959.*

Approved April 20, 1961.

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#### CHAPTER 560—H. F. No. 134

*An act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, and obsolete statutory references and terminology; amending Minnesota Statutes 1957, Sections 12.21, Subdivision 3; 31.51, Subdivisions 3 and 11, as amended; 43.09, Subdivision 2; 43.22, Subdivision 2; 61.38, Subdivision 1; 62.13; 73.41; 84A.02; 88.43, Subdivision 2; 97.82, as amended; 102.27, Subdivision 1; 111.30; 118.01; 169.073; 175.20; 183.61, Subdivision 3; 215.31; 221.55; 252.02; 252.03; 252.04, as amended; 260.39; 261.17; 275.09, Subdi-*

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*vision 3; 275.12, Subdivision 1; 276.14; 299.08, as amended; 317.65, Subdivision 5; 340.33; 352.01, Subdivision 7; 375.20; 376.22; 382.28; 453.14; 455.08; 475.53, Subdivision 4; 480.055, Subdivision 1; 593.13.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 12.21, Subdivision 3, is amended to read:

Subd. 3. **Governor; powers.** In performing his duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government and without complying with sections ~~15.041~~ 15.0411 to 15.049, inclusive, but no order, rule or regulation shall have the force and effect of law except as provided by section 12.32.

(2) To prepare a comprehensive plan and program for the civil defense of this state, such plan and program to be integrated into and coordinated with the civil defense plans of the federal government and of other states to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this state, such plans to be integrated into and coordinated with the civil defense plan and program of this state to the fullest possible extent;

(3) In accordance with such plan and program for the civil defense of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need;

(4) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for civil defense, and to plan for the most efficient emergency use thereof;

(5) On behalf of this state, to enter into mutual aid

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arrangements with other states and to coordinate mutual aid plans between political subdivisions of this state;

(6) To delegate any administrative authority vested in him under this chapter, except the power to make rules and regulations, to provide for the subdelegation of any such authority;

(7) To appoint, in cooperation with local authorities, metropolitan area directors when practicable;

(8) To cooperate with the President and the heads of the armed forces, the civil defense agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the civil defense of the state and nation, including the direction or control of

(a) black-outs and practice black-outs, air-raid drills, mobilization of civil defense forces, and other tests and exercises;

(b) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(c) the effective screening or extinguishing of all lights and lighting devices and appliances;

(d) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(e) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack;

(f) public meetings or gatherings; and

(g) the evacuation and reception of the civilian population;

(9) To contribute, with the approval of the executive council, to a political subdivision, within the limits of the appropriation therefor, not more than 25 percent of the cost of acquiring organizational equipment which meets standards established by him;

(10) To formulate and execute, with the approval of the executive council, plans and regulations for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, materials for national defense and war or for

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use in any war industry, for the conservation of critical materials or for civil defense purposes, and to coordinate the activities of the departments or agencies of the state and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

Sec. 2. Minnesota Statutes 1957, Section 31.51, Subdivision 3, as amended by Laws 1959, Chapter 284, Section 1, is amended to read:

Subd. 3. **Definition; packing house.** "Packing house" means an establishment with or without slaughtering facilities where animal carcasses or edible products derived therefrom are cured, salted, processed, packaged, or otherwise prepared as food intended for human consumption; provided, however, that packing house does not include: (1) A retail butcher, (2) a purveyor of meals, or (3) a frozen food ~~leeker~~ *processing* plant licensed under section 31.195 and in which no slaughtering operations are conducted.

Sec. 3. Minnesota Statutes 1957, Section 31.51, Subdivision 11, as amended by Laws 1959, Chapter 284, Section 4, is amended to read:

Subd. 11. **Definition; processor.** "Processor" means any person or establishment including jobbers, wholesalers, or slaughter houses who change meat or meat food products in any way by cutting, mixing, blending, canning, curing, or otherwise preparing meat or meat food products for human consumption; provided, however, that processor does not include: (1) A retail butcher, (2) a purveyor of meals, or (3) a frozen food ~~leeker~~ *processing* plant licensed under section 31.185 and in which no slaughtering operations are conducted.

Sec. 4. Minnesota Statutes 1957, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. **Unclassified service.** The unclassified service comprises positions held by state officers or employees who are:

(1) Chosen by election or appointed to fill an elective office;

(2) Heads of department required by law to be appointed by the governor or other elective officers, except the railroad and warehouse commission, and the executive or

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administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now existing in the department of labor and industry, nor to the director of the division of vocational rehabilitation in the department of education;

(3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;

(4) All deputy registrars of motor vehicles and seasonal help employed by the registrar and his deputies to assist in the issuance of motor vehicle licenses;

(5) One executive secretary and other confidential employees in the office of the governor, and one confidential employee for the governor in the office of the adjutant general;

(6) Officers and employees of the senate and house of representatives of the legislature;

(7) Teachers, research assistants, student employees on less than half-time pay basis, presidents, deans, and administrative officers in the state colleges; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;

(8) Officers and enlisted men in the national guard and the naval militia;

(9) Election officers;

(10) Persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;

(11) Persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination, or installation;

(12) Deputy attorneys general, assistant attorneys general, legal assistants, examiners, three confidential em-

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ployees, and special counsel to state departments appointed by the attorney general or employed with his authorization;

(13) All courts and all employes thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the industrial commission;

(14) Patient and inmate help in state charitable, penal, and correctional institutions;

(15) State highway patrolmen ~~now operating under the provisions of sections 161.07 to 161.12~~; provided, that with respect to the method of selection and appointment only, ~~all state highway patrolmen who shall be appointed subsequent to the effective date of Laws 1930, Chapter 441, they shall be selected and appointed in accordance with the provisions hereof relating state civil service law as applicable to the classified service, but in all other respects the provisions of this chapter the state civil service law shall not apply to state highway patrolmen them~~;

(16) The deputy commissioner of agriculture, dairy, and food;

(17) Persons, not exceeding one, appointed or employed by the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 591, and whose salary or compensation is to be reimbursed to the state under said act;

(18) Seasonal help employed by the department of taxation in its income tax division to perform clerical duties.

