

Section 1. Minnesota Statutes, 1977 Supplement, Section 403.11, is amended to read:

403.11 SYSTEM COSTS. Subdivision 1. ANNUAL RECURRING COSTS. All annual recurring costs of a public utility incurred in the maintenance of trunking and central office outswitching equipment for minimum 911 service shall be paid from the general fund of the state treasury by appropriations for that purpose.

Subd. 2. MODIFICATION COSTS. The costs of a public utility incurred in the modification of central office switching equipment for minimum 911 service shall be paid from the general fund of the state treasury by appropriations for that purpose.

Subd. 3. METHOD OF PAYMENT; CERTIFICATION. A public utility incurring reimbursable costs under subdivision 1 or 2 for a year ending June 30, 1978, or any June 30 thereafter, shall certify those costs to the commissioner of administration no later than the following August 31. The certification shall be in a form as prescribed by the commissioner after consultation with the public service commission. If the commissioner and the commission approve the certified costs as appropriate and accurate, the commissioner shall so advise the commissioner of finance no later than the following October 31. If the costs are certified and approved in an even numbered year, the governor and the commissioner of finance shall include the certified costs in the regular budget submitted to the legislature. If the costs are certified and approved in an odd numbered year, they shall be submitted in a special message to the appropriations committees of the legislature no later than November 30 of each odd numbered year.

Subd. 4. LOCAL RECURRING COSTS. Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service shall be borne by the governmental unit requesting the elective service.

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

Approved March 28, 1978.

CHAPTER 681-H.F.No.2270

[Coded in Part]

An act relating to peace officers and constables; requiring training and licensing for all peace officers; requiring training and licensing for constables; establishing the position of deputy constable; amending Minnesota Statutes 1976, Sections 367.03, Subdivisions 1 and 3; 367.22; 382.28; 626.843, by adding a subdivision; Chapter 367, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 626.84; 626.843, Subdivisions 1 and 3; 626.845; 626.846, Subdivisions 1, 2 and 3, and by adding subdivisions; 626.847; 626.848; and 626.851, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 626.853.

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

Section 1. Minnesota Statutes 1976, Section 367.03, Subdivision 1, is amended to read:

367.03 OFFICERS ELECTED AT ANNUAL MEETING; VACANCIES. Subdivision 1. **OFFICERS, TERMS.** Except in towns operating under option A, there shall be elected in each town three supervisors as provided in this section. Where a new town has been or may be organized and supervisors have been or may be elected for such town at a town meeting prior to the annual town meeting, such supervisors shall serve only until the next annual town meeting at which meeting three supervisors shall be elected, one for three years, one for two years, and one for one year, so that the term of one shall expire each year. The number of years for which each is elected shall be indicated on the ballot. At all other annual town meetings one supervisor shall be elected for three years to fill the place of the one whose term expires at that time. Except in towns operating under either option B or option D, or both, and except as otherwise provided in this section, there shall also be elected at each annual town meeting one town clerk, one treasurer, ~~two justices of the peace, and two constables~~ three law enforcement officials. The positions may be filled by any combination of (a) peace officers, (b) constables, or (c) deputy constables. Each of these officers shall hold office for a term of two years and until their successors are elected and qualified.

Sec. 2. Minnesota Statutes 1976, Section 367.03, Subdivision 3, is amended to read:

Subd. 3. **CONSTABLES.** The town, by majority vote at its annual town meeting, may decide that ~~one constable less than three law enforcement officials~~ be elected or that ~~no constable law enforcement official~~ be elected, effective at the next succeeding town election and thereafter, except that any office so terminated may be reinstated by like procedure. In the event no ~~constable law enforcement official~~ is elected, the duties of a constable described by law relative to election procedure may be delegated to any person *so appointed by the board of supervisors for a period of time no greater than that to which a constable is elected and setting forth such compensation as the board of supervisors shall deem reasonable.*

Sec. 3. Minnesota Statutes 1976, Chapter 367, is amended by adding a section to read:

[367.40] DEFINITIONS. Subdivision 1. For purposes of this chapter, the following terms shall have the meanings given them.

Subd. 2. "Peace officer" shall have the meaning assigned to it in section 626.84.

Subd. 3. "Constable" means any individual employed, appointed or elected by a political subdivision who is charged with the prevention and detecting of crime, the enforcement of the general criminal laws of the state, and who has full powers of arrest. The term shall apply even though the individual exercises his powers and duties on a part-time basis with or without receipt of compensation.

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Subd. 4. "Deputy constable" means any individual employed, appointed or elected by a political subdivision to fulfill law enforcement duties but who is prohibited from carrying a firearm while exercising his powers and duties and who has powers of arrest no greater than those of any citizen not a peace officer or constable. The term shall also include individuals voluntarily assisting local police or sheriff departments unless they qualify as constables or peace officers.

Sec. 4. Minnesota Statutes 1976, Chapter 367, is amended by adding a section to read:

[367.41] CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS. Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed or elected on or after July 1, 1979, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to rules promulgated under section 626.843.

