

providing for costs and payment; requiring a report to the legislature.

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

Section 1. OLMSTED COUNTY; ELECTRONIC TRANSCRIPTION OF TRIAL PROCEEDINGS. Subdivision 1. **AUTHORIZATION.** Notwithstanding any contrary provision of the law, any district court judge in Olmsted county may order, upon motion of any party or on his own motion, that any court proceedings in Olmsted county be recorded by suitable electronic means in lieu of stenographic recording. In such cases the electronic recording shall constitute the official record.

Subd. 2. **COSTS AND PAYMENT.** The trial court shall have authority to appoint a person or persons, other than the official court reporter, to operate such electronic recording devices and to type up transcripts of the official record when necessary. Such person or persons may be paid on a salary basis, on a contract basis, or any other basis as the court may deem appropriate. If transcriptions of electronic recordings are made by a salaried person, the charges for transcripts shall be paid into the general fund of Olmsted county. In other cases the charges for transcriptions or for copies of the electronic recordings shall be paid to the clerk of court.

Subd. 3. **REPORT.** By November 15, 1978, the Olmsted county board shall cause to be made a report to the legislature on the use of electronic recording devices authorized pursuant to this act. The report shall include data necessary for a full evaluation and comparison of the use of electronic recording devices and the use of stenographic recording devices to record and transcribe court proceedings.

Sec. 2. This act is effective upon approval by the Olmsted county board.

Sec. 3. The judges of the third judicial district shall promulgate rules to establish acceptable electronic equipment specifications for court reporting and the length of time which records of court proceedings must be retained.

Approved May 27, 1977.

CHAPTER 337—H.F.No.319

[Coded in Part]

An act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

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

Section 1. Minnesota Statutes 1976, Section 123.39, Subdivision 13, is amended to read:

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Subd. 13. **DAYTIME ACTIVITY CENTERS; NAME CHANGE.** The board shall contract with any licensed daytime activity developmental achievement center attended by a resident handicapped person who fulfills the eligibility requirements of section 252.23, subdivision 1, to transport the resident handicapped person to the daytime activity developmental achievement center in return for payment by the daytime activity center of the cost of the transportation, if transportation by the board is in the best interest of the handicapped person and is not unreasonably burdensome to the district and if a less expensive, reasonable, alternative means of transporting the handicapped person does not exist. If the board and the daytime activity developmental achievement center are unable to agree to a contract, either the board or the daytime activity center may appeal to the commissioner of education to resolve the conflict. All decisions of the commissioner shall be final and binding upon the board and the daytime activity center.

Sec. 2. Minnesota Statutes 1976, Section 252.21, is amended to read:

252.21 COMMISSIONER OF PUBLIC WELFARE MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED. In order to assist in the establishment of daytime activity developmental achievement centers for the mentally retarded and cerebral palsied, the commissioner of public welfare is hereby authorized and directed to make grants, within the limits of the money appropriated, to those daytime activity developmental achievement centers for the mentally retarded and cerebral palsied that he shall select.

Sec. 3. Minnesota Statutes 1976, Section 252.22, is amended to read:

252.22 APPLICANTS FOR ASSISTANCE; TAX LEVY. Any city, town, county or non-profit corporation or any combination thereof, may apply to the commissioner of public welfare for assistance in establishing and operating a daytime activity developmental achievement center and program for mentally retarded and cerebral palsied persons. Application for such assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a daytime activity developmental achievement center for the mentally retarded and cerebral palsied. In order to provide necessary funds to establish and operate daytime activity developmental achievement centers for the mentally retarded and cerebral palsied, the governing body of any city, town, or county may levy annually upon all taxable property in such city, town, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-sixth of one mill as to any city or town. The governing body of any city, town, or county may make such a levy, where necessary, separate from the general levy. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

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Sec. 4. Minnesota Statutes 1976, Section 252.23, is amended to read:

252.23 ELIGIBILITY REQUIREMENTS. ~~An applicant~~ A developmental achievement center shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide daytime activities for any or all of the following classes of persons:

Mentally retarded and cerebral palsied children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

Mentally retarded and cerebral palsied children and adults who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counseling services to parents or guardians of mentally retarded and cerebral palsied persons who may register at the center;

(3) Comply with all rules ~~and regulations~~ duly promulgated by the commissioner of public welfare.