Sec. 5. Minnesota Statutes 1957, Section 43.22, Subdivision 2, is amended to read:

Subd. 2. **Leaves of absence.** Any person holding a permanent position in the classified service of this state may be granted a leave of absence on the grounds of sickness, disability, or other good and sufficient reason; provided, that no leave, except military leave, sick or disability leave, leave to accept an appointive position in the state unclassified service, and leave to accept employment with a civil defense survival plan project to which the state is a party, shall exceed one year, except as provided in subdivisions 4, 5 and 6 subdivision 4.

Sec. 6. Minnesota Statutes 1957, Section 61.38, Subdivision 1, is amended to read:

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**61.38 Exceptions.** Subdivision 1. Sections 61.262 to 61.267, 61.30, 61.34, and 61.36 to 61.39 shall not apply to annuities, industrial or group term policies, or to corporations or associations operating on the assessment or fraternal plan, and in every case where a contract provides for both insurance and annuities, sections ~~61.26 to~~ 61.30, 61.34, 61.36 to 61.39 shall apply only to that part of the contract which provides for insurance, but every contract containing a provision for a deferred annuity on the life of the insured only, unless paid for by a single premium, shall provide that, in event of the non-payment of any premium after three full years' premium shall have been paid, the annuity shall automatically become converted into a paid-up annuity for that proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract.

Sec. 7. Minnesota Statutes 1957, Section 62.13, is amended to read:

**62.13 Violations; penalties.** Any company, corporation, association, society, or other insurer, or any officer or agent thereof, which or who issues or delivers to any person in this state any policy in wilful violation of the provisions of ~~this chapter sections 62.001 to 62.11~~, shall be punished by a fine of not more than \$100 for each offense, and the commissioner may revoke the license of any company, corporation, association, society, or other insurer of another state or country, or of the agent thereof, which or who wilfully violates any provision of ~~this chapter sections 62.001 to 62.11~~.

Sec. 8. Minnesota Statutes 1957, Section 73.41, is amended to read:

**73.41 Fire safety code.** The state fire marshal after holding a public hearing in accordance with ~~Minnesota Statutes, section 15.042~~ law, shall establish a fire safety code. The regulations in the code shall provide for reasonable safety from fire, smoke, and panic therefrom, in all hospitals, nursing homes, rest homes, board and care homes, as defined by the state board of health, schools, hotels, as defined in Minnesota Statutes, Section 60.91, Subdivision 2.

Sec. 9. Minnesota Statutes 1957, Section 84A.02, is amended to read:

**84A.02 Management.** Red Lake game preserve shall  
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be under the management and control of the department, which shall have, and it is hereby given, full power and authority to make, establish, promulgate, and enforce all necessary rules and regulations, not inconsistent with the laws of the state, for the care, preservation, protection, breeding, propagation, and disposition of any and all species of wild life therein and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, and other uses of this area, not inconsistent with the terms of sections 84A.01 to 84A.11 or other laws of the state now or hereafter applicable thereto. The department shall have power and authority, by means of rules and regulations, to declare the terms and conditions of these licenses and permits and the charges to be made therefor. These regulations may specify and control the terms under and by which wild life may be taken, captured, or killed therein, and under and by which fur-bearing animals, or animals and fish otherwise having commercial value, may be taken, captured, trapped, killed, sold, and removed therefrom. These rules and regulations may also provide for the afforestation and reforestation of lands now or hereafter owned by the state in this game preserve and hunting grounds, and for the sale of merchantable timber from these lands when and where, in the opinion of the department, the same can be sold and removed without damage or injury to the further use and development of the land for a habitat of wild life and game in this game preserve and hunting ground, and for the purposes for which this preserve and hunting ground is established by sections 84A.01 to 84A.11. The department may provide for the policing of this preserve and hunting ground in such manner as may be needful for the proper development and use of the preserve and hunting ground for the purposes specified, and all supervisors, guards, custodians, and caretakers assigned to duty in this preserve and hunting ground shall have and possess the authority and powers of peace officers while in their employment. The department shall also make and enforce such rules and regulations, not inconsistent with the laws of the state, concerning the burning of grass, timber slashings, and other inflammable matter, and the clearing, development, and use of lands in this preserve and hunting ground as may be necessary and advisable to prevent destructive forest fires and grass fires which would injure the use and development of this area for the preservation and propagation of wild life therein, and for the proper protection of the forest and wooded areas thereof. All lands within the boundaries of this preserve and hunting ground shall be subject to

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such rules and regulations, whether owned by the state or privately, consistent with the rights of the private owners and with the laws of this state now or hereafter applicable thereto. By such rules and regulations there may be established areas and zones within this preserve and hunting ground where hunting, fishing, trapping, or camping may be prohibited or specially regulated, for the purpose of protection and propagation of particular wild life therein.

All rules and regulations adopted and promulgated under the provisions of sections 84A.01 to 84A.11 shall be published in the manner now required by law under the provisions of section ~~97.23~~ 97.53, and shall be, in addition thereto, posted on the boundaries of this preserve and hunting ground.

Sec. 10. Minnesota Statutes 1957, Section 88.43, Subdivision 2, is amended to read:

Subd. 2. **Benefits; assessment; lien.** If any clearing or other improvement of land made by any town, village, or city benefits any person, or benefits some and damages others, then the amount of both such benefits and damages shall be ascertained in the same manner as provided by law with respect to damages in condemnation proceedings by right of eminent domain. All provisions of law relating to the determination of the amount of damages in condemnation proceedings shall apply to the determination of the value of benefits under this section, as far as practicable. Any benefits so found shall be assessed against, and be a lien upon, the real property so benefited and shall be noted upon the public records and collected upon the same terms and in substantially the same manner as now provided by sections ~~108.20 to 108.22~~, particular reference being made to sections ~~108.26 and 108.27~~, relating to ditch and drainage assessments law for the collection of ditch and drainage assessments pursuant to Minnesota Statutes, Chapter 106.