Subd. 2. A constable employed or elected by any political subdivision prior to July 1, 1979 shall be licensed by the board with respect to his term of office as if he had met the licensing requirements of the Minnesota board of peace officer standards and training.

Subd. 3. Any individual seeking election or employment on or after July 1, 1979 as a peace officer or constable pursuant to section 367.03 shall, at the time of application for the office, provide evidence of satisfaction of the selection standards adopted by rule by the Minnesota board of peace officer standards and training and administered by the county sheriff.

Subd. 4. Any individual seeking employment or election as a deputy constable pursuant to section 367.03 shall provide evidence that the county sheriff has determined, after checking criminal records and histories through the Minnesota crime information system, that he has not been convicted of a felony within ten years.

Subd. 5. Any individual seeking election or employment as a peace officer pursuant to section 367.03 on or after July 1, 1979 shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 5. Minnesota Statutes 1976, Chapter 367, is amended by adding a section to read:

[367.42] DUTIES OF DEPUTY CONSTABLES. Notwithstanding any general or local law or charter to the contrary, any deputy constable employed or elected on or after July 1, 1979 by a political subdivision of the state of Minnesota shall have the following powers and duties:

(a) To have the powers of arrest of a private person;

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(b) To perform the duties of a constable prescribed by law relative to election procedure;

(c) To perform the following duties at the direction of the county sheriff or constable:

(i) To conduct foreclosure sales on corporation shares pursuant to section 301.17;

(ii) To inspect communication wire and cable or records of such wire and cable pursuant to section 325.85;

(iii) To conduct hotel lien sales pursuant to section 327.06; and

(iv) To conduct public auction sales of unclaimed property pursuant to sections 345.04 and 345.05.

(d) To arrest any individual who, in the deputy constable's presence, commits a violation of the intoxicating liquor act, chapter 340;

(e) To provide general administrative or clerical assistance to county sheriffs, local police departments or constables; and

(f) To provide traffic or crowd control assistance to county sheriffs, local police departments or constables.

Subd. 2. With the consent of a constable or deputy constable, any commissioner or director of any state department or agency may enter into an agreement with the constable or deputy constable for purposes of undertaking any inspection or enforcement responsibilities assigned to the department or agency. No agreement shall be made which purports to give a deputy constable greater arrest powers than those specified in subdivision 1, clause (a). No agreement shall be made which requires or authorizes a deputy constable to carry a firearm.

Sec. 6. Minnesota Statutes 1976, Section 367.22, is amended to read:

367.22 LAW ENFORCEMENT OFFICIAL'S BOND. Before entering upon his duties, and within ten days after he is notified of his election or appointment, every ~~person chosen to the office of constable~~ law enforcement official shall give bond to the town, in a sum directed and with sureties approved by the chairman of the town board, conditioned for the faithful discharge of his official duties. The chairman shall endorse such approval on the bond, and cause it to be filed with the town clerk, for the benefit of any person aggrieved by the acts or omissions of the ~~constable~~ law enforcement official, and any person so aggrieved, or the town, may maintain an action thereon, in his own name, against the ~~constable~~ law enforcement official and the sureties.

Sec. 7. Minnesota Statutes 1976, Section 382.28, is amended to read:

382.28 JUSTICES AND LAW ENFORCEMENT OFFICIALS. In each election ~~Changes~~ or additions indicated by underline deletions by ~~strikeout~~

district established as provided by section 204A.08 there shall be elected at the general election ~~two justices of the peace and two constables; two law enforcement officials~~ whose term of office shall be two years. The law enforcement position may be filled by a (a) peace officer, (b) constable, or (c) deputy constable. Any vacancy that may occur in either of such offices shall be filled by appointment by the county board.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 626.84, is amended to read:

626.84 **DEFINITIONS.** For the purposes of sections 626.84 to ~~626.853~~ 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 3 of this act.

(e) "Deputy constable" shall have the meaning assigned to it in section 3 of this act.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 626.843, Subdivision 1, is amended to read:

626.843 **RULES, STANDARDS; EXECUTIVE DIRECTOR.** Subdivision 1. The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota highway patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

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(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

These standards shall be established and published on or before ~~January~~ July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement provided the student obtains employment as a peace officer within one year of completion;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) Such other matters as may be necessary consistent with sections 626.84 to ~~626.853~~ 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to ~~626.853~~ 626.855.

Sec. 10. Minnesota Statutes 1976, Section 626.843, is amended by adding a subdivision to read:

Subd. 1a. The rules adopted by the board relating to training and selection of peace officers described in subdivision 1 shall apply to constables on or after July 1, 1979.

Sec. 11. Minnesota Statutes, 1977 Supplement, Section 626.843, Subdivision 3, is amended to read:

Subd. 3. The board may, in addition:

(a) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 626.841 to ~~626.853~~ 626.855;

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(b) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(c) Make recommendations, from time to time, to the executive director, attorney general, governor, and the legislature regarding the carrying out of the objectives and purposes of sections 626.841 to ~~626.853~~ 626.855;

(d) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the board as set forth in sections 626.841 to 626.849; .

