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394.37 COUNTIES; PLANNING AND ZONING; ENFORCEMENT. Subdivision 1: The board shall provide for the enforcement of sections 394.21 to 394.37 and of ordinances and regulations made thereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county. In a county in which subdivision regulations or controls are in force and have been filed or recorded as provided in section 394.35, the board may by ordinance require that a copy of some or all instruments which convey real estate be submitted by the county recorder to the administrative officer as provided in section 394.29, for review after recording. The officer shall examine each such instrument to determine whether the proposed conveyance complies with the subdivision and platting regulations of the county. If the conveyance does not comply with regulations, the administrative officer shall give notice by mail of the potential violation to the parties to the conveyance.

Sec. 2. This act is effective the day following its final enactment.

Approved May 20, 1977.

CHAPTER 190—S.F.No.466

An act relating to post conviction remedy; authorizing the court to determine whether a petitioner must be present at a post conviction hearing; amending Minnesota Statutes 1976, Section 590.04, Subdivision 3.

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

Section 1. Minnesota Statutes 1976, Section 590.04, Subdivision 3, is amended to read:

Subd. 3. POST CONVICTION REMEDY; PRESENCE OF PETITIONER. ~~The court determines that the issues present only questions of law; it may order the petitioner to be present at the hearing; in all other cases it shall order the petitioner to be present at the hearing.~~ If the petitioner is represented by an attorney, the attorney shall be present at any hearing.

A verbatim record of any hearing shall be made and kept.

Unless otherwise ordered by the court the burden of proof of the facts alleged in the petition shall be upon the petitioner to establish such facts by a fair preponderance of the evidence.

In the discretion of the court it may receive evidence in the form of affidavit, deposition, or oral testimony. The court may inquire into and decide any grounds for relief, even though not raised by the petitioner.

Changes or additions indicated by underline deletions by ~~strikeout~~

The court may summarily deny a second or successive petition for similar relief on behalf of the same petitioner and may summarily deny a petition when the issues raised therein have previously been decided by the Minnesota supreme court in the same case.

Approved May 20, 1977.

CHAPTER 191—S.F.No.556

[Not Coded]

An act relating to the city of Minneapolis and Hennepin county municipal building commission; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

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

Section 1. Laws 1903, Chapter 247, Section 2, as amended by Laws 1937, Chapter 251, Section 1, is amended to read:

Sec. 2. **HENNEPIN COUNTY; CARE AND CONTROL OF HENNEPIN COUNTY COURT HOUSE.** The commission hereby created shall have the entire care and control of all of said court house and city hall building. It shall have power to assign unassigned rooms and space in any part of said building with entire control of any room or rooms in said building, and of all halls and corridors and of all boiler and machinery rooms. The commission in its discretion may reassign and reallocate occupied rooms or space therein provided that space already occupied may not be reassigned except after a hearing before said commission on written notice to the occupant or person in charge of such space; and the vote of three members of said commission shall govern as its final action after such hearing; provided further that any interested party may appeal from an adverse ruling of said commission to the District Court, which Court shall summarily decide the matter after a hearing thereon in the same manner as a civil case, and the determination of said matter by said Court shall be final, provided that if the space in controversy is occupied or sought to be occupied by a District Court Judge or other District Court official, that said final determination be made by a Judge of the District Court from a district other than that comprising Hennepin County, which other judge shall be selected by the Governor upon request of the commission. When so determined and after service of the Court order on the occupant or person in charge of such space or room, he shall remove therefrom in accordance with the terms of the order, and his failure to do so shall be deemed contempt of court.

The commission shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electrical appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employes necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employes and to remove any thereof at pleasure. Persons employed by the municipal building commission on or before

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