Sec. 11. Minnesota Statutes 1957, Section 97.82, as amended by Laws 1959, Chapter 442, Section 3, is amended to read:

**97.82 Administration, supervision and enforcement.** The section of warden service of the division of game and fish shall be the commissioner's authorized agent to administer, supervise, and enforce ~~this act~~ sections 97.81 to 97.85. The commissioner shall appoint a qualified person from the section of warden service according to civil service regulations, as warden supervisor of hunting safety and shall pre-

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scribe his duties and responsibilities. The commissioner shall provide the section of warden service with such assistants and clerical help as the commissioner shall determine necessary. The commissioner may appoint one or more county directors of hunting safety in each county of the state. Such county director shall be responsible to the section of warden service, and shall serve on a voluntary basis without compensation. The section of warden service may appoint such instructors as may be necessary to carry out the purposes of Laws 1957, Chapter 537, who shall serve without compensation.

Sec. 12. Minnesota Statutes 1957, Section 102.27, Subdivision 1, is amended to read:

**102.27 Namakan and Sand Point lakes; fishing.** Subdivision 1. Unless otherwise changed by order of the commissioner, under authority of section ~~98.47~~ 97.48, subdivision 3, whitefish, and rough fish may be taken by licensed commercial fishermen from Namakan Lake and Sand Point Lake; provided, that gill nets shall not be used therefor in Sand Point Lake.

Sec. 13. Minnesota Statutes 1957, Section 111.30, is amended to read:

**111.30 Apportionment of costs.** At the time set for hearing on the report and petition of the board of directors *of any district and the report of the engineer asking for* the establishment of any improvement under the provisions of sections 111.02 to 111.42, or at any time subsequent thereto, upon five days' notice, in writing, to the auditor of each county containing property affected by such improvement, the court shall apportion the amount of the total costs of the construction of the improvements among the counties affected in proportion to the benefits received and shall fix and determine the amount to be paid by each and, upon similar notice to the auditor, the judge of the district court may, at any time, modify his order as justice may require, or make additional orders covering additional expense. The word "expense," as used in this section, shall be construed to mean every item of cost of the improvement from its inception to its completion and all fees and expenses paid or incurred, including all damages awarded; and, upon the filing of the order, or a certified copy thereof, with the auditor of each county affected, together with a list of all property in the county affected and a statement of all benefits and damages

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affecting the same, and such other information as the court, by order, may direct, it shall be the duty of the county board of each county to provide the necessary funds to meet the proportionate share of the cost of the improvement, as specified in the order, in the same manner as now provided in the case of judicial ditch proceedings, under section ~~106.40~~ *106.411*. Immediately, or at the earliest date possible following the letting of contracts for the construction of the improvement by the board of directors of the district, it shall cause to be made and filed, with its clerk and with the auditor of each county affected, a statement showing the total cost of the improvement, including expenses as nearly as they can be ascertained, and the proportionate amount that the property within each county affected shall be required to pay on the basis fixed by the order of the court, together with a list of all property benefited within such county; and thereupon it shall become the duty of the auditor of each county to cause to be made and recorded the tabular statement and lien against the property benefited within the county the amount to be paid by the property in the county, in accordance with the provisions of sections ~~106.41 and 106.42~~ *106.341, 106.351, and 106.361*; and it shall be the duty of the county commissioners of each county to provide funds to meet the proportionate share of the total cost of the improvement, as shown by the report of the board of the drainage and conservancy district and the order of the court, and the county board is authorized to exercise all rights and authority in so doing now granted to the board of county commissioners under the provisions of sections ~~106.40 and 106.41~~ *106.411 and 106.341* and other provisions relating to county and judicial ditch proceedings. It shall be the duty of the respective county auditors and county treasurers to levy and collect the amount shown in the tabular statement and lien, as provided in sections ~~106.45 and 106.46~~ *106.371 and 106.381*. All moneys received by the treasurer of any county from the sale of bonds, assessments, or otherwise for the benefit of the district shall be by him accounted for and paid over to the treasurer of the district.

Sec. 14. Minnesota Statutes 1957, Section 118.01, is amended to read:

**118.01 Depository bonds.** Any bank or trust company authorized to do a banking business in this state, designated as a depository of county, city, village, borough, town, or school district funds as provided by law may, in lieu of the corporate or personal surety bond required to be furnished

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to secure such funds, deposit with the treasurer of the municipality making such designations, such bonds, certificates of indebtedness, or warrants, except bonds secured by real estate, as are legally authorized investments for savings banks under the laws of the state, or the bonds of any of the insular possessions of the United States, or the bonds of any state, or its agency, the payment of the principal and interest of which, or either, is provided for otherwise than by direct taxation, or notes secured by first mortgages of future maturity, upon which interest is not past due, on improved real estate free from delinquent taxes, within the county wherein the bank or trust company is located, or within counties immediately adjoining such county in the state of Minnesota. The total in amount of such collateral computed at its market value shall be at least ten percent more than the limit of deposit which would be permitted if a corporate or personal surety bond was furnished. The depository may at its discretion furnish both a bond and collateral aggregating the required amount. Any collateral so deposited shall be accompanied by an assignment thereof to the municipality designating such depository, which assignment shall recite that such depository shall pay over to the treasurer or his order on demand or, if a time deposit, when due, free of exchange or any other charges, all moneys deposited therein at any time during the period such collateral shall be so deposited and to pay the interest thereon when due at the agreed rate; and that, in case of any default upon the part of the depository, the governing body of the municipality making the designation shall have full power and authority to sell such collateral, or as much thereof as may be necessary to realize the full amount due the municipality and to pay over any surplus to the depository or its assigns. A depository may in its discretion deposit collateral of a value less than the total designation and may from time to time, during the period of its designation, deposit additional collateral and make withdrawals of excess collateral or substitute other collateral for that on deposit or any part thereof. Authority is vested in the treasurer to return the collateral to the depository when the trust so created is terminated and he shall, in the case of a reduction of the deposit, permit the depository to withdraw the excess portion thereof. All interest on the collateral so deposited when collected shall be paid to the depository so long as it is not in default. Before any collateral is deposited with the treasurer it shall first be approved by the same authority that designated the depository, but no such authority shall be necessary for the withdrawal of collateral. The clos-