Sec. 5. Minnesota Statutes 1976, Section 252.24, is amended to read:

252.24 COMMISSIONER'S DUTIES. Subdivision 1. **SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.** The commissioner of public welfare shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose developmental achievement center location and program is licensed under the provisions of sections ~~257.081, 257.101, 257.111, 257.123, 245.781~~ to 245.813 and 257.175, and in his opinion, best provides daytime activities for mentally retarded and cerebral palsied persons within the state appropriation made available for this purpose.

Subd. 2. **SUPERVISION OF PROJECTS; PROMULGATION OF RULES AND REGULATIONS.** The commissioner of public welfare shall closely supervise any ~~daytime activity~~ developmental achievement center receiving a grant under sections 252.21 to 252.26. He shall promulgate rules in the manner provided by law ~~such rules and regulations~~ as are necessary to carry out the purposes of sections 252.21 to 252.26, including but not limited to rules ~~and regulations~~ pertaining to facilities for housing ~~activity~~ developmental achievement centers, administration of centers, and eligibility requirements for admission and participation in activities of the center.

Subd. 3. **PAYMENT PROCEDURE.** The commissioner of public welfare at the beginning of each fiscal year, shall allocate available funds to ~~activity~~ developmental achievement center programs for disbursement during the fiscal year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The commissioner shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if he determines that any amount of funds are not needed for any particular center to which they were allocated, he may, after

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30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. He may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Subd. 4. **LIMITATION ON GRANTS; FEES.** No grants of assistance to any center shall exceed 60 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) rent of an appropriate facility, (e) mortgage or other financial costs specifically approved and authorized by the commissioner of public welfare, (f) other expenditures specifically approved and authorized by the commissioner of public welfare; provided, the grant of assistance to each center shall fund the center's total cost under its approved budget for the fiscal year for transportation to and from the center of persons who fulfill the eligibility requirements of section 252.23, subdivision 1, and who attend the center.

The board of directors of ~~an activity a~~ developmental achievement center may, with the approval of the commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded or cerebral palsied person, his guardian or family to pay such a fee. No mentally retarded or cerebral palsied person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

Sec. 6. Minnesota Statutes 1976, Section 252.25, is amended to read:

252.25 **BOARD OF DIRECTORS.** Every city, town, county or non-profit corporation, or combination thereof, establishing a ~~daytime activity~~ developmental achievement center for the mentally retarded and cerebral palsied shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the ~~activity~~ center program. When any city, town or county singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or non-profit corporations, establishes such a center, the chief executive officers of the cities or non-profit corporations and the chairman of the governing bodies of the counties or towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the ~~activity~~ center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and cerebral palsy, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

Sec. 7. Minnesota Statutes 1976, Section 252.26, is amended to read:

252.26 **DUTIES OF BOARD OF DIRECTORS.** Subject to the provisions of sections 252.21 to 252.26 and the rules ~~and regulations~~ of the commissioner of public welfare, each board of directors of a ~~daytime activity~~ developmental achievement center shall:

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(1) Recruit and promote financial support for the center from sources such as business, labor, industrial and private foundations, voluntary agencies, and the general public;

(2) Promote and enter into working agreements with other social service and educational agencies, both public and private, which provide service to the mentally retarded and cerebral palsied;

(3) Advise the commissioner of public welfare on the adoption and implementation of policies to stimulate effective community relations;

(4) Review the annual budget and plan of the center and make recommendations thereon;

(5) Review and evaluate periodically the services provided by the center and report thereon to the commissioner of public welfare, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23, clause (1) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

Sec. 8. [252.261] Any daytime activity center in existence on the effective date of sections 1 to 7 shall be deemed to be a developmental achievement center for the purposes of sections 1 to 7.

Sec. 9. This act is effective September 1, 1977.

Approved May 27, 1977.

CHAPTER 338—H.F.No.324

[Coded in Part]

An act relating to sheriffs; increasing certain fees and mileage allowances; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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

Section 1. Minnesota Statutes 1976, Section 357.09, Subdivision 1, is amended to read:

357.09 SHERIFFS; FEES AND MILEAGE. Subdivision 1. The fees to be charged and collected by the sheriff shall be as follows, and no other or greater fees shall be charged for:

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