(e) Cooperate with and receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of the purposes of Laws 1977, Chapter 433.

Sec. 12. Minnesota Statutes, 1977 Supplement, Section 626.845, is amended to read:

626.845 **POWERS AND DUTIES.** Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to ~~626.853~~ 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and

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federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to ~~626.853~~ 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs.

Subd. 2. The board on or after July 1, 1979 shall license constables who have satisfactorily completed certified basic training programs, and passed examinations as required by the board.

Sec. 13. Minnesota Statutes, 1977 Supplement, Section 626.846, Subdivision 1, is amended to read:

626.846 ATTENDANCE, FORFEITURE OF POSITION. Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after July 1, 1978, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843; ~~except as provided in section 626.853.~~

Sec. 14. Minnesota Statutes, 1977 Supplement, Section 626.846, is amended by adding a subdivision to read:

Subd. 1a. Notwithstanding any general or local law or charter to the contrary, any peace officer employed or elected on or after July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population less than or equal to 1,000 according to the last federal census shall not be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.

Sec. 15. Minnesota Statutes, 1977 Supplement, Section 626.846, Subdivision 2, is amended to read:

Subd. 2. Every peace officer who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota ~~with a population of more than 1,000 according to the last federal census~~; on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to ~~626.853~~; ~~except as provided in section 626.853~~ 626.855. Any other peace officer employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board subject to the rules promulgated pursuant to section 626.843.

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 626.846, Subdivision 3, is amended to read:

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Subd. 3. A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to ~~626.853~~ 626.855 in effect on June 30, 1977 and if the officer has requested licensing by the board. ~~An elected or appointed town constable who takes office on or after July 1, 1978, if his duties are substantially similar to those of a peace officer as determined by the board, shall be licensed by the board in respect to his term of office as if he has met the licensing requirements of the board.~~

Sec. 17. Minnesota Statutes, 1977 Supplement, Section 626.846, is amended by adding a subdivision to read:

Subd. 3a. Any peace officer who has received a permanent appointment prior to July 1, 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota with a population of less than or equal to 1,000 according to the last federal census shall be licensed by the board as if he met the licensing requirements of the board.

Sec. 18. Minnesota Statutes, 1977 Supplement, Section 626.846, is amended by adding a subdivision to read:

Subd. 5. Notwithstanding any provision of this chapter to the contrary, any prospective peace officer candidate admitted to a certified training academy during 1978 shall, upon successful completion of that academy, be exempt from the initial licensing examination required by the board.

Sec. 19. Minnesota Statutes, 1977 Supplement, Section 626.847, is amended to read:

626.847 **COMPULSORY PROGRAM; EXEMPTIONS.** Nothing contained in sections 626.841 to ~~626.853~~, except the population limits in sections 626.846 and ~~626.853~~ 626.855, shall be construed to exempt any peace officer from the provisions of sections 626.841 to ~~626.853~~ 626.855, or to exempt a peace officer having received his last permanent appointment as a peace officer prior to July 1, 1967.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 626.848, is amended to read:

626.848 **TRAINING COURSES, LOCATIONS.** Subject to board rules, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers and constables in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.

The superintendent shall provide training to deputy constables in the limitations on their powers and duties, the conduct of inspections, and such other matters as the board may direct. Nothing herein shall be construed as establishing a mandatory training requirement for deputy constables.

Sec. 21. Minnesota Statutes, 1977 Supplement, Section 626.851, Subdivision 2, is
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amended to read:

Subd. 2. Any student successfully completing a program of law enforcement instruction in a post secondary educational institution, which program has been certified by the board, and which institution has been approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible to attend a skills oriented basic training course as established under section 626.843. Nothing contained in sections 626.84 to ~~626.853~~ 626.855 shall be construed to preclude the provision of skills oriented basic training courses by certified law enforcement schools providing such course has been certified by the board.

Sec. 22. Minnesota Statutes, 1977 Supplement, Section 626.853, is repealed.

Sec. 23. This act is effective July 1, 1978.

Approved March 28, 1978.

CHAPTER 682-H.F.No.2273

[Coded in Part]

An act relating to veterans; commissioner of veterans affairs; providing for appeals from and enforcement of his decisions; amending Minnesota Statutes 1976, Section 197.481, Subdivision 6, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 197.481, Subdivision 6, is amended to read:

Subd. 6. **APPEALS.** Appeals of orders issued under this section shall be to the Ramsey county district court in accord with section 15.0424 and to the supreme court as provided in section 15.0426; the scope of judicial review shall be as prescribed by section 15.0425. The commissioner may appeal to the supreme court as provided by the rules of civil appellate procedure from an order of the district court issued pursuant to this subdivision.

Sec. 2. Minnesota Statutes 1976, Section 197.481, is amended by adding a subdivision to read:

Subd. 8. ENFORCEMENT. When a party fails or refuses to comply with a final decision of the commissioner, the commissioner may commence an action in Ramsey county district court requesting the court to order the party to comply with the order of the commissioner. If the commissioner has ordered an award of damages and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.

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