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ing of a depository shall be deemed a default upon the part of the depository and no demand upon the part of the municipality or its treasurer shall be necessary to establish such default. If a depository shall close, any time deposit placed therein shall immediately become due and payable. If both bond and collateral are furnished by a depository, all or any part of the collateral may be withdrawn without in any way impairing the full force and effect of the bond unless it shall contain a provision that the collateral shall not be withdrawn without the consent of the surety thereon. If a corporate surety bond is furnished by a depository, it shall be in a penal sum not to exceed the amount designated as the limit of deposit therein, notwithstanding any other provisions of law to the contrary. At no time shall the treasurer maintain a deposit in any depository against collateral in excess of 90 percent of the market value thereof. Any provision of law authorizing any county, city, village, borough, town, or school district to designate banks as depositories shall be construed to include trust companies authorized to do a banking business. All bonds furnished under the provisions of this section shall be approved by the governing body of the municipality making such designation and filed in the office of the county auditor as provided by ~~section 127.07~~ *Extra Session Laws 1959, Chapter 71, Article 5, Section 5*, and all collateral deposited under the provisions of this section shall be approved by the governing body of the municipality making such designation and after such approval deposited with the treasurer of such municipality, unless the governing body of such municipality shall by resolution fix and determine some other place for the safe-keeping of such collateral. Such collateral shall not be re-deposited in the bank or trust company furnishing the same.

Any banking corporation pledging such securities, at any time it deems it advisable or desirable, may substitute obligations of the United States of America for all or any part of the securities pledged. The collateral so substituted shall be approved by the governing body of the county, city, village, borough, town, or school district making such designation at its next official meeting.

Such securities so substituted shall, at the time of substitution, have a market value sufficient, together with the market value of the original securities for which no substitution is made, to equal or exceed \$110 for every \$100 of public deposits.

In the event of such substitution the holder or custodian

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of the securities shall, on the same day, forward by registered or certified mail to the public corporation and the depository bank, a receipt specifically describing and identifying both the securities so substituted and those released and returned to the depository bank.

Sec. 15. Minnesota Statutes 1957, Section 169.073, is amended to read:

**169.073 Red lights forbidden.** No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain the same in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of highways such person or corporation maintaining or owning or displaying said prohibited light shall promptly remove the same, or change the color thereof to some other color than red. Where such prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the railroad and warehouse commission shall have authority to cause the removal of the same and the commission shall have authority to issue notices and orders for such removal. The commission shall proceed as provided in sections ~~216.12~~, 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party as provided in section 216.25.

It shall be a misdemeanor for any person or corporation to maintain or display any such light after written notice thereof from the commissioner of highways or the railroad and warehouse commission that such light constitutes a traffic hazard and has ordered the removal thereof.

Sec. 16. Minnesota Statutes 1957, Section 175.20, is amended to read:

**175.20 Enforcement.** The department of labor and industry shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of compulsory education and truancy laws as those conferred upon truant officers by ~~section 122.09~~ *Extra Session Laws 1959*,

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*Chapter 71, Article 1, Section 14.* It shall be empowered to gather statistics relating to all branches of labor, to labor troubles and unions, and to the economic and social conditions of the laboring classes. In the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work, or other place where persons are employed, or any office from which such place of employment is directed or managed, at all reasonable times, give such direction as may be necessary to enforce the laws, and remain while engaged in their official duties. They may enter any place where intoxicating beverages are sold for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the department of labor and industry may issue subpoenas and take testimony and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

The bureau of women and children shall have power to enforce and cause to be enforced by complaint in any court or otherwise all laws and local ordinances relating to the health, morals, comfort, and general welfare of women and children.

Sec. 17. Minnesota Statutes 1957, Section 183.61, Subdivision 3, is amended to read:

**Subd. 3. Violations by those responsible for operation.** Every owner, lessee, master, or pilot violating any provision of ~~section 183.43, or section 183.44,~~ is guilty of a misdemeanor.

Sec. 18. Minnesota Statutes 1957, Section 215.31, is amended to read:

**215.31 Cooperation with public accountants; public accountant defined.** There shall be mutual cooperation between the public examiner and public accountants in the performance of auditing, accounting, and other related services for cities, villages, boroughs, towns, school districts, and other public corporations. For the purposes of sections 215.31 to 215.38 the term public accountant shall have the meaning ascribed to it in Minnesota Statutes, ~~sections 125.21 and section 426.08.~~

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Sec. 19. Minnesota Statutes 1957, Section 221.55, is amended to read:

**221.55 Certificate of public convenience and necessity.** No person or corporation shall engage in the transportation described in section 221.54 without a certificate of public convenience and necessity from the Railroad and Warehouse Commission of Minnesota authorizing such operation. Such certificate shall be issued by the Commission pursuant to application, notice and hearing as provided in Minnesota Statutes, Sections ~~221.05 to 221.08~~ *221.061 and 221.071*, and the issuance of certificates and the transportation covered thereby shall be governed by the provisions of such sections and by Minnesota Statutes, Sections ~~221.02 to 221.04 and 221.09 to 221.17~~ *221.031, 221.041, 221.051 and 221.081*, applying to auto transportation companies, in so far as such provisions are not inconsistent with sections 221.54 and 221.55.

Sec. 20. Minnesota Statutes 1957, Section 252.02, is amended to read:

**252.02 Maintenance.** ~~The colony for the feeble-minded and the colony for epileptics~~ *state schools and hospitals for the mentally retarded and epileptic* shall be established and maintained under the general supervision and control of the commissioner of public welfare.

Sec. 21. Minnesota Statutes 1957, Section 252.03, is amended to read:

**252.03 Admission.** The commissioner of public welfare may provide for the admission to ~~the colony of epileptics~~ *of any such state school and hospital of any mentally retarded or epileptic person* who is a resident of this state, ~~and may provide for the admission to the colony of any feeble-minded person resident of this state who would be eligible for admission to the school for feeble-minded, or who may have been heretofore or may hereafter be committed to the guardianship of the commissioner of public welfare. Any person so admitted to or placed in either of these colonies shall be so admitted and maintained therein subject to the respective restrictions, terms, and conditions prescribed by the laws applicable to the admission of inmates to the school for feeble-minded maintained at Faribault.~~

Sec. 22. Minnesota Statutes 1957, Section 252.04, as amended by Laws 1959, Chapter 157, Section 8, is amended to read:

**Changes or additions indicated by italics, deletions by strikeout.**

252.04 **Persons admitted; charges; refunds.** All ~~feeble-minded~~ *mentally retarded* persons, resident of the state, duly committed to the guardianship of the commissioner of public welfare, who, in his opinion, are in need of care and training at some state institution for the ~~feeble-minded~~ *mentally retarded*, may be admitted to such an institution; and epileptic persons who are not ~~feeble-minded~~ *mentally retarded* may, on their own application, be admitted to the ~~colony state school and hospital~~ for epileptics, under such conditions and regulations as the commissioner of public welfare shall prescribe. The commissioner of public welfare shall determine annually the combined average per capita cost for mentally deficient and epileptic patients at the Faribault state school and hospital and the Cambridge state school and hospital for the preceding year; and, the person legally responsible for the support of any person so admitted, shall pay quarterly to the commissioner of public welfare a sum equal to one-fourth of 52 percent of the last such per capita cost so determined by the commissioner of public welfare; but, if the person so liable fails or refuses to pay such sum, of which nonpayment the certificate of the commissioner of public welfare shall be prima facie evidence, it is hereby made a charge in the sum hereinafter provided upon the county in which the person so admitted has a legal settlement for the purpose of poor relief, if he has a settlement within the state; and, if not, upon the county from which he was admitted; and, upon the presentation of a certificate of the commissioner of public welfare to the welfare board of the county, that such person is a regular and proper inmate of such institution and of the quarterly sum so fixed by the commissioner of public welfare as hereinbefore provided the welfare board shall immediately remit to the commissioner of public welfare the sum of \$80 per patient annually which shall be billed quarterly to the *county welfare boards*, and such payments shall continue so long as such person remains an inmate of the institution, which sums may be recovered by the county from any person of sufficient ability legally responsible for the support of such inmate. The commissioner of public welfare shall transmit the funds so received to the state treasurer to be credited to the proper funds of the institution, as required by law in the case of other current receipts, and the commissioner of public welfare shall have authority to reimburse prorata the persons and counties so paying, respectively, from the general support fund of the institution in case of the death or removal of such person so admitted, before the termination of the quarterly period for which such

**Changes or additions indicated by italics, deletions by strikeout.**

payment is made. Any crippled or deformed child who is helpless and who cannot be benefited by treatment at the state hospital for crippled and deformed children, or any child who is physically helpless from any chronic disease of the nervous system or any child or adult suffering from such or other incurable chronic invalidism, may be admitted to the department for incurables in the institution in the discretion of and under such conditions as the commissioner of public welfare shall determine.

There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

Sec. 23. Minnesota Statutes 1957, Section 260.39, is amended to read:

**260.39 Distribution of funds recovered for assistance furnished.** When any amount shall be recovered from any source for assistance furnished under the provisions of *Laws 1959, Chapter 685, Sections 1 to 44, and sections 260.01 to 260.35, 260.36, and 260.38*, there shall be paid into the treasury of the state or county in the proportion in which they have respectively contributed toward the total assistance paid.

Sec. 24. Minnesota Statutes 1957, Section 261.17, is amended to read:

**261.17 Bonds issued.** Bonds or other evidences of indebtedness may be issued pursuant to the authority granted and for the purposes specified herein by following the regular statutory or charter procedure applicable to such political subdivision; provided, however, that any political subdivision now required by statute or by charter to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, is hereby authorized to issue and sell such public welfare bonds or other evidence of indebtedness without submitting the question of such issue to a referendum vote, by following the procedure hereinafter outlined.

Before any such bonds or other evidence of indebtedness may be issued hereunder by a political subdivision which is restricted by statute or by charter provision from issuing bonds and pledging the credit thereof without submitting the proposal to make such issue to a referendum vote of the elec-

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

tors of such political subdivision, a resolution shall first be adopted by a two-thirds vote of all the members of the official body or bodies authorized to make loans within the political subdivision, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidence of indebtedness to a vote of the electors of the political subdivision. The action of the governing body shall be by resolution, irrespective of any requirement of any home rule charter, general or special law requiring such action to be by ordinance. This resolution shall then be submitted to the governor of the state, together with all facts deemed necessary to support such emergency action, including the general financial condition of the political subdivision, the need for the funds, and funds which may be available, public or private, and such other information as may be required. If after investigation the governor finds that the amounts requested are within the reasonable needs of the political subdivision and that no other funds are available to meet the same or that it is not possible or practicable, in view of the other governmental needs of the political subdivision to secure the necessary funds from other sources or by regular methods of borrowing, he shall certify that an emergency exists sufficient to warrant the issuance of such bonds or other evidence of indebtedness subject to the requested exemption. The governor may reduce but shall not increase the amount requested in such resolution. Upon such certification, the governing body or bodies may then proceed to issue and sell such bonds or other evidence of indebtedness pursuant to the resolution aforesaid and in the manner prescribed by section ~~475.15~~ 475.60 and they shall be valid legal obligations of the political subdivision without the referendum vote of the electors.

Section 25. Minnesota Statutes 1957, Section 275.09, Subdivision 3, is amended to read:

Subd. 3. **Town purposes.** There shall be levied annually on each dollar of taxable property, except such as is by law otherwise taxable, as assessed and entered on the tax lists for town purposes, such amount as is voted at any legal town meeting, the rate of which tax shall not exceed, exclusive of such sums as are voted at the annual town meeting for road and bridge purposes and for the support of the poor, ten mills in any town having a population of more than 7,000, excluding the population of any cities or villages therein, five mills in any town having a taxable valuation of \$100,000

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or more, and the amount of which shall not exceed \$350 in any town having a taxable valuation of less than \$100,000, and the rate of which shall not exceed one percent in any town. The rate of tax for road and bridge purposes in any town shall not exceed the rate provided by ~~Minnesota Statutes, Section 163.05,~~ *Extra Session Laws 1959, Chapter 500, Article V, Section 4,* and the tax for poor purposes shall not exceed five mills. In any town in which the amount levied within the above limitations is not sufficient to enable the town to carry on its necessary governmental functions, the electors, during the business hours, after disposing of the annual report, may make an additional levy of not to exceed five mills to enable the town to carry on such necessary governmental functions.

Sec. 26. Minnesota Statutes 1957, Section 275.12, Subdivision 1, is amended to read:

**275.12 Tax levy, schools; limits.** Subdivision 1. The total amount of taxes levied by and for any school district in the state for all general and special school purposes including the county school tax of one mill, required to be levied by the statute, but exclusive of any state levy, income tax apportionment or other aids, shall not exceed in any year the greater of: (a) \$315 per resident pupil unit in average daily attendance in kindergarten and grades one to twelve, inclusive, plus the amount of any levies for bonds issued and interest thereon, such pupil units in average daily attendance to be computed in accordance with ~~Minnesota Statutes, section 128.051,~~ *Extra Session Laws 1959, Chapter 71, Article V, Section 17 and Section 24,* or (b) the following amounts per capita of the population of the district: in districts having a population in excess of 5,000 and operating schools in more than four villages or cities, the greater of \$540,000 or \$103 per capita; in districts not within the foregoing class but having a population in excess of 5,000, \$92 per capita, but not less than \$142,000 plus \$73 per capita; in districts having a population in excess of 2,750 and not more than 5,000, the greater of \$330,000 or \$108 per capita; in districts having a population of 2,750 or less, \$110,000 plus \$81 per capita. If the levy made by any district exceeds the amount permitted by clause (a) but does not exceed the amount of the limitation contained in clause (b), at least \$3.50 per capita shall be set aside in a special fund known as the Building and Rehabilitation Fund, and shall be used only for the rehabilitation or reconstruction or modernization of school buildings by major repairs or changes therein, or for the payment of

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bonds or certificates of indebtedness issued for that purpose, not including ordinary current maintenance replacements or repairs; provided, that certificates of indebtedness issued for this purpose may be issued for a period of three years and shall become due and payable not later than three years after issuance and the amount of outstanding certificates issued hereunder shall not exceed at any one time an amount greater than \$10.50 per capita; provided, if the district has no buildings needing rehabilitation, reconstruction or modernization and the board shall adopt a resolution to that effect, the money in said fund may be used for other authorized school purposes.

Sec. 27. Minnesota Statutes 1957, Section 276.14, is amended to read:

**276.14 Collected costs to be credited to county revenue fund.** All penalties and interest accruing upon any tax levied by special assessment, or otherwise, for local purposes, on real estate in any incorporated city, borough, or village shall be apportioned to the general revenue fund of the city, borough, or village where the real estate is situated; and all other penalties, and interest collected on real estate taxes, shall be apportioned one-half to the county revenue fund, and the other half to school districts of the county in the manner provided for the distribution of other school funds by ~~section 128.04~~ *Extra Session Laws 1959, Chapter 71, Article V, Section 10*. All costs collected shall be apportioned to the county revenue fund.

Sec. 28. Minnesota Statutes 1957, Section 299.08, as amended by Extra Session Laws 1959, Chapter 70, Article IX, Section 6, is amended to read:

**299.08 Lien; payment of tax.** The situs of royalty, for all purposes of this chapter, shall be in this state; and the tax herein provided for shall be a specific lien from the time the royalty accrues upon all and singular the right, title, and interest of the person to whom such royalty is payable, in and to the land, for permission to explore, mine, take out, and remove ore on which the royalty is paid, and shall be a specific lien upon such royalties as they accrue. Every person paying royalty to another which is subject to tax hereunder, upon which the royalty tax has not been paid, shall withhold the amount of the tax upon such royalty and remit the same to the state treasurer at the time the royalty is paid. Such payment to the state treasurer shall operate to discharge to that extent the liability of the person paying such royalty

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to the royalty recipient. In addition thereto, he shall withhold any additional amounts certified pursuant to *Extra Session Laws 1959, Chapter 70, Article IX*, Section 4 3, Subdivision 3. At the time of such payment he shall file with the state treasurer and with the commissioner of taxation a report thereof on forms to be prescribed by the commissioner of taxation. If any person paying royalty to another shall fail to withhold the tax thereon or the penalty imposed by section 299.06 after notice thereof as therein provided, and pay the same to the state treasurer, he shall be liable for the amount of such tax and penalty, with interest at the rate of 12 percent per annum from the time the same should have been paid, to be recovered in an action by the attorney general for and on behalf of the state. The commissioner of taxation, may, upon petition of any royalty payor or recipient, upon such conditions as he may impose, permit the paying of the tax in one annual payment instead of as such royalty accrues, in which case such annual payment shall be made at such times as the commissioner of taxation directs, not later than June 30 of the year following the accrual of the royalty. No such extension of time shall be granted unless, as one of the conditions thereof, the royalty payor shall guarantee the payment of the tax.

In the event the royalty is paid in ore instead of in cash the tax provided for herein shall be a specific lien upon the ore apportioned to the royalty recipient; or, if such ore be not apportioned, upon the royalty recipient's interest in the ore mined, and such ore shall not be shipped from this state unless:

- (1) The royalty tax be paid; or
- (2) A bond be given to secure such payment, upon a form and with sureties approved by the commissioner of taxation, in an amount 25 percent in excess of his estimate of the tax; or
- (3) The estimated amount of the tax, such estimate to be made by the commissioner of taxation, be deposited with the state treasurer as security for such payment; or
- (4) The payment of the tax be guaranteed or secured in some other manner satisfactory to the commissioner of taxation.

Sec. 29. Minnesota Statutes 1957, Section 317.65, Subdivision 5, is amended to read:

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

Subd. 5. **Legal guardian.** If the ~~director of social welfare commissioner of public welfare~~ currently certifies that a corporation formed for the purpose set out in subdivision 1, clause (1), is a child caring agency complying with the rules and regulations established by the ~~director of social welfare commissioner of public welfare~~ to govern its operation, the corporation has the power to become the guardian of a child in the manner prescribed for securing the guardianship of dependent and neglected children in ~~Minnesota Statutes, Sections 260.01 to 260.34~~ *Laws 1959, Chapter 685, Sections 1 to 44.*

Sec. 30. Minnesota Statutes 1957, Section 340.33, is amended to read:

**340.33 Contest of election; mandamus.** Any voter may contest the validity of such election, as provided by ~~sections 208.07 to 208.09~~ *Laws 1959, Chapter 675, Article X, Sections 8 to 10*; provided, that it shall be the duty of the county attorney of such county to appear in defense of the validity of such election in any such contest in his county, and that any voter of the county may appear at any time before trial and defend as contestee therein by serving written notice of his appearance, signed by himself or his attorney, on the contestant or his attorney, as provided by law, for the service of answers in civil actions. A writ of mandamus shall issue on information of any legal voter of the county to compel the performance of any duty enjoined upon any officer by sections 340.07 to 340.40 and all the provisions of chapter 586 relating to mandamus proceedings hereunder shall apply to any proceedings hereunder as far as the same may be applicable.

Sec. 31. Minnesota Statutes 1957, Section 352.01, Subdivision 7, is amended to read:

Subd. 7. **Prior service.** "Prior service" means the allowable service rendered before the first day of July, 1929, and includes the service during the first world war of officers, soldiers, sailors, marines, and army nurses who were state employees at the time of enlisting or being drafted into the military service of the United States, and who returned directly to the service of the state upon returning from the first world war. It also includes any temporary service or service of less than six months rendered prior to July 1, 1929, upon payment for such service credit as provided in ~~section 352.02~~ *352.24, subdivision 2.*

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Sec. 32. Minnesota Statutes 1957, Section 375.20, is amended to read:

**375.20 Questions submitted to vote; ballot.** When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall be given as in the case of special elections; and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes . . . . . No," with a square opposite each of the words "yes" and "no," in one of which the voter shall make a cross to indicate his choice; provided; that the county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be adopted by the county board. Upon the adoption of such a resolution the county auditor shall post and publish notices of such election, as required by ~~section 205.11~~ *Laws 1959, Chapter 675, Article IV, Section 49*. The election shall be conducted and the returns canvassed in the manner prescribed by ~~sections 205.06 to 205.16~~ *Laws 1959, Chapter 675, Article IV, Sections 44 to 55*, so far as practicable.

Sec. 33. Minnesota Statutes 1957, Section 376.22, is amended to read:

**376.22 Statement of expenses; payment.** The county sanatorium commission shall, on or before the tenth day of each month, ascertain the amount of expenses incurred for the preceding calendar month for the operation and maintenance of such sanatorium, as shown by claims allowed by it, and shall deduct from the same the amount of cash receipts of the commission for that month and shall certify to the county auditor or county auditors, as the case may be, the amount due from each county for its share of the net expenses for the month in question.

In case the sanatorium is maintained by two or more counties the proportionate share to be thus certified shall be based upon the population of the respective counties.

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Upon receipt of the certificates above referred to, the county auditor, or the county auditors, as the case may be, shall forthwith draw warrants upon the county sanitorium fund of his county for the amount due such commission and forward the same to it and the funds so received shall be deposited to the credit of the commission, as provided for in section 376.21.

Payments for duly allowed claims against the commission shall be paid by checks issued therefor and signed by the president and the secretary of the commission; ~~except as provided in section 376.23.~~

Sec. 34. Minnesota Statutes 1957, Section 382.28, is amended to read:

**382.28 Justices and constables.** In each election district established as provided by ~~section 205.23 Laws 1959, Chapter 675, Article IV, Section 7~~ there shall be elected at the general election two justices of the peace and two constables, whose term of office shall be two years. Any vacancy that may occur in either of such offices shall be filled by appointment by the county board.

Sec. 35. Minnesota Statutes 1957, Section 453.14, is amended to read:

**453.14 No limitation or extension of powers of taxation.** Nothing in sections 453.11 to 453.14 shall be construed to limit or extend the powers of the village to levy, as provided by ~~sections 457.09 to 457.11~~ *section 412.251, clause 9*, or to be in lieu of such levies, nor shall be construed to limit or extend the powers or limitations with respect to levies for or expenditures from other funds by the village or commission for the operation of the water and light department, or for replacements, additions, or extensions to such system from such funds. Nothing in sections 453.11 to 453.14 shall be construed to limit the power of the village to make levies in excess of the present per capita limitations for indebtedness existing prior to January 1, 1929, as provided by sections 275.11 and 275.17 to 275.21.

Sec. 36. Minnesota Statutes 1957, Section 455.08, is amended to read:

**455.08 Bond issue; election, ballots, canvass.** ~~In voting upon the proposition, the ballots used shall have written or printed, or partly written or printed thereon, the words "Bond Ballot," and the proposition submitted to the electors~~

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shall be in the form as provided in section 476.06. *In voting upon the proposition, the ballots used shall have written or printed, or partly written or printed thereon the words "Bond Ballot", and shall state the amount and purpose of the bonds.* The voting shall be conducted in the same manner as provided by law for the election of city officers, and shall be counted, returned, and canvassed in the same manner as provided by law for the election of city officers.

Sec. 37. Minnesota Statutes 1957, Section 475.53, Subdivision 4, is amended to read:

Subd. 4. **School districts.** Except as otherwise provided in sections 475.51 to 475.75, no school district other than those covered by subdivision 5, shall be subject to a net debt in excess of the higher of the following limitations thereon; either (a) 50 percent of the last assessed value of all taxable property therein; or (b) 7-1/2 percent of the correct full and true value of all taxable property therein as determined by the equalization aid review committee constituted by ~~Minnesota Statutes, Section 128.082, Subdivision 1(b) as amended;~~ *Extra Session Laws 1959, Chapter 71, Article V, Section 21, and any act amendatory thereof;* provided however, in determining the assessed value of all taxable property all real estate used as a homestead shall be computed without regard to the reduction in rate provided by Minnesota Statutes, Section 273.13.

"Correct full and true value" as used in this subdivision means the market value of the taxable property of a school district as determined by the equalization aid review committee. The commissioner of taxation shall certify this value in appropriate form upon request of a school district.

Whenever the erection or construction of a building or structure is completed after the last preceding assessment, the value thereof, as determined pursuant to this subdivision, may be added to the correct full and true and to the assessed value of the school district in determining the limitations on net debt prescribed by this subdivision.

Any school board desiring to have the full and true and the assessed values of such property determined may by resolution request that this be done by the assessor of the appropriate assessment district or, if such district does not employ a full-time assessor, by the county assessor or county supervisor of assessments. Upon receipt of a certified copy of such resolution such assessor or supervisor shall forth-

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with value any building or structure on taxable real estate which has been completed after the last preceding assessment and prior to the date of such resolution in the same manner as he would so value the same for tax purposes as of the next succeeding May 1. He shall thereupon estimate the increase in the full and true and in the assessed values which will result from the completion of such building or structure, as of the next succeeding May 1 and shall certify the estimate of the assessed value to the county auditor, and shall certify the estimate of the full and true value to the commissioner of taxation, who shall apply thereto the ratio theretofore determined by him to exist between the full and true value and the market value of property of the same class within the district, in order to ascertain the correct *full and true value of such additional property*. The amount of correct full and true value so ascertained shall be added to the correct full and true value of the school district as previously certified by the commissioner of taxation in order to determine the correct full and true value of such district for the purposes of this subdivision, and the amount of assessed value so determined shall be added to the assessed value of such district for purposes of this subdivision, but the provisions of this subdivision shall not render property taxable until it would otherwise become taxable.

Sec. 38. Minnesota Statutes 1957, Section 480.055, Subdivision 1, is amended to read:

**480.055 Rules not in conflict.** Subdivision 1. **Other courts.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of district courts, pursuant to Minnesota Statutes ~~1945~~, Sections 484.52, 484.33, and the judges of municipal courts, pursuant to ~~Minnesota Statutes 1945, Section 488.16~~ *Laws 1959, Chapter 660*, may adopt rules not in conflict with the rules promulgated by the supreme court.

Sec. 39. Minnesota Statutes 1957, Section 593.13, is amended to read:

**593.13 Selection of jurors.** The county board, at its annual session in January, shall select, from the qualified voters of the county, 72 persons to serve as grand jurors, and 144 persons to serve as petit jurors, and make separate lists thereof, which shall be certified and signed by the chairman, attested by the auditor, and forthwith delivered to the clerk of the district court. If in any county the board is

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unable to select the required number, the highest practicable number shall be sufficient. In counties where the population exceeds 10,000, no person on such list drawn for service shall be placed on the next succeeding annual list, and the clerk shall certify to the board, at its annual January session, the names on the last annual list not drawn for service during the preceding year, nor shall any juror at any one term serve more than 30 days and until the completion of the case upon which he may be sitting. The court may, with the consent of any such juror and with the consent of any parties having matters for trial, after such 30-day period has expired, hold and use such jurors so consenting to try and determine any jury cases remaining to be tried at such term between parties so consenting. In counties having two or more terms of court in one year, after the jurors have been drawn for any term of such court, the clerk shall strike from the original list the names of all persons who were drawn for such term, and notify the board thereof, which at its next session shall likewise select and certify an equal number of new names, which shall be added by such clerk to the names in the original list. If the list is not made and delivered at the annual meeting in January, it may be so made and delivered at any regular or special meeting thereafter. Whenever before or after a term commences it appears to the court that there is or will be an entire absence or deficiency of jurors, whether from an omission to draw or to summon such jurors or because of a challenge to the panel or from any other cause, the court may order a special venire to issue to the sheriff of the county, commanding him to summon from the county at large a specified number of competent persons to serve as jurors for the term or for any specified number of days; provided, that before such special venire shall issue the jurors who have been selected by the county board and whose names are still in the box, provided for in section ~~592.07~~ *628.45*, shall first be called, and upon an order of the court the number of names required for such special venire shall be drawn from the box in the manner required by law, and the jurors so drawn shall be summoned by the sheriff as other jurors; and as additional jurors are needed successive drawings shall be ordered by the court until the names contained in the box have been exhausted.

Approved April 20, 1961.

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Changes or additions indicated by *italics*, deletions by ~~strikeout~~.